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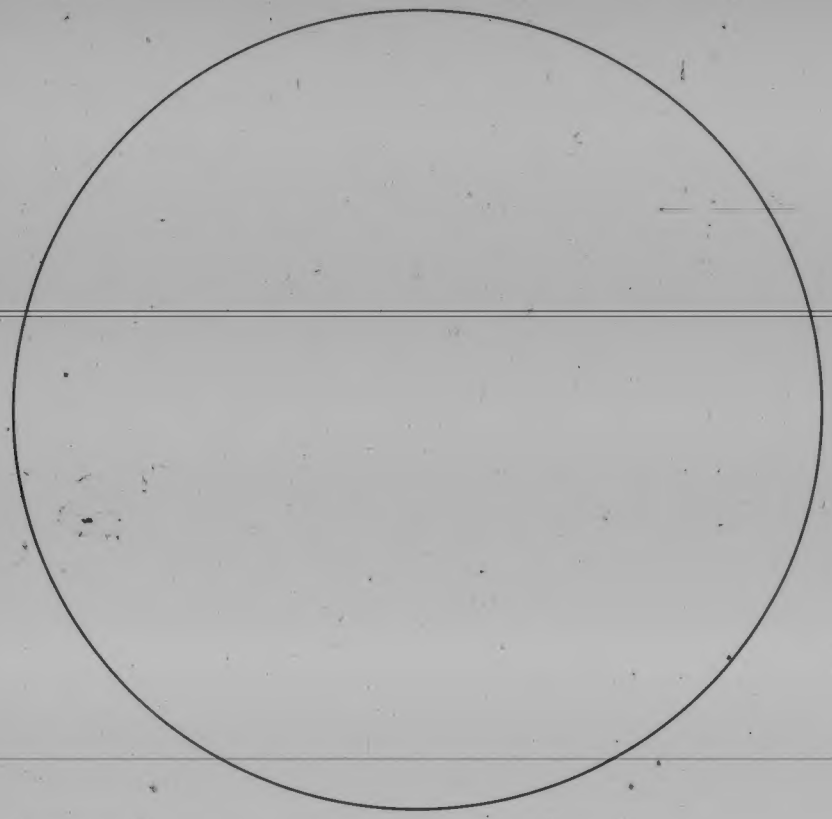

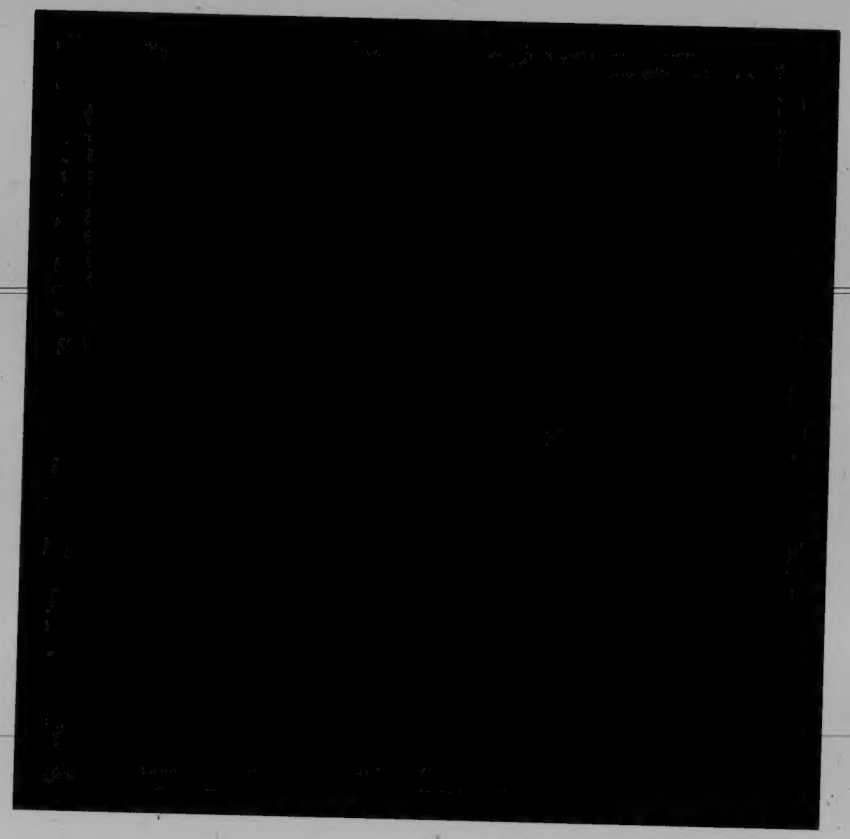

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NATIONAL ARCHIVES MICROFILM PUBLICATIONS

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APPLICATIONS FOR ENROLLMENT OF THE

COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

ROLL 317

CHEROKEE D930 - D995

THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION

WASHINGTON: 1983

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FILED
DEC 17 1900

ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T. December, 10th 1900.

In the matter of the application of Emma B. Martin for the enrollment of herself and one child as Cherokee citizens. She being sworn before Commissioner Breckinridge, testified as follows:-

Q What is your name? A. Emma B. Martin.
Q How old are you? A. 33.
Q What is your post office? A. Siloam Springs, Arkansas.
Q In what district do you live? A. Cingsnake.
Q Who do you want to have enrolled? A. Myself an one child
Q Do you apply for your husband? A. No sir.
Q Are you a Cherokee by blood? A. No sir.
Q White woman? A. Yes sir.
Q When were you married? A. August 1895.
Q Have you a certificate of your marriage? A. No sir I havent it, my husband has it.
Q Where is he? A. Beck Prairie, I sent after it but he would not let me have it.
Q Give me the name of your husband? A. Abraham.
Q Were you ever married before? A. No sir.
Q Was he ever married before? A. No sir.
Q Who married you, a preacher? A. Yes sir.
Q What was his name? A. Mulkey.
Q Did you not have a certificate given you when you were married? A. He promised to send me one and he did so.
Q Was it recorded? A. I suppose it was.
Q Is Abraham Martin a Cherokee by blood? A. Yes sir.
Q Has he lived in the Cherokee Nation all his life? A. Yes sir all but the last three years.
Q How old is he? A. He was 34 the 17th day of January.
Q This last January? A. Yes sir.
Q How long did he live with you? A A year and two months.
Q Did you get a divorce from him? A. No sir.
Q Have you ever married since you and he seperated? A. No sir.
Q Did you leave him or did he leave you? A. I left him? A.
Q Why? A. Because he was mean to me.
Q Did he beat you? A. Yes sir two or three times .
Q Who did you live with after you left him? A. With my mother.
Q What was your name when you married him? A. Duncan.
Q What is your mothers name? A. Rachel Duncan.
Q Are you living at home with her now? A. Yes sir.
Q Is the child with you? A. Yes sir.
Q What is its name? A. Abraham Martin Jr.
Q You said your husband was out on some Prairie now? A. Yes sir on Becks Prairie.
Q Has he taken up with some other woman since leaving you? A. Yes sir so I have heard? A.
Q Who with? A. I dont know here but I understand her name is Gracie Winters. M
Q And he is supposed to be living with her? A. I did live with her, he has quit her now.
Q He has been living out of the Cherokee Nation since living with you? A. Yes sir most all the time? A.
Q Where did he go? A. Went off to the Pen.
Q Did he go to the penitentiary soon after leaving you? A. Yes sir.
Q What for? A. Horse stealing.
Q Where was he convicted? A. At Muscogee I think.
Q About three years ago? A. Yes sir, two months after I left him
Q Did he serve his term out? A. Yes sir
Q When did he get out? A. This last August.
Q And you dont propose to live with him any more? A. No sir.
Q Why dont you apply for a divorce? A. Just haven't that is all.

Q Give me the name of his father? A. John Martin.
Q Is he dead? A. Yes sir.
Q What is his mothers name? A. Lucinda.
Q Is she living? A. Yes sir.
Q Give me the name of your child? A. Roxey B. Martin.
Q How old is this child? A. 4 years old.
Q Have you some one who knows of your being married? A. Yes sir my brother.
Q Have you a certificate of this childs birth? A. Yes sir.
Q. This affidavit of your boys birth seems to have been written out in Bloomfield Arkansas and sworn to before the Deleware district clerk on August 10th 1897? A. Yes sir.
Q Why did you have this done? A. Just to show that the child out to be on the roll.

JESSE DUNCAN called and sworn as a witness, testified as follows-

Q What is your name? A. Jesse Duncan
Q How old are you? A. 24 years old.
Q What is your post office? A. Bloomfield, Ark.
Q Do you live in the Cherokee Nation? A. Yes sir.
Q What district do you live in? A. Deleware.
Q How long have you been living in the Cherokee Nation? A. 14 years.
Q This applicant here, Emma B. Martin, is she related to you? A. Yes sir she is my sister.
Q Has she ever been married? A. Yes sir.
Q She has never been divorced has she? A. No sir.
Q Who did she marry? A. Abraham Martin.
Q When did she marry him? A. I dont know just when.
Q What year was it? A. Cant tell you just when it was, I can tell you this way: I was married four years last May and she was married in the August before I was married in May.
Q To this man Abraham Martin? A. Yes sir.
Q Was she ever married before? A. No sir.
Q Was Abraham Martin ever married before? A. Not that I know of.
Q How long did they live together before she quit him? A. Two or three months before he went to the pen. she quit him; I dont know just how long they were ~~xxxxxx~~ married when she left him.
Q Did you understand that they were married? A. Yes sir that is what I heard.
Q She has not married any one since she left him? A. No sir.
Q Has she been living with her mother ever since she left him? A. Yes sir
Q Is her child with her? A. Yes sir,

By Cherokee Representative Baugh-

Q Are you a citizen of the Cherokee Nation by blood? A. No sir.

By the Commission:

1880 roll, page 287	No 1720,	Abraham Martin,	Deleware dist.
1896	509	3338	Abraham Martin "
1896	582	382	Emma Martin "

The applicant applies for the enrollment of herself and one child. She is a white woman. She avers that she was married to her Cherokee husband in August of 1895 She is unable at this time to supply a certificate of her marriage; but she believes that it was entered of record, and states that neither she nor her husband were ever previously married. She is identified with him on the roll of 1896 and he is also

identified on the 1880 roll as a native Cherokee. He is said to have lived in the Cherokee Nation all his life except when he was sent to the penitentiary for a term of years for horse stealing. She states that she lived with him from the time of their marriage until within two months of the time when he was sent to the penitentiary. She avers that she left him for the reason that he cruelly treated her and that after leaving him she went to live with her mother, with whom she is now living. She states that she has not since re-married since leaving her husband. It is desired, that if practicable, that she supply the Commission with a certificate of her marriage, though the personal proof at present introduced is quite conclusive as to that point. To await a certificate of her marriage or an official copy of the same if obtainable, and to consult the prison records relating to her husbands conviction and imprisonment, and to consider any circumstances that may exist in regard to the seperation between her and her husband, she will now be listed for enrollment as a Cherokee citizen by adoption but on a doubtful card, and the final decision of the Commission will be made known to her. While all the circumstances connected with the case of the applicant do not enter into the question of the enrollment of the applicants child, ~~[illegible]~~ and only a certificate as to its birth is necessary to complete its enrollment, yet it will be listed for enrollment as a Cherokee by blood upon a doubtful card with its mother ~~as~~ in order not to make any unnecessary division of the records at this time.

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

Chas von Weise

Subscribed and sworn to before me this the 14th of December, 1900.

C. Shearin

Commissioner.

DEPARTMENT OF COMMERCE

DEC

CHAIRMAN

SUBSCRIBES

"R"

SUPPLEMENTAL: Cher D-930, Emma Martin, et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., November 27, 1901.

In the matter of the application of Emma Martin et al for enrollment as Cherokee citizens.

ABRAHAM MARTIN, being sworn and examined, testified as follows:
BY COMMISSION:
Q What is your name? A Abraham Martin.
Q How old are you? A Going on 25.
Q What is your post-office address? A Cherokee City, Arkansas.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q Are you the husband of Emma B. Martin, a white woman, who has been listed for enrollment by the Commission? A Yes sir.
Q When were you married to her? A I was married in August, 1895.

Commission: There is offered in evidence a marriage license authorizing the marriage of Abraham Martin and Miss Emma Duncan, license issued by C.A. Rogers, clerk, by I.C.Casey, Deputy Clerk, on the 22nd day of August, 1895, and a certificate showing that the marriage was consummated by elder R.R. Mulkey, on the 24th day of August 1895. This document is filed herewith.

Q Is your wife a white woman? A Yes sir.
Q How long did you continue to live with her after your marriage?
A We married in August and lived on up together until '97 sometime, I forget just what month.
Q Was this child Roxie B. born while you were living together as man and wife? A Yes sir.
Q Did you separate in '97? A Yes sir.
Q Did you leave her or did she leave you? A She left me.
Q For what reason? A I couldn't tell you, except that I got into that trouble.
Q You were scouting then? A Yes sir.
Q And were convicted and sent to the penitentiary? A Yes sir.
Q When did you return from the penitentiary? A I was released this last August a year ago.
Q Where was your wife at that time? A She was at her mother's.
Q Did you and she immediately take up together after your return?
A Yes sir, I went over there and got her shortly after my return.
Q After she left you did she ever live with any other man as his wife? A No sir, not as I know of.
Q Since you begun to live together about a year and a half ago have you lived together continuously? A Yes sir.
Q Are you living together now? A Yes sir.

Commission: This testimony will be filed and made a part of the record in case of Emma B. Martin, et al, Cherokee card D-930.

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STENOGRAPHER:

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

M D Green

Subscribed and sworn to before me this December 3, 1901.

Commissioner.

CrD93d

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 28 1902

R.

C. R-930.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 13, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Emma B. Martin for the enrollment of herself and child as citizens of the Cherokee Nation.

The applicant was notified by registered letter February 25/ 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 at Muskogee, I. T., on the 13th day of March, 1902, and that on said date she might appear before the Commission, either in person or by attorney, when an opportunity would be given her to introduce any additional testimony affecting her application. The applicant having this day, to-wit: the 13th day of March, 1902, been called, and failing to respond, it is deemed that her case is completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

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

Wm Hutchinson

COMMISSION

DEC 12 1982

TING CHAIRMAN

Notary Public

Subscribed and sworn to before me this December 11, 1982.

Notary Public

Commission expires on the 1st day of January, 1983

Witness my hand and seal of office.

Notary Public

Cher
Supp'l to D 930

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

In the matter of the application of EMMA B. MARTIN, for the enrollment of herself as a citizen by intermarriage, and her two children, ROXIE B. and JOHN B. MARTIN, as citizens by blood, of the Cherokee Nation:

EMMA B. MARTIN, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emma B. Martin.
Q How old are you ? A Twenty five years old.
Q What is your post office address ? A Cherokee City.
Q Arkansas ? A Yes sir.
Q Are you the wife of Abraham Martin ? A Yes sir.
Q Is he living ? A Yes sir.
Q Is he a Cherokee by blood ? A Yes sir.
Q Are you the mother of John B., and Roxie B. Martin ?
A Yes sir.
Q Are these children both living ? A Yes sir.
Q When were you married to Abraham Martin ? A In August, 1895.
Q Have you filed with the Commission evidence of your marriage to him ? A Yes sir.
Q Were you ever married before you married Abraham Martin ?
A No sir.
Q Was he ever married before he married you ? A No sir.
Q Have you and he lived together continuously since your marriage ?
A No sir.
Q You have separated ? A Yes sir.
Q When ? A We parted in 1897, I believe.
Q How long were you separated ? A Three years.
Q What time in 1897 did you separate ? A About February.
Q February, 1897 ? A Yes sir.
Q When did you begin living together again ?
A Two years this January.
Q Did you make this application to the Commission, or did he make it ? Did you appear before the Commission and apply for your self and your children, or did your husband apply ?
A Yes sir, I did.
Q You weren't living with him at that time ? A He was down there at Tahlequah with us.
Q Were you living with him in September, 1900 ? A Yes sir.
Q I thought you said you went to living together two years ago this January; that would be 1901? Now when you applied to the Commission at Tahlequah in December, 1900, were you living with Abraham Martin ? A No sir, not then I wasn't.
Q What was the cause of this separation ? A Stubborness I guess.
Q On your part or his ? A Both I guess.
Q What was his treatment of you prior to this separation ? Did he treat you alright ? A I didn't think he did.
Q Did you treat him alright ? A Yes sir I thought I did.
Q Where did you go when you separated ? A To my mother's.
Q Where did she live ? A In about a mile of us.
Q In Arkansas ? A No sir, she lived in the Cherokee Nation.
Q How long have you actually lived in the Cherokee Nation ?
A About eighteen years, I think.
Q You have made your home here all the time for the past eighteen years ? A Yes sir, never been out.
Q Now since you began living with your husband again in 1901, have you lived with him continuously since then ? A Yes sir.
Q Have you ever separated since that time ? A No sir.

ABRAHAM MARTIN, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Abraham Martin.
Q How old are you ? A I am going on twenty six.
Q What is your post office address ? A Cherokee City, Arkansas.
Q Are you the husband of Emma B. Martin ? A Yes sir.
Q When were you married to her ? A I was married to her in 1895.
Q Have you filed with the Commission your marriage license and certificate ? A Yes sir.
Q How long did you live with her after you married her ?
A Something like two years I believe.
Q You separated then did you ? A Yes sir.
Q What was the cause of the separation ? A That's what I can't tell you, something I haven't been able to find out yet.
Q Did she leave you or you her ? A She left me and went to her mother's.
Q Where did her mother live ? A In the Territory near us, about a mile away.
Q What had been your treatment of your wife before you separated ?
A Why I treated her as well as any man could treat his wife, I thought.
Q Did she ever give you any cause for leaving ?
A She never did; I think her mother was the cause of her leaving, to the best of my knowledge. Persuading her to think that I didn't treat her right.
Q Did you ever try to get her to come back and live with you ?
A Not until after we got to living together again.
Q After you got started to living together again did she come back of her own accord ? A No sir, she sent word for me to come, and I went after her.
Q About how long have you been living together the last time ?
A Well, I don't know exactly how long we have been living together.
Q Were you living together when she applied to the Commission ?
A No sir.
Q How long afterwards was it before you began living together ?
A Well, I don't know when she applied for I wasn't here. She wrote and told me to come after her; I sent word by her brother to see if she was already, and she sent back word I could come after her.
Q When was that child born ? A It was born in December.
Q What year ? A This year.
Q You were living together then, were you ? A Yes sir.
Q How long had you been living together ?
A We had been living together pretty neat two years I guess.
Q When was Roxie B., born ? A She was born in 1897, I think.
Q While you were living together as man and wife ? A Yes sir.
Q Have you separated since you began living together the second time ? A No sir.
Q How long have you lived in the Cherokee Nation ?
A All my life.
Q Never lived out ? A No sir.
Q Were you and she living together on the first day of September, 1902 ? A Yes sir, I reckon we were.
Q Well, were you ? A Yes sir.
Q You were living together then as man and wife ?
A Yes sir we were.
Q Well then, if I understand you correctly, this first separation was caused by her mother ? A Yes sir, to the best of my knowledge.
Q Your wife always treated you alright up to that time ?
A Yes sir.

Q Up to the time you separated ? A Up to the time we separated.
Q You never abused her in any way ? A No sir.
Q You have always treated her well ? A Yes sir.

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.

Subscribed and sworn to before me this December 11, 1908.

Notary Public.

Cherokee 4030.

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

In the matter of the application for the enrollment of Emma B. Martin as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of her minor children, Roxie B. and John B. Martin, as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on December 10, 1900, Emma B. Martin appeared before the Commission at Tahlequah, Indian Territory, and made application for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of her minor children, Roxie B. and John B. Martin as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, on November 27, 1901 and at Muskogee, Indian Territory, on March 13, 1902, and again on November 7, 1902.

The evidence shows that Emma B. Martin was lawfully married to Abraham Martin, a citizen by blood of the Cherokee Nation, on August 24, 1895. As a result of that marriage Roxie B. Martin was born on January 8, 1897, and John B. Martin was born on December 5, 1901. Abraham Martin is identified on the Cherokee authenticated roll of 1880; Emma B. Martin is identified on the Cherokee census roll of 1896; Roxie B. and John B. Martin are identified by birth affidavits made a part of the record herein.

The record further shows that about October, 1896, the said Emma B. Martin separated from her said husband and no divorce proceedings were had, and thereafter, in August or September, 1900, they resumed the marriage relation.

The said Emma B. Martin lived continuously with her said husband in the Cherokee Nation from her marriage to him up to their separation, and continued to reside in said nation during said separation, and thereafter has lived with her said husband in said nation up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that Emma B. Martin should be enrolled as a citizen by intermarriage of the Cherokee Nation, and that Roxie B. Martin and John B. Martin 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
Acting Chairman.

(SIGNED): T. B. Needles
Commissioner.

(SIGNED): C. R. Breckinridge
Commissioner.

Dated at 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-930

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 Emma B. Martin for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her minor children, Roxie B. and John B. Martin, 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-3173

IN THE MATTER OF THE APPLICATION

Emma B. Martin

FOR

CHEROKEE CITIZENS.

Original testimony. Dec 10-1900

Memo. of Application Dec 10. 1900.

Affidavit of Intv. Rosie B. Martin.

Marriage license & certf.

Supplementary testimony Nov 27

Copy of testimony sent

Notice of final consideration 3/13/01

Canceled and returned

Indexed

Cher D 931

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R-

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., December 11, 1900.

Garrick

In the matter of the application of Gailen [illegible]; [illegible] by [illegible] and [illegible], and examined by the Commission, testified as follows:

Q What is your name? A Gailen N. Garrick.
Q How old are you? A 42.
Q What is your postoffice address? A Kansas, I.T.
Q Are you a Cherokee by blood? A No sir.
Q By adoption? A Yes sir.
Q For whom do you make application ? A Myself, wife and children.
Q How many children? A Five.
Q How long have you,actually resided in the Cherokee Nation? A 14 years.
Q Have you been outside of the Cherokee Nation within the past three years? A No sir.
Q What is the name of your father? A Cornelius G. Garrick.
Q Is he living? A Yes sir.
Q What is the name of your mother? A Sarah E.
Q What is the name of your wife ? A Lydia.
Q Is she living? A Yes sir.
Q Is she a Cherokee? A Yes sir.
Q How old is she? A 33 years old.
Q What is the name of her father? A John Rogers I think.
Q Is he living? A No sir.
Q What is the name of her mother? A I think she always enrolled as Susie Batt.
Q Has your wife always resided in the Cherokee Nation? A Yes sir.
Q Has she been out of the Nation within the past three years for any purpose? A No sir.
Q What was your wife's name in 1880? A I think she was enrolled in 1880 as Lethia Batt.
Q In What district? A Goingsnake.
Q Give me the name of your oldest child. A Susie.
Q How old is she? A She's 11 years old, I believe
Q Is the next child Robert? A Yes sir. He's 9 years old.
Q Next child? A Maggie, five years old.
Q Next child? A Lelia, three years old.
Q These children are all alive and living with you at the present time? A Yes sir; and there's another one here.
Q Another one there? A Yes sir, Ila I. She is 18 months old.
Q They are all your children by your present wife, Lydia? A Yes sir.
Q When were you married? A In 1887.
Q Have you any evidence of your marriage? A Yes sir.
The applicant presents an affidavit signed by A.H.Beck, subscribed and sworn to before J.T. Carroll, a notary public, in wish said Beck certifies that as Deputy Clerk of Goingsnake district, Indian Territory, under Jack Wright, Clerk of Goingsnake district, he did on or about the 16th day of September, 1887, issue a marriage license to G. E. Garrick, a citizen of the United States, and Miss Lydia Rogers, a Cherokee woman by blood. He further avers that on the date mentioned he solemnized the writs of matrimony between the said G.E.Garrick and the said Lydia Rogers, at his residence, Goingsnake district, Indian Territory. This document is returned to the applicant for the reason that the Commission cannot file it as being evidence of his being married in accordance with the laws and customs of the Cherokee Nation. It is returned to him.
Q What became of your marriage license? A I left it with him, and he claimed it got washed away the time the Creek got so high. It ruined everything he got in his house.
Q Where did this man Beck live? A On Paint Creek.
Q How far from home? A About thirty or thirty-five miles.

Q This marriage license and certificate ever recorded? A I don't think it was.
Q Have you examined the records here in the Executive office to find out whether it was recorded or not? A I have not , but I don'tthink it was sent in. He kept promising he would do it, and just kept it until it got ruined with high water ashe claims.

Commission- The applicant will be required to file with the Commission a certified copy,eif he can secure the same, of his marriage license and certificate.

1880 roll; page 418, #317, Leathy Batt, Goingsnake district
1896 roll; page 1181, #569, Leathy Garrick, Tahlequah district
1896 roll; page 1277, #50, Sailen E. Garrick, Tahlequah district,
1181, #570, Sam Garrick,
1181, #571, Robert Garrick,
1181, #572, Maggie Garrick.

Q Were you ever married before you married your present wife? A No sir.
Q Was she ever married before? A No sir.
Q You lived with her continuously since you married her in '87? A Yes sir.

By the Commission-
The applicant applies for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife and five children as citizens by blood of the Cherokee Nation. He is identified upon the Cesus roll of 1896 as an adopted white, and as the husband of his present wife. He does not produce any satisfactory proof as to his marriage in accordance with the laws and customs of the Cherokee Nation, but does produce an affidavit from the Deputy Clerk of Goingsnake district more particularly described in the testimony, in which the Clerk certifies that he did issue him a license in the year 1887. For the reason that the applicant does not produce a certified copy of the marriage record, or bring satisfactory proof as to his marriage according to the laws and customs of the Cherkee Nation, he will be listed for enrollment upon what is known as a doubtful card, and will be required to file with the Commission a certified copy of the record, or if this is impossible, bring before the Commission satisfactory proof as to his marriage in the year 1887. His wife is identified upon the 1880 roll as Leathy Batt, a native Cherokee, and upon the Census roll of 1896 under the name of her present husband. She also appears upon the latter roll as a Cherokee citizen by blood. She has lived in the Cherokee Nation all her life, and will be listed for enrollment as a citizen by blood. His three oldest children are all identified upon the Census roll of 1896 according to page and number as set forth in the testimony; they are alive, and will be listed with their mother for enrollment as citizens by blood, and when he files with the Commission properly executed affidavits as to the birth of his two youngest child, they also will be enrolled withtheir mother as citizens by blood.

E.G.Rothenberger, being duly sworn, states that asstenographer to the Commission to the ive Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. G. Rothenberger

Subscribed and sworn to before me this 18th day of December, 1900.

Commissioner.

SUPPLEMENTAL: D 931.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., December 14, 1900.

In the matter of the application of Gallen E. Garrick for the enrollment of himself as a Cherokee citizen; being sworn and examined by Commissioner Breckinridge he testified as follows:

Q What is your name? A Gallen E. Garrick.
Q What is your age? A 42
Q What is your post-office? A Kansas.
Q What was the matter with your other application, what evidence was it you were to get? A I just had an affidavit from Mr. Beck's wife.
Q About your license? A Yes sir.
Q What is the name of your wife? A Lydia Rogers, before I married her.
Q She is put down here in your application as Letha? A She was enrolled in 1880 as Leth Bat.
Q She is called Lydia and Letha both? A Yes sir.
Q Rogers was her maiden name? A Yes sir.
Q She was married before she married you? A No sir.
Q How was she put down there as Bat? A Her mother's first man was named Bat, and she always went by the name of Bat, and heap of people used to call her Bat.
Q Were you ever married before you married this woman? A No sir
Q Now you want to introduce some testimony here in regard to your license; this is your witness is it. A Yes sir.

HEAD BECK, being sworn and examined by Commissioner Breckinridge testified as follows:

Q Give me your full name there please? A Head Beck.
Q How old are you A 76.
Q What is your post-office? A Kansas.
Q How long have you lived in the Cherokee Nation? A 67 years, I was born in Georgia; I have lived with the Cherokees all my life.
Q Do you know Mr. Garrick here, this applicant at going here?
A Yes sir.
Q Did you ever issue him a Cherokee license to get married?
A Yes sir, I did.
Q What was your office at that time? A I was deputy clerk.
Q In what district? A In Goingsnake District.
Q Did you make a record of the fact that you issued that license?
A I did, yes, sir.
Q In what year did you issue that license? A I can't remember just how long ago it has been.
Q Well, you had a flood didn't you, down there? A Yes sir.
Q And was the license returned to you after his marriage
A Yes sir, I had the license in my possession, several years after he was married; they staid there until the flood come.
Q In the meanwhile you had reported to the Chief Clerks A Oh, yes, I had made my report and everything went up correct, money and everything.
Q It was only your original records and the original license that was destroyed? A Yes sir, the principal clerk's records wasn't there.
Q This man had conformed to the law in every way had he? A Yes sir.
Q And paid the tax the law required? A Yes sir, everything was according to the law.

APPLICANT RECALLED: examined by Com'r:

Mr. Carrick, you ought to be able to get over here at the Executive Office an official copy of the record, showing that that license was issued to you; the former deputy clerk here states that his report was duly made; and it ought to have been of record on the books of the principal clerk; all of which books are now in the custody of the Executive Office, and you are desired to make application there, and if possible supply this Commission with an official copy of the record.
This will be filed as additional testimony with card D 831, the case of the applicant.

X.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 December 17,1900.

Commissioner.

CD931

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
1902

[illegible]

[illegible] the Commission on the Five Civilized Tribes, I have the honor to transmit herewith a copy of the proceedings had before the Commission on the 12th day of March, 1902, in the case of Mary Jane Jefferson, [illegible] for final decision upon record and testimony in the case in accordance with the provisions of the act of Congress approved March 3, 1902.

Very respectfully,

[illegible]

Commissioner.

Hon. Secretary of the Interior,
Washington, D.C.

R.

C. D-931.

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

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Gallen E. Carrick for the enrollment of himself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 25, 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 office in Muskogee, I. T., on the 15th 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 his application. Receipt has been acknowledged of the Commission's letter, and the applicant having this date, to-wit: the 15th day of March, 1902, been called, and failing to respond, it is deemed that his case is completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

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

Wm Hutchinson

Cher-D-931.

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

In the matter of the application of Gailen M. Carrick for enrollment as a citizen by intermarriage of the Cherokee nation.

Gailen M. Carrick, being first duly sworn and examined by the Commission, testified as follows:

Q Your name is Gailen M Carrick? A Yes sir.
Q How old are you ? A 44 years.
Q What is your postoffice address? A Kansas, 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 is your wife's name? A Lydia.
Q Is she a Cherokee by blood? A Yes sir.
Q Are you claiming your citizenship through Lydia? A Yes sir.
Q When were you married to her? A In 1887.
Q Were you married under a Cherokee marriage license? A Yes sir.
Q How long had your wife been living in the Cherokee nation when you married her? A All her life.
Q Are you her first husband? A Yes sir.
Q Is she your first wife? A Yes sir.
Q Have you been living with your wife ever since you married her? A Yes
Q Never have been divorced? A No sir.
Q Never have been separated? A No sir.
Q You are livi ng together now? A Yes sir.
Q Where have you been living since you married your wife? A Cherokee nation; part of the time in Going Snake district.
Q The Cherokee nation all the time? A Yes sir.
Q You never lived anywhere else? A No sir.
Q Have you any children? A Yes, six living.
Q Have you had any deaths in your family in the past two years? A Yes, one
Q Onw of your children? A Yes, but it had never been enrolled.

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

Frances R Lane

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

B O Jones
Notary Public.

Cherokee D 931.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Gailen E. Carrick as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on December 11, 1900 Gailen E. Carrick appeared before the Commission at Tahlequah, 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 Tahlequah, Indian Territory on December 14, 1900 and at Muskogee, Indian Territory on March 13, 1902. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that in the year 1887 the said Gailen E. Carrick was lawfully married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, to Lydia Rogers. No documentary evidence of the issuance of the license or a marriage thereunder is filed, but the same is established by personal testimony. Lydia Rogers is identified on the 1880 authenticated tribal roll of the Cherokee Nation under the name of Leathy Batt, as a Native Cherokee. The said Gailen E. Carrick is identified on the 1896 Census Roll of the Cherokee Nation.

The evidence further shows that the said Gailen E. Carrick 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 Gailen E. Carrick 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.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this AUG 11 1902

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 931.

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 Gailen E. Carrick 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 that time, this decision will be considered final.

Very respectfully,

Acting Chairman.

Enc. C. No. 22.

IN THE MATTER OF THE APPLICATION OF

Lillen E. Carroll

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

Original testimony Dec 1 1900

Notice of application Dec 11 1900.

Supplemental testimony Dec 15 1900

Certificate of Act. Sec. relative to marriage record

Notice of final consideration 3/13/01

See Cherokee packet

Denial

Cher D 932

REJECTED, as to Applicant's Wife:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 11th, 1900:

In the matter of the application of William Hannah for the enrollment of himself, wife and children as citizens of the Cherokee Nation; said Hannah being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A William Hannah.
Q How old are you? A 22.
Q What is your post office? A Stilwell.
Q In what district do you live? A Flint.
Q Who is it you want to enroll, yourself? A Wife and one child.
Q Yourself, wife and one child? A Yes, sir
Q Are you a Cherokee by blood? A Yes, sir.
Q Is your wife a Cherokee by blood? A No, sir.
Q White woman? A Yes, sir.
Q Have you lived in the Cherokee Nation all your life? A Yes, sir
Q Give me the name of your father? A Poe Hannah.
Q Is he alive? A No, sir.
Q Give me the name of your mother? A Lizzie.
Q Is she dead? A Yes, sir.
Q Give me the name of your wife? A Annie.
Q How old is your wife? A 24 years old.
Q When did you marry her? A Soon be two years, the 28th of this month.
Q You were married on December 28th, 1898? A Yes, sir.
Q Have you a certificate of marriage? A Yes, sir.
Q What was her maiden name? A Kinnade W.

Com'r:--The applicant presents a license issued by the Clerk of the United States Court, Northern District, Indian Territory, on the 28th of December, 1898, authorizing marriage between himself and his wife. The certificate shows that they were married on the following day by the Rev. Milton A. Clark. This is filed herewith.

Q Were you ever married except to this wife? A No, sir.
Q Was she ever married except to you? A No, sir.
Q Has she lived with you ever since you married? A Yes, sir.
Q Give me the name of your child? A May.
Q How old is the child? A Born the 16th of August.
Q Were you ever admitted to citizenship? A Yes, sir.
Q When were you admitted to citizenship? (No response.)
Q Do you know anything about your father and mother being readmitted to citizenship? A My mother was born and raised here.
Q What was your mother's name before she married your father? A Fletcher.
Q Do you know that you mother and father were admitted by the Cherokee Council or Commission? A No, sir, I do not, I do not think they were.
Q Did they ever apply to the Dawes Commission for admission that you know of? A No, sir, not as I know of.
Q Did you draw Cherokee strip money? A Yes, sir.
Q Was your mother a Cherokee by blood? A Yes, sir.
Q Was your father a Cherokee by blood? A No sir, a white man.
1896 Roll; page 674, #984, Willie Hanna, Flint.

Com'r Breckinridge:--The applicant applies for the enrollment of himself, wife and one child: He states that he is a Cherokee by blood and that he has lived in the Cherokee Nation all his life. He is identified on the roll of 1896, but neither he nor his father or mother can be identified on the roll of 1880. He is of the impression that his people were admitted to citizenship by the Cherokee Commission, but no evidence of that can be found at this time. He will now be listed as a Cherokee by blood on a doubtful card to await further evidence of his citizenship.

His wife, Annie, is shown to have been married to him in 1898, on December 28th. She is a white woman. Her marriage is too late under the Cherokee law of December 16th, 1895, to entitle her to enrollment at this time, and therefore, apart from the status of her husband, the application for her enrollment is rejected.

When he files a certificate of the birth of the child, Emma, who is said to have been born on the 16th of August last, this child will be listed for enrollment on a doubtful card with its father.

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SUPPLEMENTAL TESTIMONY in the above Application:

William Hannah, the Applicant, further testified:

Q Was your mother called Sarah as well as Elizabeth? A Yes, sir.
Q Have you uncles? A Yes, sir.
Q Who is one of your uncles? A B. G. Fletcher.
Q How old is your uncle now? A About 40 something.
Com'r:--On the printed roll, at present under examination, in the possession of the Cherokee Nation, the name of Benjamin Fletcher is recognized in Flint district, No. 512, ate then 21 years.
Q Well now, who else did you have an an uncle besides Benjamin?
A John.
Com'r:--On the same roll in Going Snake is recognized the name of John Fletcher, who was then 10 years of age, No. 713, and he is in the family with Sarah Fletcher, who the applicant states was his mother.
Q When did your mother marry your father, you don't know about that d you. A No sir, I do not.
Q When did your mother die? A It has been about 10 years.
Q Did you live with her until she died? A Yes, sir.
Q All the time? A Yes, sir.
Q What brothers have you? A John.
Q Just one brother? A Yes, sir.
Q And what sisters? A Nell and Mary and Dona.

W. D. BIGBY, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your name there? A W. D. Bigby.
Q How old are you? A 29.
Q What is your post office? A Stilwell.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know this applicant here, William Hannah? A Yes, sir.
Q What was his mother's name? A Sarah Elizabeth Fletcher was her maiden name.
Q Now, her name is not on the roll of 1880, can you explain why this applicant's name is not on that roll; he was two years old at that time, according to his testimony. No, sir, I can't, he must be mistaken in his age. I think it was about near that time when she and her husband married, she lived at our house and went to school about that time.
Q She lived at your house? A Yes, sir, my father's house.
Q And she married Poe Hannah? A Yes, sir.
Q Well not, is this applicant here, William, always been recognized as the actual child of that Sarah Fletcher? A Yes sir.
Q Never any question about his being her child? A No, sir, all the family lived together until the mother died and I think they staid with the grandmother a little whil, and then his father married his mother's sister and they went to housekeeping.

Q Sarah Fletcher is given on the roll of 1880 as 14 years old, do you think she was older than that in 1880? A I could not say.
Q She is given there with Charlotte Fletcher, who is Charlotte Fletcher? A That is her mother.
Q And with John Fletcher, who is John Fletcher? A That is her brother; she was the eldest and John was next.
Q How old you say you are? A I am 29.
Q Was she married in 1880, this Sarah Fletcher? A I do not know whether it was in 1880 or not.
Q Can you remember when she was married? A Yes, sir.
Q Do you remember when this man was born? A No, sir, I remember when he was a little bitty fellow.
Q Who was he living with then? A Pos Hannah and her mother. They lived about six or seven miles from us.
1880 Roll; page 433, #713, Sarah Fletcher, Going Snake.

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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 12th day of December, 1900.

Commissioner.

SUPPLEMENTAL:

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T., December 11, 1900.

In the matter of the application of William Hanna for the enrollment of himself;
Thomas L. Rider, being sworn and examined by Commissioner Rockfort ce testified as follows:

Q Give your full name. A Thomas L. Rider.
Q What is your post-office? A Evansville.
Q In what district do you live? A Goingsnake.
Q How long have you lived in the Cherokee Nation? A All my life.
Q How old are you? A 44
Q Mr. Rider, do you know William Hanna? A Yes sir.
Q This is a standing here? A Yes sir.
Q He made application here this morning and states that his mother was one Sarah Elizabeth Fletcher, do you know anything about his mother? A Yes sir.
Q She is dead now? A Yes sir.
Q And you know him to be the child of that woman do you? Yes sir.
Q What was his father's name? A Polar Hanna.
Q Did they live near you? A Yes sir.
Q Now they have got the record a little mixed, but he says he is 22 years old, and yet he is not on the roll of 1880, and his mother is on the roll of 1880 under her maiden name; but do you know him to be recognized as the child of the father as he states, and of this woman? A Yes sir.
Q And that this woman later did at least bear the name of his father? A Yes sir.
Q He had always been recognized as such A Yes sir.

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 December 12, 1900.

Commissioner.

D/1331

"Commission of the Five Civilized Tribes,
Muskogee, I.T., March 28, 1902.

Mr. Tams Bixby,
Chairman Commission to the Five Civilized Tribes,
Muskogee, I.T.

Dear Sir:

Enclosed herewith I send you a copy of a letter received from the Secretary of the Interior, dated March 25, 1902, in which he directs that the Commission proceed upon the application of Mr. Thomas Leftwich to enroll his children, Ida and Jesse Leftwich, as citizens of the Choctaw Nation.

Yours respectfully,

Acting Chairman.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 28 1902
Acting Chairman

R.

C. D-932.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 13, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of William Hannah for the enrollment of himself and child as citizens of the Cherokee Nation.

The applicant was notified by registered letter February 25, 1902, that his application 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, I. T., on the 13th 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 his application. The applicant having this day, to-wit: the 13th day of March, 1902, been called, and failing to respond, it is deemed that this case is completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

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

Wm Hutchinson

Cherokee D-932.

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

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In the matter of the application for the enrollment of William, May E. and Charles B. Hannah as citizens by blood of the Cherokee Nation.

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DECISION.

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The record in this case shows that on December 11, 1900, William Hannah appeared before the Commission at Tahlequah, Indian Territory, and made application for the enrollment, among others, of himself and his minor child, May E. Hannah, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 13,1902, and at Tahlequah, Indian Territory, on August 14, 1902. The other party to the application is differently classified, and is not embraced in this decision. On October 31, 1902, there was filed with the Commission a birth affidavit, wherein it is shown that Charles B. Hannah was born subsequent to the original application.

The evidence shows that the said William Hannah has resided in the Cherokee Nation all his life and is a Cherokee citizen by blood. His mother is identified on the 1880 Authenticated Tribal Roll of the Cherokee Nation. He is identified on the Cherokee Census Roll of 1896.

The evidence further shows that William Hannah was lawfully married to Annie Kinkade on December 29, 1898, and, as a result of that marriage, May E. Hannah and Charles B. Hannah were born. They are too young to appear upon any of the tribal rolls of the Cherokee Nation, but are identified by birth affidavits, made a part of the record herein. The evidence also shows that the applicants herein have lived in the Cherokee Nation all their lives.

It is, therefore, the opinion of this Commission that William Hannah, May E. Hannah and Charles B. Hannah 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. L. Nelson.
Commissioner.

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-932.

Muskogee, Indian Territory, February 2, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting the application of William Hannah for the enrollment of himself and his two minor children, May E. and Charles B. Hannah, as citizens by blood of the Cherokee Nation.

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

Respectfully,

Acting Chairman.

Enc. H-1.

D

IN THE MATTER OF THE APPLICATION OF

William Hannah

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony. Dec 11-1900.
B. Trans. of application. Dec 11-1900.
C. Supplemental testimony. Dec 11-190
W. Marriage license and certificate.
E. Affidavit of birth. Mary E. Hannah

J. Notice of final consideration 3/13/02

Cherokee Nation

Division E

Cher D 933

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 11th, 1900.

In the matter of the application of Sarah Elizabeth Kinchlow for the enrollment of her children, WILLIAM H. H. POWELL and JAMES F. POWELL, as citizens of the Cherokee Nation; said Kinchlow being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A My name is Sarah Elizabeth Kinchlow.
Q How old are you? A I am 36 years.
Q What is your post office? A Saline.
Q In what district do you live? A Saline district.
Q Who is it you want to have enrolled? A These two children.
Q Yourself and these two children? A No, sir, I am a white woman.
Q Is your husband a Cherokee? A The daddy of these children is a Cherokee, I am married to a white man now.
Q You married but? A Yes, sir.
Q Give me their names? A Willia Henry Harrison Powell.
Q How old is he? A 12 years old.
Q Give me the name of the next child? A Jimmie Franklin Powell.
Q How old is that child? A Eight years old the 16th of last June.
Q These are the two children here are they? A Yes, sir.
Q Give me the name of the father of these children? A Henry Powell. He went by the name of Blalock
Q He is dead is he? A Yes, sir, he has been dead four years.
Q Was he a Cherokee by blood? A He was a Cherokee by blood and was raised in the Cherokee nation.
Q He lived in the Cherokee Nation all his life did he? A I guess so ever since I saw him.
Q How old are he? A About 44 years old.
Q What was the name of his father? A Drowningbear Powell.
Q He is dead is he? A Yes, sir.
Q Give me the name of your husband's mother? A Polly Blalock was her name.
Q Is she dead? A Yes, sir.
Q Now, when were you and your husband married? A As well as I can remember we was married about 14 years ago.
Q Have you a certificate of your marriage? A No, sir, I did have it but I lost it. we was married by Judge Ward.
Q Was your husband ever married before he married you? A Yes, sir.
Q How many times? A Three times I think.
Q What was the name of his first wife? A I do not know I never knowed none of his women.
Q Do you know whether he had been divorced from them or they died? A I don't exactly know that I know, people have said they were.
Q They were all said to have been dead when you married him? A Yes, sir.
Q How many times were you married before you married this man? A I was not married airy time, I was just a girl.
Q Have you somebody here who knows that you were married to this man Powell? A There is a boy right there.

TOM CONSEEN, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your name there? A Tom Conseen.
Q How old are you? A 24 years old.
Q What is your post office? A Locust Grove.
Q How long have you lived in the Cherokee Nation? A I was born in the Cherokee Nation.
Q Do you know this applicant here, Mrs. Kinchlow? A Yes, I have knowed her for several years.
Q Is that her name, Mrs. Kinchlow? A I do not know, I always called her Mrs. Blalock.

Sarah Elizabeth Kinchlow--2

Q What was Blalock's full name? A Henry Blalock.
Q Henr Blalock is head is he? A I don't know, I haven't seen him for several years.
Q Have you heard he was dead? A I do kno t know what become of him.
Q Did she and Blalock used to live together as husband and wife?
A Yes, sir, I have seen them at home together.
Q Did you ever see any children around there? A I have seen that little baby.
Q You did not live close to them? A About seven miles.
Q You did not see a great deal of them? A No, sir.
1880 Roll ; page 219, #110, Henry Blalock, Delaware.
Q When did you marry your husband, Kinchlow? A I just married him last Spring.
Q Did these children draw strip money? A Yes, sir, we have not been enrolled since their daddy died.
Q Why haven't they? A I never had any way to go except to walk.
Q Just neglected to do it? A Yes, sir.
1894 Roll; page 905, #941, William H. H. Powell, Saline.
1894 Roll; page 905, #942, Frank Powell, Saline.

Com'r Breckinridge:--The applicant applies for the enrollment of ~~kinx~~ her two children by a former husband: She states that she is a white woman and since the death of her Cherokee husband she married a white man and makes no application for herself. Her alleged husband, Henry Powell or Blalock, is identified on the roll of 1880. He is dead. The applicant states that since the death of her husband the children have not been enrolled and they are not found on the roll of 1896; but these children are identified on the roll of 1894. She states that her husband was married three times before his marriage, butthat she understood that his former wives were dead when she married him. She also states that she was never married prior to her marriage to this deceased husband. She states that she was married to her husband by the Judge of their district, and that the Judge told her that the marriage would be of record. These children, William H. H. Powell and James F. Powell, will now be listed for enrollment as Cherokees by blood, on a doubtful card to await official or other more satisfactory testimony of the marriage relation between their mother and father.

---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 12th day of December, 1900

Commissioner.

C D 933

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William H. H., and James F. Powell, as citizens of the Cherokee Nation.

On the 11th day of December, 1900, Sarah Elizabeth Kinchlow appeared before the Commission to the Five Civilized Tribes, and made application for the enrollment of her two children, hereinbefore named, as citizens by blood of the Cherokee Nation.

At the conclusion of the testimony offered at that time, the names of William H. H., and James F. Powell, were placed upon a "Doubtful" card for further consideration regarding the legal status of their parents. Further evidence in the matter of this application has been submitted to the Commission, and the following decision is rendered:

D E C I S I O N

--ooo--

From all the evidence of record in this case, it appears that Sarah Elizabeth Kinchlow is a white woman, and was formerly married to one Henry Powell, sometimes known as Blalock, on the 7th day of February, 1887, in accordance with Cherokee laws.

It is further shown that Henry Powell, alias Blalock, died about the year 1896, and that he was identified on the Cherokee authenticated tribal roll of 1880. The two children, William H. H., and James F. Powell, are identified upon the Cherokee Strip Payment Roll of 1894, and their ages given as 12 and 8 years respectively. James F. Powell is identified thereon as Frank Powell. The names of the applicants hereinbefore mentioned, do not appear upon the Cherokee census roll of 1896, and the explanation for that omission was owing to the fact, that in order to be enrolled thereon, they would have had to walk; thus accounting for their non-identification on said roll.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision 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 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, and the evidence submitted, it is the opinion of the Commission that William H. H., and James F. Powell are entitled to be enrolled as citizens by blood of the Cherokee Nation, and it is so ordered.

Tams Bixby

Commissioner.

C. R. Breedlove.

Dated at Muskogee, Indian Territory,
this 23 day of April, 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-933

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 find a copy of the decision of the Commission rendered April 23, 1902, in the matter of the application of William H. H. Powell and James F. Powell, No. D-933, 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 William H. H. Powell and James F. Powell as citizens of the Cherokee Nation. If you to fail to file a protest within the time allowed, the applicants will be regularly listed for enrollment by the Commission.

Yours truly,

Acting Chairman.

Encl. D-933.

FOR ENROLLMENT AS

CHEROKEE CITIZENS

William H. Powell

ENROLLMENT AS

CHEROKEE CITIZENS.

Original testimony. Dec 11-190

Stmo. of application. Dec 11-190

Marriage certf.

Orig. Citizen filed with Cherokee Nation Commission

Oct 3, 1902 Cancelled and transferred to Cherokee No

Cher D 934

Department of the Interior,
Commission to the Five Civilized Tribes
Tahlequah, I.T., December 11, 1900.

In the matter of the application of Mary Campbell for the enrollment of herself as a Cherokee citizen; being sworn and examined by Commissioner Breckinridge she testified as follows:

Q Give me your full name? A Mary Campbell.
Q How old are you? A 18 years old.
Q What is your post-office address? A Lawton.
Q In what district do you live? A Coowescoowee.
Q Who is it you want to enroll, just yourself? A Just myself.
Q Are you a Cherokee by blood? A Half.
Q You claim Cherokee blood? A Yes sir.
Q How long have you lived in the Cherokee Nation, all your life?
A Yes sir.
Q Give me the name of your father. A Rope Campbell.
Q Is he dead? A No sir, he is living.
Q Give me the name of your mother. A I don't know her name, she died when I was a baby.
Q Was she a full blood woman? A Yes sir.
Q How old is your father. A I don't know.
Q Is he considered to be a very old man? A Yes sir.
Q Your mother died when you were young? A Yes sir.
Q Don't you know her name at all? A No sir.
1880 roll page 84 #639 Hon. Rope Camel Coowescoowee, native Cherokee 60 years old;
1880 roll page 84 #640 Betsy Camel Coowescoowee native Cherokee 64 years old
Q Do you know anything about this Betsy Camel? A No sir.
Q Do you know when your father married your mother? A No sir
Q Do you know how long they lived together? A No sir.
Q Did you have any other name besides Mary? A Quatie is my Cherokee name.
1896 roll page 125 #793 Quatie Campbell Coowescoowee 1st native Ch
1896 roll page 125 ~~#792~~ #792 Rope Campbell Coowescoowee.

Court Breckinridge: The applicant is identified on the roll of 1896 as a native Cherokee; she does not remember the name of her mother, ~~and~~ whom she states died when she was very young; she is too young to be on the roll of 1880; her father is identified on the roll of 1880; applicant states that his wife who was enrolled with him at that time is not the wife who was his mother; she is identified on the roll of 1896 with her father, and ~~not~~ of his family; she will now be listed for enrollment as a Cherokee by blood, but for the purpose of eliciting further information in regard to marriage between her father and mother her mother ~~being~~, as stated, to have been a white woman, in case such information may be deemed necessary she will at the present 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.

Subscribed and sworn to before me this Dec. 11, 1900.

Commissioner.

D- 224.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T. December 18, 1906.

In the matter of the application of Mary Campbell,

Supplementary testimony.

Witness: Rope Campbell, being sworn and examined by Commissioner T. B. Needles, testified as follows through J. N. Scaniahia, interpreter.

Q What is your name? A Rope Campbell.
Q How old are you? A 88.
Q What is your postoffice? A Oaks.
Q Do you know Mary Campbell here? A Yes, my daughter.
Q What was her mother's name? A Minta.
Q Was she a white woman? A Yes sir.
Q When did you marry this girl's mother? A In 1868.
Q Have you got any proof of marriage; any certificate of marriage? A There wasn't any certificate issued. There was a full blood preacher married us.

By W. W. Hastings-
Q Who? A Old man Tickwator.
Q Is he living? A No sir, he's dead.
Q Where was he married? A At my house down on Dog Creek, Cookeneecowee.

Commissioner-
Q Is your wife living? A No, she's dead.

Hastings-
Q Did he live with her until her death? A Yes sir, she didn't die at home. He took her off to some doctor.

Commissioner-
Q How long has she been dead? A Eight or nine years.
Q Was there any ~~[illegible]~~ body alive that was there when he was married that he can prove his marriage by? A The person that interpreted for his wife is dead also.

W.W.Hastings-
Q How far do you live from Oaks? A About five or six miles.

Commissioner to Applicant-
Q You know your mother's name? A Minta.
Commissioner to witness.
Q What was her name before you married her? A Minta, is all I know. I don't remember her surname.

E.G.Rothe hereby, being duly sworn, states that he stenographer to the Commission to the Five Civilized Tribes, he reported in full the supplementary testimony in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. G. Rothe

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

T. B. Needles
Commissioner.

0 9 5 4

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 28 1902

ACTING CHAIRMAN

Hon. Commissioner of Indian Affairs,
Washington, D. C.

Sir:

Referring to your letter of the 12th day of March, 1902, and on behalf of the Choctaw Nation, I have the honor to transmit herewith a copy of the proceedings in the case of the Choctaw Nation against the Mississippi Valley Lumber Company, and the Choctaw Nation asks that the decree be modified so as to include the following lands:

Commencing at the southeast corner of section 1, T. 1 S., R. 20 E., I. M., thence north on section line to the northeast corner of section 36, T. 1 N., R. 20 E., I. M., thence west on section line to the northwest corner of section 31, T. 1 N., R. 19 E., I. M., thence south on section line to the southwest corner of section 6, T. 1 S., R. 19 E., I. M., thence east on section line to the southeast corner of section 1, T. 1 S., R. 20 E., I. M., the point of beginning.

The Choctaw Nation asks that the decree be modified so as to include the above described lands, it is deemed important that the 12th day of March, 1902, and that on that day the Commission sitting officially in the Choctaw Nation, I instructed Mr. Mansfield to prepare a petition for the Choctaw Nation and on behalf of the Choctaw Nation asks that the decree be modified so as to include the above described lands.

Respectfully,

Tams Bixby
Commissioner to the Five Civilized Tribes.

R.

C. D-924.

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

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

The applicant was notified by registered letter February 25, 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 office in Muskogee, I. T., on the 15th day of March, 1902, and that on said date she might appear before the Commission, either in person or by attorney, when an opportunity would be given her to introduce any additional testimony affecting her application. The applicant having this day, to-wit: the 15th day of March, 1902, been called, and failing to respond, it is decided that her case is completed, and same will be reported to the Commission for final decision upon the evidence now of record.

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

Wm Hutchinson

Cherokee D 934.

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

In the matter of the application for the enrollment of Mary Campbell 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 December 11,1900, Mary Campbell appeared before the Commission at Tahlequah, Indian Territory, and made personal application for enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, on December 12,1900 and at Muskogee, Indian Territory, on March 13,1902.

The evidence shows that the said Mary Campbell is the daughter of Rope Campbell a Cherokee citizen by blood, and his wife, Mindy or Minta Campbell, a white woman; that her said parents were lawfully married about the year 1882. No record evidence of the marriage is filed, but the same is established by the personal testimony of Rope Campbell. The said Rope Campbell is identified on the 1880 authenticated tribal roll of the Cherokee Nation as a native Cherokee and the said Mary Campbell is identified on the Cherokee census roll of 1896 as a Cherokee by blood.

The evidence further shows that the said Mary Campbell has lived 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 the said Mary 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.

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

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 934.

Muskogee, Indian Territory, September 26, 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 Campbell 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 a protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. C. No. 26.

MATTER OF THE APPLICATION

Mary Campbell

FOR ENROLLMENT

CHEROKEE CITIZENS.

A. Original testimony Dec 11-190

B. Memo. of application Dec 11-19

C. Supplement testimony Dec 12-19

D. Notice of final consideration 3/13

Mary Campbell

No 9801

Cher D 935

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T. December, 11th 1900.

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

Q What is your name? A. John Brassfield.
Q What is your age? A. 34.
Q What is your post office address? A. Texanna.
Q Are you a Cherokee by blood? A. Yes sir.
Q What degree of blood do you claim? A. I dont know.
Q For whom do you make application? A. Myself and two children.
Q Do you desire to apply for your wife? A. No sir, she is a white woman
Q When were you married to her? A. September, 27th 1895.
Q Have you any evidence of your marriage? A. No sir, not with me.
Q Your wife was married in time to be enrolled as an inter-married Cherokee. A. Well I will apply for her.
Q How long have you lived in the Cherokee Nation? A. Resided here continuously except a while in the Creek Nation.
Q Have you been outside of the Cherokee Nation within the past three years? A. No sir.
Q What is your fathers name? A. Abner.
Q Is he living? A. Yes sir.
Q Is he a Cherokee ? A. No sir.
Q What is your mothers name? A. She has been dead so long I have nearly forgotten,------Mary I think though.
Q Was she a Cherokee? A. Yes sir.
Q Is your name on the roll of 1880? A. No sir.
Q Where were you living at that time? A. In the Creek Nation.
Q What is your wifes name? A. Mary.
Q Is she living? A. Yes sir.
Q How old is she? A. 23 or 24.
Q Is she a white woman? A. Yes sir.
Q When were you married to her? A. I believe it was in September, the 20th, 1895.
Q Are you positive that it was not later in the fall of 1895? A. Yes sir.
Q What is the name of your oldest child? A. Jay.
Q How old is he? A. 3Years.
Q What is the name of the next child? A. Abner.
Q How old? A. three months.
Q Are these children both living? A. Yes sir.
Q Are they both by your present wife Mary? A. Yes sir.
Q Were you ever married before you married her? A. No sir.
Q Was she? A. No sir.
Q Have you and she lived together continuously since your marriage in April of 1895? A. Yes sir.
Q Were you or your parents ever admitted by an act of the Cherokee Council or Commission on Citizenship? A. Yes sir, I was admitted.

The applicant presents a certified copy of an act of the Cherokee National Council , admitting him to citizenship in the Cherokee Nation on the 4th day of December, 1890.

Q Are you the identical John Brassfield whose name appears in this document, as having been admitted to citizenship in 1890? A. Yes sir.

DOCUMENT IS FILED HEREWITH.

Q Have you resided here in the Cherokee Nation ever since you were admitted to citizenship? A. Yes sir.
Q Where were you living at the time of your admission? A. In the Creek

Nation.
Q How long after you were admitted before you came to the Cherokee Nation? A. Five or six months.
Q Have you ever been outside of the Cherokee Nation since your admission in 1890? A. No sir.
Q Did you apply for enrollment in 1896? A. No sir.
Q Why not? A. I was sick at that time and they told me it did not matter. I had fever in 1896.
Q Did you draw strip money from the Cherokee Nation in 1894.? A. Yes sir

1894 roll, page 144, 635, John Brassfield, Cooweescoowee.

By Cherokee representative W. W. Hastings.

Q You say you have always lived in the Cherokee Nation? A. Yes sir, since 1890.

The applicant applies for the enrollment of himself and two children as Cherokee citizens by blood, and for the enrollment of his wife as a Cherokee citizen by inter-marriage. He presents satisfactory proof as to his admission to Cherokee citizenship in 1890. He avers that he has made this his home continuously since that time. He is not identified on the census roll of 1896 and states that it was beacuse he was sick at the time and did not apply to the census takers. He is identified on the pay roll of 1894, and he will be listed for enrollment as a Cherokee citizen by blood. He avers that he has two children Jay and Abner Brassfield, and when he files properly executed affidavits as to the birth of said children, they also will be listed for enrollment with their father as Cherokees by blood. He also avers that he was married to his wife on the 20th day of September, 1895 or 1896, but is not positive as to the exact year. His wife is a white woman, she is not identified on the roll of 1896. He does not produce satisfactory proof as to his marriage to her, consequently she will be listed for enrollment as a Cherokee citizen by inter-marriage, but upon what is known as a doubtful card, and in order to complete her enrollment the applicant will be required to file a certificate of marriage showing that he was married to his wife, and just when said marriage took place.

Q. Were you ever married before? A. No sir.
Q Was your wife? A. No sir.

He avers that neither he nor his wife were ever previously married and that they have been living together continuously since their marriage.

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 theabove 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 11th of December, 1900.

Commissioner.

OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 11 1900

ACTING CHAIRMAN.

CHEROKEE

2

2025

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 11 1900 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

2d Wife's name Mary Brassfield

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Doubtful

Evidence of marriage to be supplied

X Ref to 6445

the
proceedings of the stenographer, do parsons certify that as stenographer of the Commission of the Five Civilized Tribes, and that I have correctly transcribed the foregoing notes taken upon the hearing of the case, entitled "Mary Ann Bryant vs. Mary Ann Bryant et al", on the 1st day of March, 1902, and that on the 18th day of March, 1902, the Commission, in the presence of the parties, decided the case in favor of the plaintiff, and directed the preparation of the decree in the case, and that the same was duly signed and entered of record.

Witness my hand this 18th day of March, 1902.

Acting Chairman.

Acting Chairman

Commission for final decision upon the evidence now on file in the case of Mary Ann Bryant vs. Mary Ann Bryant et al, Choctaw contest No. 1, and having duly considered the evidence in the case, the Commission finds that the plaintiff is entitled to the land in controversy, and that the defendant is not entitled to the land in controversy.

It is therefore adjudged that the defendant pay the plaintiff the sum of $1000 in cash, the value of the improvements, and the plaintiff be allowed to make her homestead entry for the land in controversy.

Dated at Muskogee, I.T., on the 18th day of March, 1902.

R.

C. D-935.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 13, 1902.

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

The applicant was notified by registered letter February 25, 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, I. T., on the 13th day of March, 1902, and that on said date she might appear before the Commission, either in person or by attorney, when an opportunity would be given her to introduce any additional testimony affecting her application. The applicant having this day, to-wit: the 13th day of March, 1902, been called and failing to respond, it is deemed that her case is completed and same will be reported to the Commission for final decision based upon the evidence now of record.

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

Wm Hutchinson

Cherokee-D-935

Executive Office Cherokee Nation,
Tahlequah I.T.

I,B.W.Alberty,assistant Executive Secretary of the Cherokee Nation do hereby certify that I have examined the marriage records of Sequoyah District Cherokee Nation and to find the record of a marriage between John Brassfield and Mary, his wife but fail to find said marriage on record;that said marriage records have been filed in this Office by law and are in my legal custody.

Given under my hand and the seal of the Cherokee Nation this the 13th day of June 1902.

B. W. Alberty
Assistant Executive secretary,
Cherokee Nation.

Department of the Interior,
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lena Severs	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	388
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Largen	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	598
Samuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A. Patton	679
William H. Ford	173	Benjamin G. Holland	763
Thomas N. Wilson	185	William Gordon	798
Ulsie Ann Smith	206	Maggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	229	Susie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	253	William H. Burrow	967

Mary Pettit	977
Bettie Mitchell	985
John J. Harrison	993
Jasper N. Bateman	1029
Susan Ballard	1065
Lucy Eva Simmons	1073
Ellen Thornton	1089
Sarah E. Hair	1090
Norman S. Drake	1092
Susan Hogg	1094
David L. Scott	1099
James C. Taylor	1111
Roxie Shepard	1128
Robert G. Elgin	1136
William Hall	1137
Mary Ella Lattimore	1141
Maggie J. Keys	1149
Joseph M. Correll	1177
Jane Ratley	1225
George E. Norton	1234
Mahala D. Thompson	1247
Charles M. Trammel	1264
Flora Carlile	1265
William H. Norrid	1275
Olivia Benge	1276
Dollie Wilson	1278
Moses Bell	1279
Sarah Fleetwood	1290
Rosa E. Fargo	1299
William M. Oliver	1333
Andrew J. Couch	1340
Lina Hyles	1347
Mary M. Miller	1350
Mary E. Taylor	1368
Polly Ann Benge	1369
Margaret Moton	1385
Minnie McKinney	1390
Nettie Seabolt	1418
Lawrence G. Faulkner	1433
Sarah A. Holt	1449
Jennette Polecat	1492
Ellen Seabolt	1508
Charles W. Nettles	1509
Lena Sittingdown	1511
Tim Creeden	1513
Odie Pidcock	1517
Silas A. Saterfield	1529
Laura J. Jeremiah	1530
Etta Hicks	1540
Mary A. B. McKinney	1550
Millie Morton	1554
Andrew Walters	1573
John H. Holder	1610
Mary M. Burr	1612
Thomas E. Bonham	1644
Florence Headrick	1663
Daisy B. Brewer	1709
Annie Cordrey	1717
Adam Eckert	1722
Isaac Timmons	1726
Gent Gibson	1727
Amos Anderson	1731
William J. Mounts	1734
James D. Alexander	1745
Willis E. Miles	1769
Lora Adair	1781
John Yarborough	1796
Lillie M. Dassler	1802
Bryant C. Redington	1804
Malisa A. Maxwell	1808
Richard Dukes	1811
Fannie Pettit	1816
Genevia Pool	1817
Mollie Crossland	1822
Lizzie Benge	1828
John H. Welty	1847
Edward P. White	1884
Lauren P. Green	1887
Charles Rosser	1898
Fay Adair	1913
Henrietta Irving	1920
Bird Trippard	1925
John C. Carlile	1937
John W. Gilstrap	1954
Sarah Young	2018
Nancy A. Coleman	2049
James N. Whisenhunt	2118
Hiram Stephens	2157
Asa L. Guinn	2159
Rebecca J. Flying	2172
Thomas J. Measles	2192
Julia Coody	2215
Sarah Crutchfield	2224
Henry E. Lee	2251
Sarah Gritts	2256
John A. Madden	2261
Henry C. Pennel	2271
Matilda S. Cleland	2302
Dona A. Frazier	2312
Laura B. Cordrey	2320

Lafayett D. Kindred	2328
Pearl V. Sisson	2339
Nancy J. Sevier	2380
Mollie Hair	2385
Dora Sayers	2474
William T. Jones	2501
Sarah L. Martin	2502
William J. Shoemaker	2506
Maud Baldridge	2511
James L. Townsend	2513
George L. Morgan	2568
Andrew A. Brown	2575
Louis K. Fair	2623
James L. Mitchell	2644
Martha E. McNair	2659
Millard F. Eggleson	2668
Elisha M. Gray	2686
Jessie M. Ballard	2694
Annie Mayes	2798
Belle Sixkiller	2809
James P. Riley	2825
William Broaddus	2854
William A. Martin	2865
Joseph Q. Buchanan	2888
Marcellus L. Baker	2905
Etta M. Hill	2915
~~John R. Smith~~	~~2922~~
Ira W. Wallen	2926
John B. Laurence	2959
Lula O. Hitchcock	2961
Bell L. Muskrat	2975
Eliza O'Field	2977
Margaret Suagee	2993
Winfield S. Nance	3007
Benjamin F. Kelley	3010
Mollie Daugherty	3039
Charles H. Leatherman	3043
Alice A. Edwards	3100
Dorinda Adair	3106
William R. Gray	3118
Dora B. Caulk	3143
Jesse M. Gallman	3161
Martha E. Garrett	3162
Artie E. Large	3164
Andrew A. Kelley	3191
Anna B Ryne	3193
Eliza Henderson	3198
David E. Jenkins	3212
Lizzie Falling	3233
Robert L. Payne	3252

William A. J. Trotter	3257
Albert P. Goforth	3298
Anna B Martin	3307
William Brown	3344
Jennie B Bluejacket	3345
William Little	3377
Julia M. A. Russell	3386
Andrew J. Smith	3393
William N. Blakemore	3396
Lizzie Denton	3417
Belle Hudson	3435
Thomas S. Heady	3437
William M. Roseborough	3444
Madison G. Hawkins	3467
Japhat F. Ellis	3491
Emma McAffrey	3543
William T. Huitt	3570
Myra F. Chouteau	3580
Phillip Donohoo	3581
Fred L. Kelley	3593
Annie Herod	3594
Maggie V. Fields	3615
Lou Payne	3616
Frederick W. Strout	3692
Andrew L. McCamish	3713
Sarah Dirtthrower	3731
~~William P. Coble~~	~~3758~~
Robert L. Madison	3761
Mariah McDowell	3795
Elizabeth R. Thornton	3811
Donithan A. Wilson	3841
Charles F. Covey	3868
Tamsey M. Williams	3886
Mary J. Wolfe	3889
Lathan Lumbard	3891
Micajah P. Haynes	3897
Annie L. Wingfield	3903
Mary Fields	3907
William W. Dudley	3944
Minnie M. McLaughlin	3950
Henry B. Lindsey	3978
Wilbert H. Parkison	3999
Seth R. Hall	4011
Wiley Hanna	4016
Martha M. Woods	4093
Lizzie Gray	4117
Nancy C. Carey	4131
Annie E. Kenney	4165
William H. Ward	4169
Nannie Brewer	4189

Nancy J. Kinney	4225
Sydney E. Bell	4232
Isaac H. Jordan	4235
Charles Parks	4244
Dora Frenchman	4262
James R. Fugate	4275
Maud Adams	4277
Elizabeth Black	4281
Anna Thornton	4291
Robert T. Morrison	4294
Perley Israel	4295
William A. Long	4304
Mollie Swannock	4319
Frances Guess	4324
Allen H. Gibson	4327
John McFall Jr.	4343
Albert W. Fitzsimmons	4360
George S. Ford	4386
Quinn Carr	4387
William A. Powell	4390
Austin Hasley	4400
Anna Bible	4414
Elizabeth Riley	4428
John P. Sudderth	4449
Anderson Keen	4450
Ida M. Adams	4451
~~Martha J. Randall~~	4457
Mollie Conner	4477
Jane McGhee	4491
Jennie Riley	4525
Hannah Randall	4528
Charles W. Childers	4542
Nannie B. Riley	4543
John W. McDaniel	4544
Minnie Armstrong	4548
Ada Chouteau	4549
Mary Thompson	4571
Ota Armstrong	4593
Mary Spencer	4594
Clarkson F. Woody	4603
James M. McConnell	4604
Annie E. Coker	4605
Jennie Long	4606
Julia Gilstrap	4607
Laura E. Smith	4608
Annie Nicholas	4609
Minnie R. Taylor	4611
Mary E. Rogers	4614
Emma Downing	4615
William Steere	4619

Roxie J. Ketchum	4623
Lizzie Love	4626
Robert K. Wann	4632
Frederick Metzner	4633
John C. Bratcher	4634
Piqrow L. Jones	4641
Ada Bertholf	4642
Alice Robbins	4644
Jane Dougherty	4649
Samuel Francis	4650
Clemon C. Peek	4652
Mont C. Frazier	4653
Frank J. Mayberry	4656
Charles W. Moore	4660
Jefferson D. Edmondson	4661
Alonzo H. Boone	4662
Thomas C. Mock	4668
Sallie Allison	4669
Elizabeth E. Burgess	4671
LaFayette Breeden	4673
James M. Boling	4676
Francis A. Neilson	4681
John F. Smith	4689
Rufus S. Steward	4691
John I. Haddock	4694
Maggie O. Walkley	~~4695~~
George W. Talbert	4698
Mary Miller	4700
Henry C. White	4707
Mattie E. Hill	4760
Alice A. Bible	4772
Katie Coker	4785
John Creek	4801
Ruby R. Bean	4804
William J. Dodson	4836
Blackburn Reed	4882
Viola Lowther	4891
William B. Ritchson	4910
Henry D. McDonald	4950
Della McDaniel	4956
Dorothy Rattlinggourd	4991
Ida McCay	5093
Henry M. Lyon	5100
Alice J. Wofford	5101
Nancy Morris	5137
Ella Sullivan	5140
Winfield Williams	5144
Bessie M. Smith	5145
May Humphrey	5207
Donnie Burgess	5235

Nora B. Burgess	5236
John E Etter	5239
Harriette Rogers	5240
Amanda Foreman	5244
William H Wells	5261
John T Gaylor	5266
Annie Sweeten	5269
Rosalee Hendricks	5278
Emma Chambers	5328
James H Thomas	5329
Melville B Baird	5332
James R. Goodall	5356
Charles Horton	5390
James W. Goddard	5417
Dora Cox	5425
Nannie G. Alberty	5438
Sallie Ward	5455
William H. Sutherlin	5484
Lizzie Hall	5487
Cyrus B. Essex	5489
Eda Taylor	5493
Laura Taylor	5494
Elector D. Miller	5496
Emberson M. Arnold	5498
Stella Henry	5499
William E. Oneal	5506
John M. Sharp	5509
John L. Davis	5514
Sarah E. Downing	5518
Samantha C. Glass	5524
Harry Jones	5525
Aggie Paris	5532
James W. Hallford	5535
Phoebe Coker	5537
Anthony K. Douglas	5538
Joseph H. Johnson	5541
Harvey O. Riggs	5547
Alice Glass	5553
Addison Reeves	5566
Alice Coats	5572
Julia Kidd	5575
William R. Greer	5576
Rosa M. Sixkiller	5581
Nancy Inlow	5587
Daisey H. Owen	5599
Annie R. C. Owen	5600
Jesse McKnight	5602
Cicero J. Strange	5610
Henry Westenhaver	5611
Emma H. Roach	5612
William A. Polson	5613
Paulina P. Pitcher	5614
Charley Headrick	5615
William N. Stinson	5616
Lenora A. Henry	5621
Effie M. Adams	5622
John H. Shimp	5624
Thomas B. Dickson	5625
Minnie Henry	5628
Thomas J. Simpson	5629
Cap L. Lane	5630
Reuben E. DeLozier	5631
John Heape	5640
Perry G. Brock	5645
Mary J. Newcomb	5650
George W. Seigel	5660
Martha A. Parks	5666
Zelda C. Mills	5674
Lizzie Rogers	5675
Emma Pigeon	5676
Nellie Bluejacket	5677
Lucy Bacon	5679
Thomas B. Wood	5681
Asa W. Simerson	5683
William J. Kuhn	5686
Elsie Couch	5688
William H. Robinson	5692
Rachel Washington	5693
Isaiah B. Blackwood	5700
John R. Johnson	5701
Dennis W Smith	5702
William H. Chesnut	5705
William H. Durham	5707
Albert B. Buckmaster	5710
Maud Crutchfield	5730
Joseph S. Layne	5731
Lena Bell	5737
Juan N. Corn	5748
Robert N. Crafton	5750
Benjamin F. Coffee	5756
Frank McSpadden	5760
Charles D. Pendleton	5775
Harden H. Green	5776
Emma J. Ward	5778
Robert C. Fuller	5781
Henry F. Extine	5796
Ida Wyly	5802
Richard L. Fite	5815
Edward Lutz	5816
John F. Woodworth	5829

Horace H. Huddlestun	5832	George C. Duffield	6031
William R Sartain	5837	Amelia Reese	6033
Joseph A Lawrence	5843	Alexander West	6036
William H Hinton	5846	John Tootle	6037
Joseph Lehr	5851	Florence G. Langley	6038
Euin M. Young	5852	John T. Ham	6042
Mary C. Barnes	5853	Mary L. Jordan	6048
Matilda Thompson	5861	John W. Bradshaw	6076
William W. Young	5872	James L. Dean	6079
Earley F. Ellis	5874	Amanda J. Thompson	6082
Rosa B. Alberty	5877	Malissa Hubbard	6089
Sarah Cannon	5879	Jane Benge	6111
Mamie Beck	5887	John D. Ryals	6113
Jack H. Merchant	5888	John C. DeLozier	6117
John D. Merchant	5889	Jessie Willis	6118
Sarah E. Ghormley	5894	Mary A. Clark	6124
Jerry Young	5906	Mary J. Tipton	6126
James H. Brickey	5916	Leander Newton	6136
Mary Hicks	5919	William A. Qualls	6138
George W. Weems	5922	Henderson B. Thomas	6144
Albert Crain	5923	Hugh T. Watkins	6163
James M. Jones	5932	Nancy Keys	6172
Alfred W. Shelly	5935	Berry Hutchins	6186
John M. Stratton	5936	Eli Parker	6189
Waddie Hudson	5937	Sarah E. Shaw	6194
Robert C. Johnson	5939	Julia Keys	6211
Mary T. Thompson	5941	Boon J. Grey	6214
Edith A. Parris	5943	John Grubb	6216
Addie Hubbard	5949	William M. Costephens	6230
John A. Lowry	5962	Jane Bean	6232
John R. W. Brantley	5963	Lillie I. Taylor	6236
James T. Carroll	5964	Abbie B. Adair	6239
Christopher F. Jordan	5965	Mack C. Watkins	6246
Minerva E. Stover	5966	Robert W. Murray	6261
John W. Twilley	5967	John G. Petty	6269
Joseph W. Mounce	5970	Lucinda Poorboy	6279
Cornelius P. Potter	5971	Sarah Mayes	6286
Amanda C. Thompson	5972	Henry W. Pyeatt	6300
John M. Rusk	5976	Isaac A. Wilson	6308
Harrison L. Hughes	5978	John T. Hall	6310
Silas B. Dildine	5983	Edward L. King	6315
Lewis M. Payne	5985	Katie Still	6325
Nancy Beamer	5988	Emmer Carlile	6338
Sarah F. Selvidge	6002	Bird Webster	6347
Posy F. Buckner	6005	Fannie Morris	6353
John A. Moreland	6010	Leonard Lee	6357
Alice Welch	6015	James R. Miller	6362
Mary C. Thompson	6022	James Brackett	6370
Ida Beck	6029	Nora Allen	6371
William R. Tittle	6030	John T. Washington	6373

James J. Snider	6375
William H. Winget	6376
Ida R. Wilkerson	6383
George A. McBride	6385
Matilda Cookson	6387
William A. Fisk	6392
William O. Ames	6394
Thomas Wilkerson	6396
Alice C. Springston	6407
Fanny N. Witt	6413
Lillie M. Adair	6424
Mark F. Matheson	6428
Ida L. Wilson	6431
George E. Marrs	6441
Ulysses S. Reeves	6443
Daniel A. Smith	6447
Henry J. Dawson	6450
Sarah Adair	6452
Ida F. Wilson	6455
Mary E. Taylor	6459
Catherine Henson	6468
Charles C. Fitzsimmons	6471
Mary E. Campbell	6476
Columbus N. Long	6478
Mary Wilkerson	6480
Myrtle Ward	6484
Belle Manus	6499
Martha E. McLain	6508
Mary A. Brown	6517
Marion M. Ballew	6530
Mellie Mayfield	6540
Sarah Blevins	6541
Frank Powell	6542
Georgia Jackson	6546
Leonard S. Simpson	6549
Almira Ussrey	6560
James McInerney	6561
Fannie Carlile	6578
Sadie A. Mayfield	6580
Silas A. Bryan	6581
William S. Martin	6585
Emma J. Thompson	6589
Lydia McDaniel	6593
David W. Lamb	6595
Gus R. Hart	6603
Poca Phillips	6632
Lois E. Daniel	6678
William W. Turner	6689
Lillie B. Blackstone	6714
Mary Lillard	6715
James L. Lee	6717
Rosa Phillips	6723
Kate Brown	6735
Laura B. Barnett	6743
Elizabeth Sanders	6745
William T. Neff	6747
William R. Scott	6751
Laura Fish	6770
Maggie Ketcher	6779
Dora A. McDonald	6783
Rosia B. Willis	6785
Daniel Hubbard	6787
Mary R. Tadpole	6801
Magnus A. McSpadden	6811
Sarah F. Pathkiller	6824
Clora Twist	6845
Mattie M. Welch	6846
Cora Griffin	6850
John S. Hyatt	6853
Jefferson K. Tyner	6855
Flora R. Miller	6859
Lizzie Craig	6872
Jacob C. Johnson	6876
George W. Ware	6897
James B. Deatherage	6901
Lucinda F. Hartness	6943
Frances E. Tehee	6961
James M. Burt	6965
Rady Tipton	6975
Laura Hendricks	6976
Laura V. Smith	6979
Lorenzo C. Darnell	6988
Robert M. Mitchell	7004
William Henry Reeve	7005
James Pyle	7009
Willie Hilderbrand	7015
Alice M. Roberson	7031
Charles Morris	7043
Minerva J. Trent	7051
John H. Keith	7078
Katie E. Ratley	7080
Etta Patrick	7081
Nannie Martin	7090
Rosa B. Harris	7094
Samuel Brown	7100
William H. Turner	7101
Florence Mayes	7104
Maggie McCoy	7112
Mary Belle Cordry	7113
Benjamin Haner	7119

James Maher	7128
Terry A Parkinson	7146
Cora L Hanks	7147
Otto J Zufall	7149
Rufus M Norman	7155
Mary F Foreman	7158
Alma West	7159
James M. Connally	7161
Francis M. Crowell	7163
Fannie E. McClure	7171
Benjamin B. Graham	7176
Ada Phariss	7180
William L. Whisenhunt	7184
Frances B. Perry	7191
Philip Shultz	7210
Hester A. Miller	7212
Minnie B. Edmonds	7213
Eliza Jordan	7217
William T. Ross	7218
Thomas M. Price	7225
James G. Wilson	7231
Frank Rhomar	7263
John W. Thompson	7267
Melissa Booth	7271
Solon L. Jackson	7273
Henry W. Coughran	7282
Sarah Ross	7291
Mary S. Smith	7322
John A. Martin	7323
Myrtle Robinson	7330
Allen L. Buckner	7331
James L. Goad	7350
Elijah Johnson	7351
Mary E. Kimbrough	7360
Jennie Burr	7367
Kiasay Sapsucker	7378
Sarah J. Johnson	7394
William I. Branan	7409
Wyatte T. Brady	7412
Lena O. Holderman	7413
Mary F. Hummingbird	7420
Bertha Allen	7425
Robert J. Tyner	7426
Fannie B. Martin	7434
Myrtle Wolfe	7435
Mary Blevins	7479
Sarah Ketcher	7488
Charles D. England	7512
May Cochran	7544
Rebecca Oglesby	7549

Robert B. Collins	7556
Nancy I. Brown	7579
Mary B. Walkingstick	7642
Robert T. Kelleam	7653
Mollie Morton	7797
Mattie Girty	8006
Mack Alfred	8015
Ida Harmon	8016
Ida McCoy	8417
Rosie Foreman	8903
Annie Jackson	9034
Margaret T. Langley	9092
Ida M. Davis	9266
Nora Crapo	9289
Margaret Harmon	9378
Mary B. Langley	9438
Ella Gravitt	9439
William M. Wilson	9444
David O. Scott	9446
Harriett Forbes	9447
John Carver	9449
Thomas J. Davis	9451
Clara M. Boudinot	9453
Mary E. Keys	9454
John G. Ainsworth	9456
Mary J. Christy	9460
Malinda Seabolt	9462
Mary Cumpton	9464
Mollie P. Mulkey	9465
Andrew Brimmer	9467
James F. Flippin	9471
William Bird	9473
Mollie C. Forbes	9476
William H. Thomason	9478
Mollie Devine	9481
Mary P. Guthrie	9482
Detlev N. Leerskov	9484
Nannie Cowart	9485
Leona Catcher	9489
Alexander B. Clapp	9502
Tennie Sanders	9503
Virgil A. Wiltshire	9505
Joshua K. Carr	9510
Herbert Kneeland	9518
Hugh E. Hope	9519
Thomas J. Ritter	9522
Martha Baldridge	9529
James R. Poindexter	9535
Maud Foreman	9539
Belle Bryant	9542

Joseph P. Smith	9550	William G. Brown	9879
George E. Watkins	9552	John B. Delay	9881
Florence Henry	9553	Pairlee Thompson	9882
Jesse H. Johnson	9560	Guenther W. Werther	9883
Lydia B. Barger	9561	Margaret Crittenden	9884
Mary Jane Thomas	9562	Moses L. Morris	9889
James F. Petty	9563	Sarah L. Rogers	9891
Laura McCrary	9566	Stephen Duncan	9892
Joel D. Smith	9568	Gideon D. Sleeper	9895
William T. Cave	9572	William A. Maddin	9896
William Bugher	9577	John H. Horton	9904
James M. Smith	9582	Howe L. Rogers	9905
John E. Nazworthy	9583	William Rush	9912
Beverly L. Lafon	9587	George W. Edens	9916
Robert L. Gentry	9589	William H. Hall	9920
John C. Barker	9591	Edith B. Pheasant	9935
John P. Greenwood	9593	Carrie A. Collins	9936
Henry Hayes	9596	Lucinda Spriggs	9937
Ella Cornwell	9598	Ella F. Hail	9939
Asa A. Hedrick	9599	John W. Harris	9949
William C. M. Robinson	9600	Hannah Raper	9942
Woodrow Hadley	9612	John J. Coughran	9945
William T. Gregory	9613	Youra F. Waybourn	9946
Charles M. Keys	9616	Louisa J. Taylor	9947
Bate O. Reed	9618	William M. Evans	9948
Joseph E. Feland	9623	William F. Pierce	9940
Florence C. Smith	9625	May F. Chambers	9950
Charles M. Cox	9630	Albert Stevenson	9954
Otis S. Skidmore	9634	Henry Kiefer	9955
William H. Hundley	9635	Sarah Bean	9956
Thomas A. McDonald	9636	Zeno M. Cox	9964
Annie Sanders	9638	Jerusha E. Blair	9965
Mack H. Martin	9640	Elias Kyle	9991
Mary Ward	9653	Ida Cushman	9992
George Givens	9658	James W. Fleming	9994
Pheney Poorboy	9660	Samuel Holmes	9995
Charley Kiper	9671	Walter H. Talley	9997
Andrew J. Snider	9672	Hannah J. Miller	9998
William T. Barton	9684	Clara V. Ward	10002
Daniel Crail	9770	Stephen W. Pittsenberger	10005
Mary M. Motte	9771	Mary E. Palmour	10008
Lecia E. Herrin	9854	William T. Partin	10011
Gailen E. Carrick	9855	Nellie Fields	10013
Rosa B. Barger	9857	Sarah A. Dawes	10015
Rachel Foreman	9858	Willard E. Hutchins	10016
Serepta C. Willis	9861	Jesse Talbert	10020
Virgie Seabolt	9864	Julia E. Setser	10021
Annie Cannon	9867	Amanda E. Howell	10022
Isabella McCoy	9874	Mamie J. Rogers	10023
Robert E. Dry	9875	Nannie Rogers	10024

James B. Bradshaw	10025
Ida L. White	10026
Addie B. Miller	10027
William R. Condry	10028
James D. Canary	10029
John Kelley	10031
Kate Craig	10033
John A. Butts	10034
John J. Dameron	10035
William Warner	10036
George A. Allen	10037
Watie Shetley	10038
John E. Carter	10039
John M. Boyd	10043
William Fister	10047
Darius B. Troth	10049
Harry A. Kelley	10050
Mary E. Purcell	10051
Myron L. Bronson	10052
George W. Taylor	10053
Josie Lowther	10054
Fannie D. Perry	10055
Minnie B. Williams	10056
Solomon Copeland	10058
Etha B. Wood	10059
James Pace	10060
Wiley B. McElhaney	10062
Nancy Patrick	10063
James R. Stout	10072
George Parker	10073
Laura Morton	10074
John D. Kelly	10075
Nettie Swift	10078
Maggie Baldridge	10079
David R. Stubblefield	10080
Thomas J. C. Thompson	10081
Cora P. Harlan	10082
William L. Singleton	10083
Lester Evans	10084
Ellen Mayfield	10085
Ella Bray	10087
David J. Matthews	10094
Thomas Brown	10100
Houston J. Payne	10103
Malinda E. Scudder	10104
Henry Odell	10105
Fred Macy	10107
Mary Russell	10108
Thomas B. Brown	10109
Samuel L. Milligan	10111
Millie A. Carnes	10113
Lucy E. Robards	10114
Edward H. Fitzgerald	10115
John T. Pickard	10117
Charles Rains	10118
Nancy Mayfield	10123
Anna B. Tittle	10124
Richard A. Clark	10126
Emma B. Martin	10128
Walter L. Bates	10129
Nellie Brewer	10130
William Heffernan	10131
Levi Ackley	10132
Bessie Davis	10133
Eva Brackett	10135
Caleba Carnes	10136
Jacksie M. Waybourn	10138
Minnie Shutt	10139
Charles L. McClure	10140
William W. Russell	10141
Delia Jenkins	10142
John A. Hood	10143
Oba Maxfield	10145
Mary L. Cloud	10146
Callie Inlow	10147
Everett M. Lowrence	10148
Dora E. Hays	10150
Julia M. Schrimsher	10151
Parmelia E. Lyman	10153
Charles F. Trickey	10161
Louisa J. Palmour	10169
George L. Walker	10170
Annie Taylor	10171
Josie Winters Hall	10174
Alice Nichols	10181
Lizzie Dry	10182
Emma Murray	10183
Annie Winton	10187
Marian Evans	10188
Elizabeth J. McClain	10192
Eliza J. Price	10199
Rissie Still	10200
Hannah E. Langley	10201
Alma Keith	10203
Flora A. Terrill	10204
Talesphora A. Paradee	10205
Samuel Shadix	10206
Mary E. Childers	10207
Robert M. Hamilton	10208
Julia Billingslea	10209

Nannie Martin		10210
Sarah A. Fields		10214
Susie Henderson		10216
Charles H. Rienhardt		10218
William H. Watkins		10221
Frank M. Rucker		10222
Henry C. Reed		10224
Laura B. Timberlake		10226
George A. Brown		10228
Drucilla Lowrey		10232
Almira Mouse	D	9
Lenora Prather	D	16
Andrew M. Cooter	D	17
Martin L. Stokes	D	28
Peter Walters	D	44
Columbus M. Reeves	D	58
Sarah Barnes	D	103
George T. Kiddy	D	108
Henry C. Agent	D	139
Joseph Phipps	D	147
Henry Hilton	D	149
David A. McGlamery	D	161
Maggie Doublehead	D	169
Annie Lovett	D	180
~~Nora Hood~~	D	184
John A. Johnson	D	232
Nathaniel G. Simpson	D	242
Oncico W. Head	D	244
Etta Taylor	D	245
Susan V. Sullivan	D	262
Levi H. Tackett	D	263
William H. Connelley	D	264
Julia A. Sullivan	D	284
May Fields	D	297
Katie Hummingbird	D	308
William F. Sager	D	320
Lovick P. Garrison	D	334
Henry Grubb	D	338
Lucy F. Lacey	D	340
Callie Blevins	D	341
James S. Alfrey	D	355
Shadrack C. Wallen	D	368
Ada Hall	D	376
Jane M. Hicks	D	396
Fannie L. Dupree	D	403
Willis Battles, Jr.	D	404
Joshua W. Ellis	D	413
Nina B. Owen	D	450
John M. Ridenour	D	458
Emery S. Thompson	D	464
Joseph Reed	D	468
Adolphus J. Hallum	D	483
Alexander Walker	D	490
Albert J. High	D	491
America Matoy	D	501
Moses L. Grazier	D	503
Myrtle Hall	D	509
Wallace Thursday	D	544
Thomas W. Baker	D	546
Mattie E. Keys	D	550
William S. Edwards	D	560
Susan L. Reed	D	572
William H. Lyman	D	574
Gracia Davis	D	577
Edward C. Bolen	D	582
Dora Guthrie	D	585
Samuel H. Hawkins	D	594
Lula M. Purcell	D	600
Ben Estes	D	603
Thomas M. Reynolds	D	621
Arthur Dodge	D	622
Carrie L. McNair	D	624
Constantine N. Walker	D	641
Joseph Davis	D	648
Leander A. Keys	D	650
James J. Barndollar	D	655
Nathan J. Brink	D	682
William S. Miles	D	688
Emma Waybourn	D	698
Dora E. Rogers	D	708
James W. Turley	D	709
Lizzie Ward	D	711
Robert J. Holly	D	713
Belle I. Quinton	D	728
Francis M. Boothe	D	734
Amos W. Lord	D	746
Agnes N. Childers	D	749
John E. Renfrow	D	752
William Coon	D	759
Louis Bruere	D	779
Georgia A. Waybourn	D	786
Eliza Fields	D	787
William H. Brown	D	788
William A. Cox	D	793
Charles A. Robison	D	799
Artha Williams	D	800
Adam Gearhart	D	806
Cicero F. Rogers	D	855
Annie Garrett	D	856
George S. Yarborough	D	875

Rhoda A. Sanders	D	878	Ella Vann	D	1320
Manuel Spencer	D	884	Linnie Wofford	D	1330
Benjamin H. Hulbert	D	891	Minnie Downing	D	1332
Mary Brassfield	D	935	Katie Rider	D	1334
James L. Tindle	D	944	Samuel G. Mills	D	1337
Silas G. Reneckar	D	966	Alfred H. Woods	D	1342
Eliza Wofford	D	967	Cynthia Whitekiller	D	1352
Jasper L. Newton	D	971	Susie McSpadden	D	1361
John N. Guinn	D	974	Martha J. Houston	D	1363
Hannah Parson	D	989	Samuel M. Colher	D	1367
Nellie C. Helterbrand	D	1003	Katy Payne	D	1369
Thomas J. Welch, Jr.	D	1006	Joseph H. Warren	D	1375
Lizzie Christian	D	1010	Mattie Miller	D	1433
George Hazlewood	D	1013	S. F. Moore	D	1434
James M. Jones	D	1022	Addie Schrimsher	D	1448
Reuben A. Evans	D	1032	Fannie Vann	D	1458
Carrie H. Cobb	D	1049	Marcella Blakeney	D	1474
John M. Burns	D	1069	G. W. Williamson	D	1555
Sarah E. Henson	D	1083	C. F. Walker	D	1558
Laura D. Henson	D	1086	Louisa Blevins	D	1567
Hettie E. Downing	D	1090	Frank Cowles	D	1581
Benjamin F. Crain	D	1099	Mary Francis Madding	D	1637
Benjamin Strickler	D	1129	Thomas Rodman	D	1661
Nancy Spaniard	D	1130	Katie Still	D	1866
~~Annie Wilson~~	~~D~~	~~1131~~	~~Ira Creach~~	~~D~~	~~1913~~
Ora H. Maxwell	D	1135	D. A. Mounts	D	1967
Reuben W. Moore	D	1136	J. C. Sefton	D	1991
Cora Childs	D	1146	Jennie Holland	D	2024
Janie Hughes	D	1179	Lou Sanders	D	2216
Francis B. Reid	D	1180	Caroline Barnes	D	2591
Martha Carey	D	1195	Lacey Crane	D	2592
Christina Johnson	D	1199	Daisy Cash	D	2595
Louvenia Ironside	D	1208	Hiram A. Landers	D	2599
Martha J. Henson	D	1218	Charles Neel	D	2603
David A. Martin	D	1228	Mattie Robinson	D	2605
Fred D. McEnery	D	1235	Jennie Rich	D	2606
Nathaniel R. Martin	D	1261	Alexander C. Russell	D	2607
James H. Requa	D	1266	Pricilla Ross	D	2608
Frank Carver	D	1267	Tom W. Reeves	D	2609
Etta B. Payne	D	1270	Mary Smart	D	2612
Mary Garrett	D	1271	Rufus Tidmore	D	2613
Joe W. Goodman	D	1272	Jasper Turquitt	D	2614
Mathew J. Flanigan	D	1274	Mabel West	D	2618
Lizzie C. Holland	D	1285	Ophelia West	D	2619
Etta Downing	D	1291	Cora Whisenhunt	D	2620
William Caywood	D	1296	Katy Martin	D	2667
Clarence W. Turner	D	1307	Willis Butler	D	2686
Alfred Chaney	D	1313	Claud Barger	D	2687
Euphemia Sweetwater	D	1314	Disie Conner	D	2698
Etta Russell	D	1319	John Culwell	D	2699

Herbert F. Couch	D	2700
Albert C. Dykes	D	2703
Delora Drew	D	2704
Frank F. Danderson	D	2705
James Gafford	D	2708
Anna L. Harlin	D	2715
William R. Lipsey	D	2717
Bertha Landrum	D	2718
Lila More	D	2722
John D. Mathews	D	2723
Mary McIntosh	D	2725
Bertha Nidiffer	D	2730
Richard Nichols	D	2731
William S. Ross	D	2738
Irene Riley	D	2739
William H. Rowley	D	2740
Colombus C. Scroggins	D	2741
Della Summers	D	2743
William S. Sage	D	2744
Eliza Thomas	D	2748
John P. Thurman	D	2749
Mary E. Davis	D	2770
Jessie Frick	D	2774
Enna Buffington	D	2788
Will Black	D	2789
Maggie E. Davis	D	2792
Thomas Dotts	D	2793
William Daws	D	2794
Nancy Dawson	D	2796
Lena Fields	D	2797
Effie Grayham	D	2798
Alice C. Hill	D	2799
Bertha H. Harlin	D	2800
Margrett C. Hudson	D	2801
Joseph A. Kelley	D	2803
Andrew O. Kepler	D	2804
Josephine King	D	2805
Sarah Jane Birdsong	D	2806
Marion Maddox	D	2807
John A. McKenzie	D	2808
Ione McGee	D	2809
Ollie Miller	D	2810
William A. Martin	D	2811
Jesse P. Morrow	D	2812
Oliver Mason	D	2813
Edna Whitehead	D	2814
Charley Nuckolls	D	2815
Etta M. Nidiffer	D	2817
Louizer Ossowee	D	2818
William H. Patterson	D	2820
Samuel A. Parkhurst	D	2821
Ellen Rogers	D	2822
Elijah Rolland	D	2827
Endora Steele	D	2828
William M. Stucker	D	2829
Sallie Tauuneacie	D	2831
Mary Tassle	D	2832
John F. Wolf	D	2835
Ruth A. Ward	D	2840
Winnie Daugherty	D	2884
Mary Guthrie	D	2885
Lydia Long	D	2886
Edda Roberts	D	2887
Manda Ward	D	2889
Elmira J. Alberty	D	2905
Thomas C. Cordray	D	2906
Edward Fowler	D	2907
Dora Foreman	D	2908
Parker Holt	D	2909
John Haston	D	2910
Georgie Harlin	D	2911
Percillia Johnson	D	2913
Bettie Morton	D	2915
Samantha Spade	D	2917
Mariah Ward	D	2918
Ellen Watt	D	2919
Nora Morten	D	2920
Lizzie Anderson	D	2981
Francis Duval	D	2984
Wade S. Hayes	D	2987
James A. Hankins	D	2988
Joseph Hardee	D	2991
Tennie Horn	D	2992
Eveline Hall	D	2993
John E. Leftwich	D	2995
Mattie Henson	D	2994
John D. Colvard	D	2998
Charles W. Phillips	D	2999
Sarah Shanks	D	3000
Nettie Young	D	3009
Jerry P. Ables	D	3048
Almedie Ross	D	3052
John S. J. Fowler	D	3055
Leaner Hood	D	3056
James D. Jackson	D	3057
Emma G. Nelson	D	3058
Alice Simco	D	3059
George O. Wallace	D	3060
Fannie Clay	D	3078
Ellen Drew	D	3079

Lue Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Lelia C. Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R. Mizer	R	266
Martha Spade	D	3092	Belle A. Powell	R	352
Julian Wyrick	D	3093	Austin L. Hill	R	420
Samuel Harlan	D	3157	Mary L. Dudley	R	439
Lizzie Phariss	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A. Payne	R	484
Sarah E. Davis	D	3176	Rebecca Benge	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E. Thornton	D	3183	Dora Crane	R	628
Mamie Thompson	R	4	Andrew Sitrell	R	642
Jimmie G. Thompson	R	5	John Sitrell	R	642
William T. Kelly	R	10	Lillie May Wilson	R	643
Alice Tidwell	R	19	Ollie A. Barger	R	656
Rosenna McLaughlin	R	41	Ida Hawkins	R	671
Martha A. Perdue	R	45	Lizzie Davis	R	761
Gabriel L. Payne	R	61	Clara M. Emmons	R	803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated 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, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

.....

Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

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

Muskogee, Indian Territory, February 25, 1902.

Mr. John Brassfield,

Texana, Indian Territory,

Sir:-

You are hereby notified that the application of Mary Brassfield

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 13 day of March, 1902.

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

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

You are required to supply the Commission with your certificate of marriage.

Cherokee D-935
Register.

Yours truly,

XXXXXXXXXXXX
Acting Chairman.
Commissioner in Charge.

Cherokee-D- [illegible]

Muskogee, Indian Territory, June 7, 1902.

Mr. J. T. Parks, Executive Secretary,
Tahlequah, Indian Territory.

Dear Sir:

Please examine the records of your office for evidence of the marriage of John Brassfield to his wife, Mary, and if such evidence be found, make certified copy of the record, and transmit same to this office. In the event that you find no evidence of the marriage, make certificate to that effect. It is suggested that the marriage records of Cooweescoowee District may contain the desired information.

Yours truly,

Acting Chairman.

D-935.

Muskogee, Indian Territory, June 28,1902.

Mr. J. T. Parks,

Executive Secretary,

Tahlequah, Indian Territory.

Dear Sir:-

On June 7,1902, you were requested to examine the records of your office for evidence of the marriage of John Brassfield to his wife, Mary, and that if evidence of such marriage be found, to make certified copy thereof, and transmit same to this office; that in the event you found no evidence of the marriage, you make certificate to that effect. It was suggested in said letter that the marriage records of Cooweescoowee District might contain the desired information.

This office is now in receipt of a certificate from B. W. Alberty, Assistant Executive Secretary of the Cherokee Nation, from which it appears that the marriage records of Cooweescoowee District have been examined for evidence of the marriage above referred to, but the certificate does not state that the marriage records of the Cherokee Nation have been examined.

The suggestion contained in said letter of June 7, 1902 was made for the purpose of directing your attention to the records of the district in which the evidence of the mar-

J. T. P.----2

riage would probably be found, but was not intended to limit your search in the event that the information called for was not found in the records of that district.

You will please examine the record of marriages of the other districts of the Cherokee Nation for evidence of said marriage, and if found, transmit to this office a certified copy thereof. In the event that no evidence of said marriage be found, please make certificate to that effect.

Yours truly,

Commissioner in Charge.

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

ALFRED L. AVERSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-935

Muskogee, Indian Territory, October 9th, 1902.

Mary Brassfield,

Texana, Indian Territory.

Dear Madam:

The Act of Congress, approved July 1, 1902, and entitled "An Act To provide for the allotment of the lands of the Cherokee Nation, for the disposition of town sites therein, and for other purposes," (Public No. 241), provides that "the roll of citizens of the Cherokee Nation shall be made as of September first, nineteen-hundred and two."

In accordance with said provision, you are hereby notified that the Commission to the Five Civilized Tribes will be at its offices at Muskogee, Indian Territory, until Friday, October 31, 1902, inclusive, for the purpose of affording you an opportunity to show that you have not, between the date of the original application for your enrollment and Sept 2, 1902, forfeited your right as a citizen by intermarriage of the Cherokee Nation.

This evidence should be introduced immediately, as it is necessary in determining your right to share in the allotment of the lands of the Cherokee Nation, and until the same is furnished no further action can be taken looking toward your final enrollment as an intermarried citizen.

Yours truly,

Commissioner in Charge.
~~Acting Chairman.~~

Cher. D 935

Muskogee, Indian Territory, January 10, 1907.

Mary Brassfield,

Eufaula, Indian Territory.

Dear Madam:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn._____D__ Commissioner.

Cherokee D 935

Muskogee, Indian Territory, March 14, 1907.

Mary Bragefield,

Eufaula, Indian Territory,

Dear Madam:

Youare hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by t the Secretary of the Interior, January 26, 1907.

Respectfully,

RPI

Commissioner.

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 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 January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

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

Respectfully,

Encl.C-100
MTM

Commissioner.

REGISTERED.
FEB 25 1902
MUSKOGEE, IND. TER.

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

2596

~~Mr. John Brassfield,~~

~~Texana~~, Indian Territory.

RETURNED TO WRITER

RETURNED TO WRITER

1199

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

~~Mary Drasfield~~

Texana,

~~Indian Territory.~~

Unknown

MATTER OF THE APPLICATION OF

Mary Brassfield

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

Original testimony. Dec 11-1900.

Memo. of application. Dec 11-1900.

Notice of final consideration 3/1

[illegible] testimony filed [illegible] Cherokee [illegible]

Cherokee Jacket 6415

[illegible]

ACTING CHAIRMAN.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., December 11, 1900.

In the matter of the application of Frank B. Ridge for the enrollment of himself as a Cherokee citizen; being sworn and examined by Commissioner Breckinridge he testifies as follows:

Q Give me your full name? A Frank B. Ridge
Q How old are you? A 23.
Q What is your post-office address? A South-west City Missouri.
Q In what district do you live? A Delaware.
Q Who is it you want to enroll? A Myself.
Q No family? A No sir.
Q Are you a Cherokee by blood? A Yes sir.
Q Have you lived in the Cherokee Nation all your life?
A No sir.
Q How long have you lived in the Cherokee Nation? A About 2 years altogether.
Q You have been living here some two years? A No; I came here in 1894 and lived here then for about two years, and then went to California and Alaska and about all over the west, mining, and came back here about a month ago; I was sick here and I left here and went to California.
Q When did you return again? A About a month ago.
Q You left in 1896 and staid until about a month ago?
A Just about a month.
Q You were born in the Cherokee nation? A No sir, I was born in California
Q You hadnever been here until 1894? A I came here in 1894 just when I was of age
Q That is the first time you were ever here? A Yes sir.
Q Give me the name of your father? A Andrew J. Ridge.
Q Is he dead? A He died on the 17th of August of this year.
Q Where did he die? A He died in Berkeley, California.
Q How long had he been out there? A He had been out there, I don't know how many years; he left here in 1894; he was back here three or four times; he removed to California just after the war.
Q Give me the name of your mother? A Helen E. Ridge.
Q Is she dead? A No sir, she is living.
Q Where is she living? A She is visiting down in Texas.
Q Did she live with your father in California until the time of his death? A Yes sir, except when she was in the Nation; she was in the Nation here three or four years.
Q Are you on any of the rolls of the Cherokee Nation? A Yes, I got my certificate of admission on in 1887 and then I am on the 1894 and 1896 register in Chouweescowee in 1894; I have some property there.
Com'r: The applicant presents an official copy of the records of the Cherokee Commission on citizenship, showing that on the 7th day of April 1887, among others admitted to citizenship as Cherokees by blood there appears the name of Frank B. Ridge, aged at that time 14.
Q That's your name is it? A Yes sir.
Com'r: This is filed herewith, and is recognized as official evidence of his admission as stated.
1896 roll page 522 #6577 Frank B. Ridge, Delaware District native Cherokee, twenty-three years old;
Q What is the B in your name for? A Beatty.
Q You drew your Cherokee Strip money didn't you? A No, I didn't draw it; I was sick at the time and my cousin Claude was to draw it for me.
Q You wasn't on that roll there? A Yes I was on that roll, I [illegible] [illegible] me [illegible] [illegible] for me.

back claim; I have got a claim for it now, but I have never been paid it.

Q You came back in 1898 and stayed for two years, and then went to California? A Yes; I went to California for my health; I couldn't live here; I was sick.

Q Did you have interests back here? A Yes sir, I have a lot now in Vinita and some property in Delaware District.

Q When did you acquire that property? A I acquired it back in 1898?

Q What property is it? A I have got the original deed here. (Produces papers).

Q This seems to be a deed for lands in Delaware in 1898? A Yes sir, from Ridge Pigeon.

Q Have you continued to hold that land ever since? A Yes sir

Q What business have you followed in California? A Mining; I have been to California, Alaska, Montana, Oregon, Washington, Idaho and New Mexico.

Q Have you staid long enough to vote in any of these localities? A No.

Com'r Brookinridge: The applicant is identified on the roll of 1896 as a native Cherokee; and is shown to have been admitted to citizenship in the Cherokee Nation by the Cherokee Commission in 1887; he first came to the Cherokee Nation in 1894; remained 2 years and thereafter was absent until one month ago, under the conditions set forth in detail in the testimony; for the further consideration of his case he will now be listed for enrollment as a Cherokee by blood upon a doubtful card, and the final decision of the Commission will be made known to him when reached, at his post-office address.

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

M D Green

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

Commissioner.

C2956

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 28 1902

ACTING CHAIRMAN

R.

C. R-924.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 13, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Frank E. Ridge for the enrollment of himself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 22, 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, I. T., on the 13th day of March, 1902, and that on said date he might appear before the Commission, either in person or by attorney, then an opportunity would be given him to introduce any additional testimony affecting his application. The applicant having been called, this date, to-wit: the 13th day of March, 1902, and failing to respond, it is deemed that his case is completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

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

Wm Hutchinson

Cherokee D 814.

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

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

DECISION.

The record in this case shows that on December 11,1900, Frank B. Ridge appeared before the Commission at Tahlequah, 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 13,1902.

The records of the Cherokee Nation in possession of this Commission show that Frank B. Ridge was admitted to citizenship on April 7,1887 by the duly constituted authorities of said Nation. The said Frank B. Ridge is identified on the Cherokee census roll of 1896.

The evidence shows that the said Frank B. Ridge removed to the Cherokee Nation in 1894, and remained two years; that he then left said Nation, and did not return thereto or to Indian Territory until about one month 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 Frank B. Ridge as a citizen by blood of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this 1902

Cherokee R--700.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., DECEMBER 7, 1906.

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

APPEARANCES:
For Applicant, W. P. Branson.
For Cherokee Nation, J. S. Davenport, on behalf of W. W. Keating.

ON BEHALF OF THE COMMISSIONER TO MR. BRANSON:
Q Do you desire to represent the applicant, Frank B. Ridge? A Yes sir.
Q By whom were you employed? A By his mother.
Q What is her name? A Helen C. Ridge.

CLAUDE L. WASHBOURNE, being first duly sworn, testified as follows:

BY MR. BRANSON:
Q What is your name? A Claude L. Washbourne.
Q What is your post office? A South West City, Missouri.
Q Are you related to Frank B. Ridge? A Yes sir.
Q What is that relation? A First cousin.
Q Are you a citizen by blood of the Cherokee Nation? A Yes sir.
Q You are finally enrolled? A Yes.
Q Is Frank B. Ridge a Cherokee by blood? A He is.
Q Who is his father? A Andrew J. Ridge.
Q What was his mother's name? A Helen C. Ridge.
Q From which one of his parents did he derive his Cherokee blood?
A Through his father.
Q Where was Frank B. Ridge born? A I think he was born in California.
Q When did he first come to the Cherokee Nation? A I think it was in 1894, I believe 1894, '93 or '4.
Q How old was he at that time? A I would judge him to be about as near as I can remember about 20 or 21. Somewhere along there.
Q What was his purpose for coming to the Cherokee Nation at that time as expressed by himself? A His purpose of coming here was to select his land and locate here, to live here that is what he said when he came.
Q Was it his intention to make this his future home? A Yes sir that was his intention.
Q Was he a married man at that time? A No sir.
Q Has he ever been married? A No sir, unless he has married recently.
Q Did he have any profession or calling in life? A He had studied for the law and I think intended to practice law.

Mr. Branson: The applicant now offers in evidence to be marked Exhibit "A" and made a part of the record in this case, a certificate of admission to practice law in the Cherokee Nation dated at Tahlequah, Indian Territory, October 5, 1898, signed by E. M. Starr, Treasurer of the Cherokee Nation, and the oath also signed by Frank Ridge.

Mr. Davenport: The representative of the Cherokee Nation object to the introduction of that certificate ~~xx~~ first because it is irrelevant, incompetent and immaterial, and second because there is no law authorizing the Treasurer of the Cherokee Nation to admit a man to practice law in the Cherokee Nation.

ON BEHALF OF THE COMMISSIONER TO MR. BRANSON:
Q For what purpose is this certificate asked to be filed? A For the purpose of showing the consideration given applicant by the authorities of the Cherokee Nation and the recognition given him at the time he made application to practice law in that Nation. I t also tends to show applicant's intention at that time as manifested by his acts.

BY MR. BRANSON TO WITNESS:
Q Examine the certificate~~xxx~~ just offered in evidence, the signature of Frank B. Ridge signed thereto, I will ask you if you are acquainted with the hand writing of Frank B. Ridge? A Yes sir, I am.
Q Is that his hand writing? A I believe that would be Frank Ridge's signature.
Q To the best of your information that is his signature is it?
A Yes sir.
Q To your recollection of his hand writing? A Yes sir.

On Behalf of the Commissioner: The certificate offered will be filed.

BY MR. BRANSON:
Q Did Frank B. Ridge own any property outside of the Cherokee Nation when he came here in 1894? A None that I ever knew of.
Q Was Frank B. Ridge readmitted to citizenship by the Cherokee National Authorities prior to the time of his removal here?

Mr. Davenport: I object to that as being an improper way to prove that, ifhe was there would be a record of it, which would be the best evidence.

Mr. Branson: Applicant admits that the objection is well taken and concedes that the record will show the fact desired to be established by the question.

On Behalf of the Commissioner: Objection will be noted.

BY MR. BRANSON:
Q How long did Frank B. Ridge remain in the Cherokee Nation at that time? A I don't remember anything about how long it was, but it was quite a good while though.
Q What was the condition of hishealth while here? A He was not in good health.
Q Did he leave here because of the condition of hishealth?

Mr. Davenport: I object to that, if he did he would have evidently been under some doctor's advice, and that would be the best testimony upon the line of the physical condition of the man.

On Behalf of the Commissioner: Objection noted.
A I don't think the climate exactly agreed with him and he went back west.

Q What was the disposition as to staying in any particular place of Frank B. Ridge? A His disposition wasn't to stay very long in any one place. He didn't stay very long inany one place while here he made my house mostly headquarters.
Q Did he purchase any property on the public domain of the Cherokee Nation while here? A Yes, he bought a little claim up there close to me.
Q Who did he buy that from? A I believe he bought it from a fellow named Pigeon.
Q Pigeon what? A Pegeon they called him, either Reed or Leech Pigeon went by both names.

Mr. Branson: Applicant now offers in evidence marked Exhibit "B" a bill of sale dated October 17, 1895, Cherokee Nation, Delaware District, conveying to Frank Ridge a certain tract ofland, 400 acres, on the public domain of the Cherokee Nation as described therein, signed by Pigeon Wilson.

Q Is this Pigeon Wilson who signs this bill of sale the man to whom you refer? A Yes sir, the same man, I forgot about the Wilson part of his na,e, I have know him all my life, never knew that he any any Wilson to his name until since in later years I have found out, since his enrollment that he is called Pigeon Wilson.

On Behalf of the Commissioner: The paper offered in evidence is simply a copy of a bill of sale, and as it appears that a copy of the same bill of sale has already been made a part of the record in this case, the same cannot be filed.

Mr. Branson: Applicant submits that a copy of the same bill of sale is in the jacket but the record does not show that it has been filed in the case.

BY MR. BRANSON:
Q Did Frank B. Ridge make any improvements on the piece of ground in question in this bill of sale while here in 1895? A Yes sir, he built a house on it in 1895 or 1896 somewhere along there.
Q What did that house cost if you know? A I judge the house would cost somewhere about $75.00 or $80.00.
Q Do you know who furnished the lumber for building that house?
A I sold Ridge the lumber myself.
Q Was that house built on the land described in this bill of sale?

Mr. Davenport: I object to any reference of the bill of sale because as far as this witness is concerned he knows nothing about the bill of sale so far as his testimony shows.

On Behalf of the Commissioner? A ~~Xxxxxx~~ Objection noted.

A It was.
Q Did Frank Ridge when he left here in 1896 continue to own this land? A Yes sir, he continued to own it, never did dispose of it to my knowledge.
Q He claimed that piece of land in September 1, 1902?

Mr. Davenport: I object to that question because it is leading.

On Behalf of the Commissioner: Objection noted.

A I think he still claims the property, well I know that he did.
Q Did Frank Ridge purchase any other property in the Cherokee Nation while he was here in 1895 or 1896? A He purchased some property a little claim from a Cherokee fellow named Chisaloeles Vann, but I don't just remember when it was, what year it was or just when he did buy it. I remember when he bought the place I told him that was a better place than the one he got from Pigeon.

Q Do you know what he paid for that? A No sir, I don't.
Q Did he continue to hold that up to and including September 1, 1902?
A He never disposed of it to my knowledge. I am satisfied he never did dispose of it to any one.
Q After Frank Ridge left the Cherokee Nation in 1896 when did he return thereto, if he returned at all? A Well, I can't just remember when he did return. He returned along in 1900 or 1901, somewhere along there, I don't remember just when it was.
Q Did he take charge of this property he had left in the Cherokee Nation at the time of his return in 1900 or 1901? A I think he went over there to where this place was with the intention of doing some work over there, but what he did I don't know.
Q Did he have any other kind of property other than farms in the Nation? A I believe at one time he owned a lot in Vinita.
Q Do you know when he bought that? A No sir, I don't, sometime during his first trip out here though.
Q How long did he keep that? A I couldn't say as to that but I think the last time that he was out here he made some kind of a trade on the property.
Q Did he continue to own that from the time he purchased it until he came back again in 1900? A I would not be able to say positively but I think he did.
Q What disposition did he make of the property if you know? A Well I don't know anything about it positively, only just from heresay. I think he either mortgaged it or sold it the last time he was here, the interest he had in it.
Q Do you know how much he mortgaged it for or sold it? A No sir, I don't know anything about it. Don't know what he gave for it, anything about the transaction at all.
Q Did he express any intention when he came back here in 1900 as to his future residence? A Well he just remakred,"I have come back to stay."

Mr. Davenport: I object, his actions will evidently show his intentions.

On Behalf of the Commissioner: Objection noted.

Q How long did he stay here? A Well I have very little idea how long he did stay. He was here quite a little while, I haven't much idea, two or three or four months, something like that.
Q Where did he go when he left here at that time? A Well he went to Texas the first I knew of him being out of the country.
Q Did he leave any of his wearing apparel in the Nation? A He left a trunk at my house and some of his clothes there and had them shipped to him.
Q Has Frank Ridge ever had any home any place he called him except the Cherokee Nation, since he first came to the Cherokee Nation in 1894? A Not that I know of.
Q Where is he, where are you informed that he is now? A In the Philippine Islands now, in the U. S. Army.
Q Do you know how long he has been in the services of the U. S. Army? A No sir, I don't. We all kind of lost track of the boy for a year or two, and the first thing I heard of him he turned up in the army over there in the Philippine Islands. We got that in letters passing between the family.

BY MR. DAVENPORT:
Q Frank was born in California, wasn't he? A Yes sir.
Q And lived there until about 1894 that was the first time he ever came to the Cherokee Nation? A The first time that I have any knowledge of.
Q That was about the time of the Cherokee Strip Payment? A Yes sir.

Q He didn't get on the Cherokee Strip Payment and draw Strip money did he? A No sir, he didn't.
Q Then he stayed here until sometime in 1896 then where did he go, or did he tell you where he was going? A No sir.
Q Did you ever hear from him by letter after he left here? A Yes sir, two or three letters.
Q Did he go back to California? A I am not positive but I think he did.
Q His mother was living in California at that time? A Yes sir.
Q He wasunder age at that time was he not? A I don't believe he was, he was about 20 or 21 when he came out here.
Q Do you know where he enlisted in the army from what state? A No sir, I was going on to say he only stayed there in California a short time, then went out to Wyoming and Nevada and he went to Alaska also.
Q Who kept the place he bought from this Pigeon Wilson? A The place wasoccupied only a short time to the best of my knowledge and I think a fellow named Morrison.
Q About 400 acres of land, all that lay out? A I think they fenced a lot of this land, a fellow named Herndon built this house and agreed to take a lease on the land.
Q Were you present when he and Herndon made the contract? A No sir, but I heard of that, heard them parties talk about it.
Q You know that Herndon lived on the place? A No sir, he never did.
Q Who did live on the place? A Of course I couldn't describe that without going into details.
Q You know who lived there don't you? A A fellow named Morrison.
Q Did Morrison cultivate the farm during the years he was absent?
A He wasn't much on work.
Q How much cultivated land? A About 6 or 8 acres.
Q And the fence was down on that all the time? A I think he kept the fence up, I think he had a little sonnahanny patch there.
Q What became of that place? A I don't know.
Q You don't know whether Ridge sold it or just abandoned it? A I know he didn't sell it. The house got burned down.
Q What year? A It was while Ridge was out here the last time, I think, to the best of my recollection, I paid no attention to it but I think it was in the winter of 1901 or 1902, that is as near as I can remember it, it may have been later than that.

ON BEHALF OF THE COMMISSIONER:
Q Do you know when Frank B. Ridge first joined the army? A No sir, I don't.
Q Do you know for what length of time he enlisted? A No sir.
Q Do you know whether he has enlisted more than one time? A No sir.
Q Do you know where he was living when he enlisted? A No sir.
Q Do you know that he wasn't living in the Cherokee Nation when he enlisted? A I am almost certain that he wasn't in the Cherokee Nation at the time he enlisted, still he may have been.
Q Was the improvements on the public domain of the Cherokee Nation ~~property found~~ purchased to have been conveyed by Pigeon Wilson to Frank B. Ridge an improvements including land under what is known as the quarter mile law in the Cherokee Nation? A Yes sir, that is what it included.
Q The improvement was only 6 or 8 acres in cultivation? A Yes sir.
Q And it was a quarter of a mile ~~lawx~~ around it? A Yes sir, under the old Cherokee law.
Q How much of that was under fence? A I couldn't say, how much Ridge did fence, I don't think I was ever there at the place but once and that was a short time after he got the house completed, but he was over there and supposed to be at work over there, but what he did, I don't know. He was over there several different times, it was about 6 miles from my house over there, and I let him have a wagon and team and hand to go over there but what they did I don't know.

Q Was there more than that 6 or 8 acres fenced, or was there a large patch of land fenced? A I don't think there was much land fenced.
Q Do you know what the place was used for, a small farm, or stock farm or what? A It really wasn't never used for anything only this fellow Morrison lived there.
Q How long did he live there? A 3 or 4 months, probably longer, must have been because he raised a patch there.
Q What sort of house was it? A It was a box house with a shed room to it, pretty good house.
Q What would you approximate the cost of it to be? A At that time the house would have cost about $75 or $80, cost a good deal more money then than now.
Q After Morrison left the place what became of it, was it abandoned?
A Well Ridge wasn't here and no one lived there to my knowledge.
Q Theplace was simply abandoned then was it, no one controlled it?
A Well I don't know, there was no one had any control of it that I know of, they may have been other parties lived in the house.
Q Do you know who has allotted the land? A No sir, I don't.
Q Do you know whether it has been allotted? A I am almost certain it has been allotted, but I don't know who it has been allotted to.
Q Do you know in what section, township and range it is located?
A Well it is in Township 21 and Range 23 I think, I would judge it to be somewhere in the southeast corner of that township.
Q Can you locate the section it is in? A No sir, I could do it if I had a plat.
Q How long after he left here was it before he sent back for his trunk, that he left at your house? A He had been away from my place a month I expect. He came backwards and forwards, he would come up home and stay two or three days and then gone again.
Q Where did you send the trunk to him? A To Vinita.
Q Then he left his trunk at your house and you sent it to him at Vinita? A I didn't exactly send it myself, he wrote to some of the boys there in Vinita and they come out and got it.
Q What is your information as to his having exercised the right of suffrage in any other State or Territory bed des the Cherokee Nation? A I don't think he did.

BY MR. DAVENPORT:
Q You don't know anything about that of your own knowledge? A No sir.
Q Were you living at South West City when he came out here? A Not the first time but the last time I was.

BY MR. BRANSON:
Q This other property you spoke of, the place he purchased up close to you, he did some work on that the last time he was out here?
A Yes sir, he did quite a lot of jobbing.
Q How much land was embraced in that place? A Only about 80 acres.
Q Was that agricultural land? A Yes sir.
Q Was it in cultivation? A A little patch of land was, 3 or 4 acres, 5 or 6 or something.
Q And the town lot of which you spoke, he continued to own that did he not? A I don't know much about that town lot as I said awhile ago. To the best of my recollection he and his mother bought the town together and I think he sold what interest he had in it the last time he was out here or soon after he left here. That is my recollection of it.
Q What was your understanding from his intention the last time you saw him.

Mr. Davenport: I object to that because a man's expression could not in any way regulate his actions and would be be admissible anywhere.

On Behalf of the Commissioner: Objection noted.

A He expressed himself as I said awhile ago that he came back here to stay. He said he well I have come back this time to stay, we didn't know he was here until he came in the house, and I talked with him about it and I asked him why he didn't settle down and go to work and he said he didn't have anything to go to work with.

BY MR. DAVENPORT:

Q What became of this place up there close to you, you have spoken of? A It is still there, it has been allotted though now.
Q Did Ridge get any rent for it? A Not that I know of.
Q Any benefit from it in the way of income? A No sir, I don't think he got any benefit in any way at all, I know he didn't.

ON BEHALF OF THE COMMISSIONER:

Q Was that the trip he made to the Cherokee Nation just prior to the time he made application for enrollment, he came to your house the last time? A I don t know when he made application.
Q In 1900?A A Well it was about that time.
Q Do you know how long prior to that time it was he acquired the 80 acre tract you spoke of? A He acquired this 80 acres right away after he came back.
Q That was the time he came back in 1900? A Yes sir, just a few days.
Q Prior to that time had he owned or controlled any property in the Cherokee Nation besides with right he had in the place claimed to have been purchased from Pigeon Wilson? A No sir, not that I know of outside of this lot in Vinita.
Q What was ever done with that lot? A He disposed of it about the time he was here the last time or after he left here.
Q Do you know how long he has owned it? A I think he contracted for the lot when he was out here the first time.
Q That was in 1895? A Yes sir, sometime while here at that time.

BY MR. BRANSON:

Q Are you in a position by virtue of your relation to Frank Ridge to know as much about his business in the Cherokee Nation as any other person in the Nation? A Why yes I would think I was.

By agreement between Attorney for applicant and Attorney for Cherokee nation this case will be continued until December 21, 1905, at nine o'clock A. M. in order that the Cherokee Nation may have an opportunity to introduce such testimony as it desires in rebuttal.

----------oOo----------

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

George H. Lesley

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

Myron White.

Notary Public.

Cherokee R-706.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., DECEMBER 21, 1905.

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

The hearing of this case was continued from December 7, 1905, to this date at which time Attorney for the Cherokee Nation and Attorney for applicant announce that they have no further testimony to introduce, the case will be closed and a decision rendered on the evidence heretofore introduced.

----------oOo----------

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

Geo H. Lessley

Subscribed and sworn to before me this 9th day of January, 1906.

Seal

B. P. Rasmus
Notary Public.

CHB

COPY.

Cherokee R 708

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

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

DECISION.

THE RECORD IN THIS CASE SHOWS: That, at Tahlequah, Indian Territory, on December 1, 1900, Frank B. Ridge appeared before the Commission to the Five Civilized Tribes and made application for enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 13, 1902.

The records further show that on July 29, 1902, the Commission to the Five Civilized Tribes rendered its decision herein denying said applicant the right to enrollment as a citizen by blood of the Cherokee Nation , and on August 29, 1902, said decision was duly affirmed by the Department. Thereafter, on May 6, 1904 (I.T.D. 4965-1902, 3590-1904), on request of the Commission to the Five Civilized Tribes, the Department rescinded its decision affirming the decision of the Commission to the Five Civilized Tribes of July 29, 1902, and remanded said case for further hearing and readjudication. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, December 7 and December 21, 1905.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Frank B. Ridge, is a Cherokee by blood, that he was born in the state of California, and on April 7, 1887, was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, and removed to said Nation in 1894; that after removing to the Cherokee Nation in 1894 he continued to reside therein for about two years, when he left said Nation, and has since continuously resided outside the domain of the Five Civilized Tribes.

The evidence further shows that when said applicant left the Cherokee Nation he owned some improvements therein, but fails

to show that during his absence from said Nation he has exercised any control over said property, or that he now claims or possesses any property in the Cherokee Nation.

Paragraph nine, section twenty-one, of the Act of Congress approved June 28, 1898 (30 Stat., 495), provides:

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

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, following the ruling of the Department in the cases of Mary L. Strickland et al.(I.T.D. 18216-1906), Nellie Walker Litton et al.(I.T.D. 15258, 18212-1906), Hubert Henry et al.(I.T.D. 10672, 18216-1906) and Deck Davis et al.(I.T.D. 10726, 18216-1906), under the provisions of paragraph nine, section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Frank R. Ridge is not entitled to enrollment as a citizen by blood of the Cherokee Nation, and his application for enrollment as such is accordingly denied.

(SIGNED) Tams Bixby.
Commissioner

Dated at Muskogee, Indian Territory
this FEB 20 1906

IN THE DEPARTMENT OF THE INTERIOR.

BEFORE THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

IN RE

: Applicant for Cherokee Citizen-
: ship.

FRANK B. RIDGE.

Comes now the applicant Frank B. Ridge, and respectfully requests that the Commissioner of Indian Affairs and the Secretary of the Interior order his enrollment as a citizen of the Cherokee Nation and reverse the action of the Commissioner to the Five Civilized Tribes, refusing enrollment.

The facts of this case are that Frank B. Ridge is by blood a Cherokee, and descended from a family noted in the history of the Cherokee Nation. He is a full grandson of Major Ridge, and a grandson of John Ridge who was executed for signing a treaty between the Cherokee Nation and the United States, whereby the Cherokees abandoned their ancient home. His father was Andrew J. Ridge.

The record is not clear, but it appears that he was admitted to Cherokee citizenship at birth, and was enrolled on the final roll, and he was [illegible] In 1887 he was 14 years old. He now has [illegible] prestige [illegible] in the Cherokee Nation. The applicant has been in California, and resided [illegible]

years from 1894. While in the Cherokee Nation he acquired a farm of some [illegible] acres, and also a lot in the town of Vinita. He [illegible] over [illegible] small house. The record discloses that the applicant has been very much of a rover all his life, and he evidently has never lived in pretty much all of the Indian Territory and the Gulf Coast States, as well as in Kansas. It further appears that he also has served in the army of the United States, and at present is in the Philippines as an enlisted soldier.

His application for enrollment originally was denied by the Commission, but was returned to it for re-examination by the Acting Secretary of the Interior, with the concept that his claim was such a case as apparently entitled him to enrollment, but should be further investigated. His cousin, Claude Washburn, testified that Ridge was in the Cherokee Nation first in 1894 at about the time when he reached his majority, and stated that it was his intention to make the Cherokee Nation his future home, and lived there for two years. He testified that Ridge bought some 400 acres in the Nation from one Pigeon Wilson, and still owned it September 1, 1902. In the interval from 1894 to the year 1900 when Ridge returned to the Nation, the farm was leased to one Ferguson. The farm-house burned down in the winter of 1901 or 1902, and when Ridge returned to the Nation he went to his farm, and said he had come back to stay. During all this interval his trunk, clothes, and certain other effects he had left with Ferguson, and on returning in 1900, he acquired another 80 acres of land, but disposed of his town lot in Vinita. He was unmarried, and so far as the record shows, never voted anywhere outside of the Indian Territory. He remained in the Terri-

tory a while, again left, joined the army, and went to the Philippines. The Commission denied enrollment under Section 21 of the Act of June 28, 1898, providing:

> "No person shall be enrolled who was heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

This denial counsel for the applicant insist is erroneous, and arises out of a confusion between citizenship with reference to the acquisition of citizenship and loss of citizenship by reason of expatriation.

The language of Section 21, supra, was not intended to and does not mean that a person shall not be enrolled who was not physically within the Nation at the date of the Act, provided that such person as matter of fact previously had removed to and in good faith settled in the nation in which he claims citizenship. If the person previously had removed to the Nation and settled therein in good faith, ipso becoming a citizen, then the only way in which that acquired citizenship would be lost would be by expatriating, an contingency which the Cherokee Constitution had provided for by divesting of rights those who left the Nation and took all their effects and property with them and evinced their intent to cast off their Cherokee allegiance. Acquisition of citizenship and loss thereof are wholly distinguishable and governed by different considerations and rules. To hold that Ridge because not in the territory in 1898 was not a citizen and not entitled to enrollment would require that there be imported into the clause "who was heretofore removed to and resided therein literally at the date of passage of this Act." But, according to established rules of construction where terms of a statute are clear it is improper to resort

other terms or words into the act.

The case is not within the decision of the Assistant Attorney-General approved December 28, 1904, in the case of Mary Strickland, but does come within the opinions in the cases of James Rhea, Joseph B. Thornton and Josie E. Hall, from which the Strickland case is to be distinguished. In the Strickland case the record showed that Mrs. Strickland was born in Georgia to the allegiance of that state and, as stated by the Assistant Attorney-General, "there is no evidence that she was ever admitted to or acquired Cherokee citizenship. She had merely the qualification of Cherokee blood authorizing her admission, but the admission never occurred." In these sentences lie the difference, for as the record shows Frank Ridge not only had the blood qulaification, but his admission to citizenship did occur, namely, in 1887 and in 1894 he removed to and in good faith settled in the Cherokee Nation, bought and improved a farm, secured a license to practice law and by both word and act signified his Cherokee allegiance. This brings him within the Josie Hall case as thus referred to in the Strickland opinion: "Josie Hall was admitted by the Council in 1887, permanently settled in the Nation, lived there two years, was fully identified and integrated into the Nation, and took and held lands. She never acquired a home elsewhere."

The well considered opinion of the Assistant Attorney-General in the case of James Rhea, approved May 5, 1904, is to the same effect. There as to the provisions now under consideration it was said:

> "I am clearly of opinion that Congress did not intend to constitutionally and expectingly admit of the Indian nations whose [illegible] and [illegible] interests led them to [illegible] residence outside of the nation though such residence [illegible] intention to return [illegible] fixed time. [illegible]

"It cannot be supposed that Congress intended arbitrarily to cut off their rights of citizenship without grace or notice of the fact and time within which they might return and have their rights in the Nation.

"A sufficient reason for this provision, however, appears when read in the light of the history of the Indian Nations. Both the Choctaw and Cherokee Tribes had been divided at the time the present Nations migrated from their former places in the East. Those who remained in the East were claiming rights in the property and social society to the upbuilding of which neither they nor their ancestors had contributed. x x x In my opinion it is clear that the provision in question was aimed at those possible claimants, rather than against the rightful members of the Indian Nations, who themselves or their ancestors had removed to new homes in the West and aided in the social development of their Nation. To give it that construction harmonizes it with the events of history, with the law of expatriation recognized by Congress and with the natural right of one born in a political society to succeed to the rights of their ancestors."

We respectfully submit that in the case at bar the provision in question as to having heretofore removed to and settled in the Nation is not applicable inasmuch as the applicant, had the blood right, had been admitted to citizenship and had in good faith settled in the Nation.

This citizenship established the only remaining question is, did Ridge subsequently lose his citizenship according to the Cherokee Constitution and laws. Cherokee citizenship confers property rights and these could not be forfeited save by both the act and intention of abandonment of citizenship. In the case of the applicant both are absent. Abandonment of one citizenship means acquisition of another. A rover Ridge unquestionably is, but nowhere by word or deed is there any evidence in the record on which to found even suspicion he had ceased to regard the Cherokee Nation as home, the land of his allegiance. All over the far West, in Alaska and in the Philippines he has bent his knees and his feet have traveled. In 1900 he returned and some of his first words were that he had come home to stay. Later

the love of travel and the uniform of the United States drew him away again, but it is settled law that protracted absence from one's country is not an abandonment of residence or citizenship. On this point Secretary of State Fish in his famous letter to the President printed in Foreign Relations of 1873, pages 188-89, says;

> "Protracted absence from the country of one's allegiance is not of itself evidence of abandonment or of intentional change of allegiance. x x x A person may reside abroad for purposes of health, of education, of amusement, of business for an indefinite period; he may acquire a commercial or a civil domicile there; but, if he does so sincerely and bona fide animo revertendi, and does nothing inconsistent with his pre-existing allegiance, he will not thereby have taken any step toward self-expatriation."

We submit that under the general law of expatriation therefore Frank Ridge has not lost his Cherokee citizenship and this general law of nations is re-enforced in favor of the applicant by the Act of Congress approved Feb. 8, 1887, Section 6, of which encouraged individual Indians to take up their residence separate and apart from tribes and provided specifically that this should not impair or affect their rights in tribal or other property.

To the foregoing it may be held the Cherokees have added the additional qualification that expatriation would result from leaving the Nation without the person absenting himself evidencing his intent to return by leaving property or effects behind him in the Nation. But this has no application in the case at bar since the record discloses that Ridge did leave behind him a farm with a house thereon in the Delaware district which he leased and of which he resumed possession on returning to the Nation, besides personal effects which he left with his cousin Washburn, thus complying with the

Cherokee statute. Under the decisions in the Yeargains and Josie Hall cases, supra, the applicant despite his wanderings, never has forfeited his Cherokee citizenship.

Respectfully submitted,

Kappler & Merillat.

Attorneys for applicant.

DISTRICT OF COLUMBIA, SS:

Charles J. Kappler, attorney of record for the applicant Frank B. Ridge in the case of his application for Cherokee citizenship, deposes and says that he has by registered mail on the 27th day of December, 1906, sent a copy of the brief to which this affidavit is subjoined to Mr. W. W. Hastings, of Tahlequah, Indian Territory, attorney for the Cherokee Nation. The postal registry receipt for the mailing of said brief is attached hereto and made a part hereof.

Charles J. Kappler

Attorney for Applicant.

Subscribed and sworn to before me this 27th day of December A. D. 1906.

R. Ralph Burton

Notary Public.

D.C.

My commission as Notary will expire

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

In the matter of the application for the enrollment of Frank B. Ridge as a citizen by blood of the Cherokee Nation, Cherokee R 708.

Brief on Behalf of the Cherokee Nation.

The record in this case shows that Frank B. Ridge appeared before the Commission to the Five Civilized Tribes at Tahlequah on December 11, 1900, and made application to be enrolled as a citizen by blood of the Cherokee Nation. He was born in the State of California; he was admitted to citizenship April 7, 1887, and the testimony shows that he came to the Cherokee Nation for the first time in about 1894, and remained in the Cherokee Nation for about two years, leaving there in 1896. He has been twice rejected; once before the Commission to the Five Civilized Tribes, on July 29, 1902, and under section 21 of the Act of Congress approved June 28, 1898, which provides:

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

Upon the case being remanded he was again rejected by the Commissioner to the Five Civilized Tribes February 20, 1906, under the same paragraph of section 21 of the Act of Congress hereinabove quoted.

It is claimed on behalf of applicant that he purchased some public domain; in other words, the right to occupy lands out on the public domain of the Cherokee Nation, and that he erected a small house and had a small patch of land inclosed, and the testimony of his cousin, Claude L. Washbourne, is to the effect that Frank B. Ridge had this occupied by a man by the name of Morrison for some two or three months, and that thereafter it remained unoccupied and was finally burned. This improvement would be wholly insufficient to retain the citizenship of the said Frank B. Ridge in the Cherokee Nation, because Section 761 of the Compiled Laws of the Cherokee Nation (See Compilation of 1892), provides:

"Section 761. All improvements which may be left unoccupied by any person or persons, citizens of this Nation, and such person or persons

remove to another place, leaving no person or tenant on their former place for the term of one year such place or improvements shall be considered abandoned and revert to the Nation as common property."

If, as the testimony tends to show, Frank B. Ridge started to make any improvements in 1896, and if they were occupied by Merrison for some two or three months and if they were then vacated, as the testimony clearly shows, and were never reoccupied, then under Section 761, these improvements were considered abandoned and reverted to the Cherokee Nation as common property. In other words, it became public domain and this same provision of the Cherokee law permits any other person to take possession of them and make improvements there. The testimony seems to show that this land was taken up by others and was allotted by other citizens of the Cherokee Nation. Clearly, from the testimony Frank B. Ridge was not a resident of the Cherokee Nation in 1896 and had no improvements upon the public domain, because those he had held prior to that time had been abandoned and the decision of the Commissioner to the Five Civilized Tribes is therefore correct and should be sustained.

I desire to call attention to the fact that there is no testimony which shows that Frank B. Ridge joined the Army from the Cherokee Nation, nor is there any testimony which shows that he joined the Army prior to September 1, 1902, but upon the other hand he joined the Army from California and it cannot be contended therefore in his behalf that he was in the service of the United States from the Cherokee Nation on September 1, 1902, and if on June 28, 1898, he was a resident of the State of California and had lost his citizenship in the Cherokee Nation, and if he joined the Army from that State, then the fact that he was in the Army would not avail him anything for his claim to citizenship in the Cherokee Nation. This case is exactly parallel to the Mary L. Strickland case, Cherokee R 845, finally rejected by the Department of the Interior: both were born outside of the Cherokee Nation; both were readmitted to citizenship; both came to the Cherokee Nation temporarily; both claim to have acquired property in the Cherokee Nation; both left the Cherokee Nation in 1896, and neither of them returned, except to make their application

for enrollment to the Commission to the Five Civilized Tribes; neither of them at the time of the decision in their respective cases resided in the Cherokee Nation, and we submit that clearly if Mary L. Strickland was not entitled to enrollment neither is the applicant, Frank B. Ridge.

Respectfully submitted,

Signed W. W. Hastings
Attorney for the Cherokee Nation.

Muskogee, I. T., January 14, 1907.

DEPARTMENT OF THE INTERIOR.

IN THE MATTER OF THE APPLICATION OF FRANK B. RIDGE FOR THE ENROLLMENT OF HIMSELF AS A CITIZEN OF THE CEROKEE NATION .

----- BRIEF ON PART OF THE CHEROKEE NATION --

The testimony in this case shows that the applicant Frank B.Ridge was admitted to citizenship in the Cherokee Nation April 7th 1887; that he was then a resident of the state of California; that he came to the Cherokee Nation temporarily in 1894 and remained a short time; that he left the Cherokee Nation again during the year or prior to 1896 and returned about a month before his application was made December 11th 1900.

The Cherokee Nation contends that under section 21 of an act of congress a proved June 28th 1898 which provides;

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

That the applicant is not entitled to be enrolled as a citizen of the Cherokee Nation. We cannot see no parellel what ever between the present case and the Joseph P. Yeargain or the Martha Cobb Clark case, and reference is here made to the distinction called attention to by the Assistent Attorney General in the Mary L.Strickland case March 12th 1904(I.T.D. 934-1904) wherein the Assistant Attorney General held " Neither of these cases (Referring to Yeargain and Clark cases) is precedent for the present one as both Yeargain and Mrs. Clark were born and lived to mature age in the Cherokee Nation,and the question was whether the nationality and allegeance to which they were borned were

lost--whether they had become expatriated. The question here is the reverse--viz: Whether one not borned to Cherokee citizenship, though eligible by blood to [illegible] citizenship, had become one of the Cherokee Nation [illegible] thereby entitled to enrollment"

" Mrs Strickland never having been a member of the Nation, but being one of those Cherokees who had in the migrations become separated from the Nation, she was, as pointed out in the Yeargain case, with the intent and purpose of the provision in the act of June 28th 1898, that, "No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

The Strickland case is exactly parallel in every respect with the case under consideration: both were borned out side of the Cherokee Nation; both were re-admitted to citizenship; both came to the Cherokee Nation temporarily; both claimed to have acquired property in the Cherokee Nation; both left the Cherokee Nation in 1896 and neither of them returned except to make their application for enrollment to the Commission to the Five Civilized Tribes; nwither of them at the present time resided in the Cherokee Nation, and the post-office address of the present applicant is unknown as the returned lwtters to the Commission addressed to the applicant filed in this case verifies. Clearly if Mary L. Strickland is not entitled to enrollment neither is the applicant Frank B. Ridge.

Respectfully Submitted.

W. W. Hastings
atty for Cherokee Nation

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

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 936.

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 Frank B. Ridge for the enrollment of himself as a citizen by blood of the Cherokee Nation.

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

Yours truly,

Commissioner in Charge.

Enc. C. No. 83.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 936.

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 Frank B. Ridge for the enrollment of himself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Yours truly,

Acting Chairman.

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

REFER IN REPLY TO THE FOLLOWING

Cherokee R-708

Tahlequah, Indian Territory, March 31, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In Departmental letter of March 17, 1904, the Commission is requested to notify you that you will be allowed fifteen days within which to show cause why the Department's decision of August 29, 1902, affirming the decision of the Commission of July 29, 1902, rejecting the application of Frank B. Ridge for enrollment as a citizen by blood of the Cherokee Nation, should not be rescinded and the applicant enrolled.

You will be given fifteen days from date hereof in which to enter your protest if you so desire, or submit any evidence against the enrollment of said Frank B. Ridge.

You are advised that any argument or papers submitted must be served upon the applicant.

Respectfully,

C. R. Breckinridge.

Commissioner in Charge
Cherokee Land Office.

MH

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COMMISSIONERS
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BECKINRIDGE
WM. THOMAS
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee R-708.

Muskogee, Indian Territory, May 28, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Frank B. Ridge, as a citizen by blood of the Cherokee Nation, you are advised that the Commission is in receipt of Departmental letter of May 6, 1904, rescinding its decision of August 29, 1902, rejecting said application, and directing that the applicant be given an opportunity to introduce further testimony in support of his claim.

The applicant has, therefore, this day been notified that he will be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Saturday, June 18, 1904, and introduce such testimony as he may desire. It is particularly desired that he offer testimony as to his residence.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

Chairman.

COPY.

Land. 78034-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

October 20, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of September 1, 1905, I.T.D.4965, stating that on May 6, 1904, the Department returned to the Commission to the Five Civilized Tribes, for readjudication, the record relative to the application of Frank B. Ridge for enrollment as a citizen of the Cherokee Nation, and directing Mr. Bixby to make report, there is enclosed a report from him dated September 20, 1905, concerning this subject.

He states that the records of his office show that July 29, 1902, the Commission rejected the application of Frank B. Ridge; that the Commission's action was approved by the Department August 29, 1902; that September 21, 1903, the Commission requested that the case be remanded for readjudication in accordance with an opinion of the Assistant Attorney General, of March 16, 1903, in the Yeargain case; that on March 17, 1904, the Department in reply said:

> Apparently, under present rulings, the applicant is entitled to enrollment; but in order that the Cherokee Nation may have an opportunity to be heard in the matter, you are directed to notify the Attorney for the Nation that he will be allowed fifteen days from notice within which to show cause why said decision of August 29, 1902, should not

be rescinded and your decision reversed. Advise him that any argument or papers submitted must be served upon the applicant. Report promptly.

Mr. Bixby also repprts that in accordance with said instructions the Attorney for the Cherokee Nation was notified that he would be allowed fifteen days from March 31, 1904, in which to file such protest as he might desire to make against the enrollment of Frank B. Ridge; that protest against the enrollment of said Ridge was filed with the Commission and transmitted to the Department April 18, 1904; that May 6, 1904, the Department said:

> It is considered that the case should be remanded as requested in your letter of September 21, 1903, in order that further testimony may be taken and the case be readjudicated;

and that the decision of the Department of August 29, 1902, affirming the Commission's decision adverse to the applicant was rescinded and all papers enclosed returned to the Commission.

He also says that May 28, 1904, the Attorney for the Cherokee Nation was notified of the Department's action; that the applicant was notified to appear before the Commission June 18, 1904, and introduce further testimony in his case; that notice to the applicant was sent to his last known postoffice address, Southwest City, Missouri, care of Claude L. Washbourne, and was not returned to the Commission; that several letters addressed to the applicant at the postoffice which he gave when he made application for enrollment were returned uncalled for; and that he has been unable to discover the present address of the appli-

cant.

February 5, 1903, the Commission addressed a letter to the applicant at Grove, Indian Territory, care of J. C. Welch, notifying him it would be necessary for him to appear before the Commission and give further testimony as to his right to enrollment, and Mr. Bixby says that under date of June 13, 1904, Mrs. Helen Ridge, of Grass Valley, California, mother of Frank B. Ridge, in reply to the Commission's communication directing her son to appear before it on June 18, 1904, advised the Commission that Frank B. Ridge was unable to appear on the date mentioned; that June 27, 1904, the Commission requested Mrs. Ridge to inform it when it would be possible for the applicant to appear before the Commission and give further testimony; that on February 11, 1905, a communication dated February 6, 1905, from Mrs. Ridge, was received, stating:

> I could not at that time give you any information as to his whereabbuts. I have lately communicated with him and can state that he is in the United States Army, a private soldier, and is now in the Philippine Islands. You will probably hear from him as he knows from me that you have made the request that he should appear before your commission.

Mrs. Ridge also said it would be impossible for Frank B. Ridge to appear as requested by the Commission, and that he would have to rely upon his previous appearance and the evidence before the Commission.

Mr. Bixby concludes his report with the statement that he has been unable to obtain further testimony as to the right of Frank B. Ridge to enrollment, which it is believed should be had,

in order that his right to enrollment may be properly determined.

From the statements contained in the report of the Commissioner to the Five Civilized Tribes, it appears that the Commission and the Commissioner have used due diligence in attempting to ascertain the whereabouts of the applicant and to obtain additional testimony concerning the rights of the applicant to enrollment as a Cherokee citizen. It is believed, however, that as the applicant is a soldier in the Philippine Islands, the Commissioner to the Five Civilized Tribes should try to obtain the desired testimony from former neighbors of Frank B. Ridge, and the Office recommends that he be so advised.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

GAW-GH.

D. C. 49212-1905.
I.T.D.13872-1905.
LRS

Y.P.
LLB

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

October 25, 1905.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The Department is in receipt of your letter of September 20, 1905, relative to the Cherokee enrollment case of Frank B. Ridge.

Inclosed is a copy of Indian Office letter of October 20, 1905, submitting your report, in which it is recommended, as the applicant is a soldier in the Philippine Islands, that you be advised that you should try to obtain the testimony desired from neighbors of such applicant.

It is requested that further efforts be made to secure sufficient evidence to enable you to determine applicant's right to enrollment. It is not necessary that he appear in person before you, nor does the Department understand that you so hold.

Respectfully,

(Signed) E. A. Hitchcock.
Secretary.

Through the

Commissioner of Indian Affairs.

1 inclosure.

REFER IN REPLY TO THE FOLLOWING:
Cherokee R-708.

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

Muskogee, Indian Territory, November 13, 1905.

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

Dear Sir:

You are hereby advised that the Cherokee enrollment case of Frank B. Ridge has been set for hearing at nine o'clock A. M., on Thursday, December 7, 1905, and this office is making an effort to secure further testimony as to the residence and property interests in the Cherokee Nation of said Frank B. Ridge.

There is inclosed herewith copy of Departmental letter of October 25, 1905, in connection with this case.

Respectfully,

Commissioner.

Incl, R-151

REFER IN REPLY TO THE FOLLOWING:

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

Muskogee, Indian Territory, December 12, 1905.

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

Dear Sir:

There is inclosed herewith a copy of supplemental testimony of December 7, 1905, in the matter of the application for the enrollment of Frank B. Ridge as a citizen of the Cherokee Nation.

Respectfully,

Acting Commissioner.

Incl. S-72

REFER IN REPLY TO THE FOLLOWING:

Cherokee
R 708

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

Muskogee, Indian Territory, February 20, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 20, 1906, affirming the decision of the Commission to the Five Civilized Tribes, dated July 29, 1902, rejecting the application for the enrollment of Frank B. Ridge as a citizen by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Incl. GL-118.
GHL

Acting Commissioner.

COPY
DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

Land.
17402-1906.
45192-"
57296-"
67735-"
74785-"
113120-"
44005-"
6858-1907.

February 20, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed record of the Commissioner to the Five Civilized Tribes in the matter of the application of Frank B. Ridge, for enrollment as a citizen by blood of the Cherokee Nation.

A decision adverse to the applicant in this case was rendered by the Commission to the Five Civilized Tribes on July 29, 1902. The case was remanded by the Department on March 17, 1904 (I.T.D.4965-1902,7152-1903), for further investigation and readjudication. It was also the subject of Departmental letter of May 6, 1904 (I.T.D.3590-1904). Additional testimony was taken in the case on December 7, 1905, and on February 20, 1906, the Commissioner held that the evidence shows that when the applicant left the Cherokee Nation he owned some improvements therein, but fails to show that during his absence from the Nation he exercised any control over the property,or that he now claimsorpossesses any property

in the Cherokee Nation. The Commissioner refers to paragraph 9 section 21of the Act of Congress approved June 28, 1898 (30 Stat. L.,495), wherein it 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 . . . ,

and denied the application.

The record has been examined in the Office and it has been discovered that Frank B. Ridge removed to the Cherokee Nation in 1894 and remained there two years ormore; that during that timehe acquired the improvements on two tracts of agricultural land and bought a lotin one of the towns in the Cherokee Nation. He held these improvements and the lot until the year 1900 or after, when he sold the lot. It is claimed in his behalf that he left the improved property in charge of an agentwhile he himself was absent from the nation, being mostof the time a soldier in the United States army. Having lived in the nation for two years or more, it cannot fairly be said that he never removed to and made settlementin the nation in the sense intended by the act of June 28, 1898, from which the Commissioner quotes.

He is descended from John Ridge, one of the signers of the Cherokee treaty of 18 35, His family have been recognized as Cherokee citizens down to the present day, andhaving been born in California, where his parents were for a time living, he was regularly enrolled as a citizen of the nation by the Commission on Citizenship on April 7, 1887. In an emphatic

a way as possible for an unmarried young man who is moving from place to place as a soldier in the United States army,, he attempted to perform such acts as would give evidence of his intention to continue as a citizen of the Cherokee Nation. I believe that his case is entitled to be considered as coming within the rule laid down in the case of Joseph D. Yeargain (I.T.D.2900-1903), and that he could not be refused enrollment on the strength of the holding of the Department in the Mary L. Strickland, Nellie Walker Lytton or Hubert Henry cases. It is therefore recommended that the decision of the Commissioner be reversed and that he be directed to enroll Frank B. Ridge as a citizen by blood of the Cherokee Nation.

There are enclosed birof of Messrs. Kappler & Merrilat, attorneys at lawof this city, in behalf of the applicant, argument of Fred P. Branson, attorney at law of Muskogee, Indian Territory, in behalf of the applicant, letter of Hon. J. M. Gillett, H. R., with which he submitted to the Department a letter addressed to him from Mrs. Helen C. Ridge of Grass Valley, California, the mother of Frank B. Ridge, which was forwarded to this Office for consideration in connection with Department letter of May 19,1906 (I.T.D.5525-1906), and birof on the part of the Cherokee Nation which was forwarded by the Commissiner to the Five Civilized Tribes on January 17, 1907.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

D.C.13017 COPY JY

I.T .D.4384-1907. DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

March 4, 1907.

LRB

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

February 20, 1906, the Acting Commissioner transmitted the record in the matter of the application for the enrollment of Frank B. Ridge as a citizen by blood of the Cherokee Nation, including your decision of the same date, adverse to the applicant.

Reporting February 20, 1907 (Land 6858), the Indian Office recommended that your decision be reversed, and that the applicant be enrolled as a citizen by blood of the Cherokee Nation. A copy of its letter is inclosed.

The Department concurs in the recommendation of the Indian Office, and you are authorized to enroll Frank B. Ridge as a citizen by blood of the Cherokee Nation.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

(Signed) E. A: Hitchcock,

Secretary.

1 inc. and9to Ind. Of.
A F Wc
3-4-07

C72

REFER IN REPLY TO THE FOLLOWING

Cherokee D/708

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

Muskogee, Indian Territory, March 21, 1907.

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

Dear Sir:

You are hereby advised that the application for the enrollment of Frank B. Ridge as a citizen by blood of the Cherokee Nation, was granted by the Secretary of the Interior, March 4, 1907.

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

Respectfully,

Commissioner.

Enc I-610 1/2
RPI

IN THE MATTER OF THE APPLICATION OF

Frank B. Ridge

CHE[illegible]ENS.

N. Original testimony. Dec 11-1900.

P. Memo. of application. Dec 11-19..

C. Notice of final consideration, 3/13/[illegible]

[illegible]

Transferred to R-708

Kreuzer - D -

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 11th, 1900.

In the matter of the application of Joseph Daniel Yeargain for enrollment as a citizen of the Cherokee Nation; said Yeargain being duly sworn, testified as follows: Examination by the Commission:

Q What is your full name, please? A Joseph Daniel Yeargain.
Q How old are you? A 31.
Q What is your post office address? A Southwest City.
Q You are a Cherokee by blood? A Yes, sir.
Q What degree of Cherokee blood do you claim? A I hardly know, I guess about 16th.
Q For whom do you make application? A Myself.
Q How long have you resided in the Cherokee Nation? A About 26 or 27 years.
Q Are you residing in the Cherokee Nation at the present time? A Not altogether, no, sir; stay in the Cherokee part of the time and Southwest City part of the time.
Q Are you engaged in business at Southwest City? A Yes, sir, I own a mill and two stores there and one in the Cherokee Nation.
Q Do you own property in the Cherokee Nation? A Yes, sir, I have got farms and a store.
Q Were you born in the Cherokee Nation? A No, sir.
Q You lived in the Cherokee Nation until about five years ago did you? A Yes, sir, something like that, except what time I was away at school.
Q What was the name of your father? A James C. Yeargain.
Q Is your father living? A Yes, sir.
Q What is the name of your mother? A Mary Jane.
Q Is your mother living? A Yes, sir.
Q From whom do you receive your Cherokee blood? A Mother.
Q What district were you living in in 1880? A Delaware.
Q Were you residing in the same district in 1896? A No, yes, I was in Delaware in 1896.
Q Have you ever exercised the right of suffrage in Missouri? A I have lived in Missouri some.
Q Have you voted there? A In the State election.
Q Did you vote ate the last Presidential election? A Yes, sir, I did under protest, they ruled me out and I voted any how, I do not know whether it was allowed or not.
Q Have you voted any other time? A No, that is the only time I ever voted.

1880 Roll; page 345, #3112, Joseph D. Yeargin, Delaware.
1896 Roll; page 562, #3699, Joseph D. Yeargain, Delaware.

Commission:--The applicant applies for the enrollment of himself as a citizen by blood of the Cherokee Nation: He is identified upon the rolls of 1880 and 1896 as a native Cherokee. He avers that he has lived in the Cherokee and made it his home up until five years ago when he removed to Southwest City, Missouri, where he is at present engaged in business. He owns property in the Cherokee Nation. At the last Presidential election he lived in the State of Missouri and in 1900 he exercised the right of a citizen of the United States. His application will, therefore, be placed upon what is known as a doubtful card, and he will be listed for enrollment as a Cherokee citizen by blood. When the final decision as to his residence is rendered by the Commission he will be notified at his present post office address.

---oooOOOooo---

Joesph Daniel Yeargain--2.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedingw in this case, and that the foregoig is a true and complete transcri pt of his stenographic notes thereof.

J O Rosson

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

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 28 1902

ACTING CHAIRMAN

R.

C. D-937.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 13, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Joseph D. Yeargain for the enrollment of himself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 25, 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, I. T., on the 13th 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 his application. Receipt has been acknowledged of the Commission's letter, and the applicant having this day, to-wit: the 13th day of March, 1902, been called, and failing to respond, it is deemed that his case is completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

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

Wm Hutchinson

R
Cher- D 937

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

In the matter of the application of Scott A. Yeargain, for the enrollment of himself, wife and child, as citizens by blood of the Cherokee Nation:

Appearances:
Preston C. West, for the applicant;
W. W. Hastings, for the Cherokee Nation:

SCOTT A. YEARGAIN, being duly sworn, and examined, testified as follows:

Examined by Preston C. West, Esq :

Q You are the Scott A. Yeargain that made application here to the Commission on December 11, 1900, for yourself, wife and child ?
A Yes sir.
Q You stated then that you are the son of James C. Yeargain ?
A Yes sir.
Q And of Mary Yeargain ? A Yes sir.
Q You also stated, I believe, that you were born in the Cherokee Nation ? A Yes sir.
Q Have you any brothers and sisters ? A Yes sir, I have.
Q How many ? A I have three brothers and two sisters.
Q How many living ? A That many living.
Q They are all living ? A Yes sir.
Q Among these is one named Joseph ? A Yes sir.
Q Is he also an applicant for enrollment here ? A He is.
Q Is Joseph Yeargain married or single ? A He's single.
Q Is he older or younger than you are ? A He's older.
Q How much older ? A Two years.
Q Was he brought to the Indian Territory when your parents came here ? A Yes sir.
Q Has he any property in the Cherokee Nation ? A He has.
Q Are you interested in the same property with him ? A I am.
Q Of what does that property consist ? A We have a farm, and stock and a store.
Q Where is your farm, or farms, located ? A We have one farm-well, there's two together though, adjoining the Arkansas line in the Delaware District.
Q What town is that nearest to ? A Maysville.
Q Maysville, Arkansas ? A Yes sir.
Q Is it near property of your father's ? A It adjoins it.
Q You are jointly interested in that--you and your brother Joseph ? A Yes sir.
Q Have you any other farm or improvement in the Delaware District ?
A I have.
Q Where is that ? A Within three miles of South West City, Missouri.
Q And have you property at Grove, Indian Territory ? A Yes sir.
Q Is it a mercantile establishment ? A Yes sir.
Q When did you and your brother acquire the first of these improvements--when did you and your brother acquire the first of these farms ? A I don't know just when it was; it's been, I guess, ten years ago. Mr. Hastings there wrote the bill of sale.
Q W. W. Hastings ? A Yes sir.
Q Up to that time had either you or your brother resided outside the Cherokee Nation ? A No sir we had not.
Q Where were you educated ? A I went to the public schools in the Delaware District, and at Tahlequah, and went to school some in Arkansas.

Q You went to the public schools in the Delaware District ?
A Yes sir.
Q That was a Cherokee school ? A Yes sir.
Q You went to the Cherokee Male Seminary at Tahlequah ?
A Yes sir.
Q Did your brother go to either or both of these schools ?
A He did.
Q Did you go to school at the Male Seminary at Tahlequah with any one here now ? A Yes sir, with Mr. Starr, and Mr. Conner.
Q Did you go to the public school with any Cherokee representative here now ? A I guess I went with Mr. Hastings when I was very small.
Q Did this farm which you say you acquired about ten years ago, have a house on it at the time you acquired it ? A Yes sir.
Q What date did you say you were married ?
A On February 2, 1896.
Q Where were you married ? A At my father's farm.
Q Within the Delaware District and Cherokee Nation ?
A Yes sir.
Q Where did you reside after you were married--first ?
A I stayed with him a short time.
Q What was your intention at that time as to where you would make your home--about the time you married ? A I expected to go on the farm at that time, but my house got burned down.
Q The house on this farm that belonged to yourself and brother ?
A Yes sir. I went to South West City then.
Q You and your wife went to South West City, Missouri, then ?
A Yes sir.
Q Was that the first time you had ever been out of the Cherokee Nation except during the time you had been to school over in Arkansas ? A Yes sir.
Q Now you stated in your former testimony that you thought you were in South West City, Missouri, June 28, 1898, I want to know now whether you are certain about that ? A After I stayed at South West City a right smart while I went back to my father's place expecting to have a house built, and go back on the farm, but I want be positive as to time, and I don't know just when that was.
Q You don't know whether that was in 1898 or not, or whether it was in June ? A It wasn't but a short time anyway. I never thought of it when I was here before.
Q In addition to the farm that you and your brother have had in the Cherokee Nation, have you had any stock ?
A We have had stock on the farm ever since we have been out; that is during the past ten years.
Q Has there ever been a time since you and your brother got to looking after your own affairs and ceased to reside with your father and be taken care of by him, when you did not have property in the Cherokee Nation ? A No sir.
Q Where are you now living ? A My family are at South West City. I stay at Grove's from Monday to Saturday, and go back to them.
Q You have charge, then, of the mercantile establishment at Grove ?
A Yes sir.
Q When did your brother Joseph go to South West City, Missouri ?
A It has been some six or seven years--something like that. Maybe a little longer.
Q What did he do when he went there ? A He first went to work in a hardware store, and a short time afterwards he bought a half interest in the store, and later on bought it all.
Q He bought the whole ? A Yes sir.
Q During all that time he still had his property in the Cherokee Nation ? A Yes sir.
Q You stated in your former examination that you had voted a time or two over in Missouri in State and Presidential elections ?
A Yes sir.

Q I want to ask you how about your voting in the Cherokee Nation ?
A I have voted here ever since I have been old enough.
Q At all of the Cherokee elections ? A Yes sir.
Q Did you ever hold any office in the Cherokee Nation, or any public position of any kind ? A I was appointed census taker in 1896 for a part of Delaware District.
Q By whom were you appointed ? A By Sam Mayes, Principal Chief of the Cherokee Nation.
Q Has your brother Joseph ever held any office in the Cherokee Nation ? A Yes sir, he did.
Q What office ? A He was in the Cherokee Senate.
Q From what district ? A Delaware District.
Q When was he elected to the Senate from the Delaware District ?
A It was sometime in 1895 or in 1896.
Q Did he serve for a whole term or only part of a term ?
A Part of a term.
Q Whose unexpired term was he elected to fill ?
A Mack Landrum's.
Q Was he elected to that position ? A He was, yes sir.
Q Did this election to the Senate of the Cherokee Nation from the Delaware District occur before or after he had acquired this business over there in South West City, Missouri ?
A It was at the time he had this business there.
Q He was already over at South West City, Missouri, and engaged in business at that time ? A Yes sir.
Q Is South West City, Missouri, near the line of the Cherokee Nation ? A It joins the line.
Q Maysville, Arkansas, also adjoins the line does it not ?
A Yes sir.
Q Did you go over to South West City for the purpose of working in this establishment which your brother had acquired, after you were married ? A I did.
Q That was the first time you had ever been outside the Cherokee Nation ? A Yes sir, except at school.
Q During the period you had been working over there in South West City, what place have you regarded as your permanent home ?
A I regarded the Delaware District and the Cherokee Nation my home.
Q Was your citizenship in the Cherokee Nation ever questioned in any way that you ever heard of ? A No sir.
Q You have been always recognized as a citizen ? A Yes sir.
Q You are on the rolls ? A Yes sir, I guess I am on every roll since I was born.

P. G. West, Esq: I want to put into the record what the roll of 1880 discloses, that is, as to Scott A. Yeargain, and I want it also as to Joseph Yeargain; and the 1896 roll also. I want the 1883 roll for the Delaware District, page 118---

Q Was this appointment made by Chief Mayes to take the census before or after you went to South West City ? A It was after I was in South West City.

---1880 roll, page 345, # 3113, Scott A. Yeargain, Delaware District;
---1883 roll, Delaware District, # 1255, Scott A. Yeargain;
---1886 roll, Delaware District, # 2732, Scott Yeargain;
---1890 roll, Delaware District, # 4057, Scott Yeargain;
---1894 roll, page 306, # 3481, Scott A. Yeargain, Delaware District;
---1896 roll, page 562, # 3700, Scott A. Yeargain, Delaware District;
---1880 roll, page 345, # 3112, Joseph D. Yeargain, Delaware District;
---1883 roll, Delaware District, # 1254, Joseph Yeargain;
---1886 roll, Delaware District, # 2731, Joseph Yeargain;
---1890 roll, Delaware District, # 4046, Joseph Yeargain;

--1894 roll, page 505, # 3480, Joe Yeargain;
--1896 roll, page 562, # 3699, Joseph D. Yeargain, Delaware District;

By the Commission:

Q Where were you living at the time of your marriage ?
A In the Delaware District with my father.
Q Had you ever been to South West City prior to that time ?
A I never had stayed there any.
Q Had you ever worked there any before that time ? A No sir.
Q Had you ever been employed outside the Territory prior to your marriage ? A No sir.
Q Was your brother living in South West City when you were married?
A Yes sir.
Q How long had he been residing there ? A When I married ?
Q Yes. A I don't know.
Q How long after your marriage was it before you went to South West City ? A It wasn't but a short time.
Q As much as a year ? A Oh no, a month or something like that--just a short time.
Q Have you been working with your brother at South West City since you have been living there ? A Yes sir.
Q You stated a while ago that you have voted at all the elections in the Cherokee Nation; isn't it also a fact that you have voted in all the elections in the State of Missouri ?
A I voted in all of them until they asked me the question at Tahlequah, and I haven't since then.
Q Do you vote in the municipal elections in South West City ?
A Yes sir.
Q When was the last time you cast a vote in Missouri ?
A I guess it was in 1900.
Q Was your vote ever challenged in the Cherokee Nation ?
A It never was.
Q Was it ever challenged in Missouri ? A No sir.
Q Have you ever held any official position in South West City ?
A No sir.
Q Has your brother ? A No sir.
Q How often since you moved to South West City have you been in the Cherokee Nation ? A I guess I have been there ever week. Of course I may not have been there every week, either; but regularly.
Q Where have you spent the major portion of your time ?
A Since I was married of course the biggest portion of it I have spent in South West City.
Q You were married in 1894 ? A Yes sir.
Q And moved to South West City shortly after your marriage, and have continued to live there, and your wife has lived there ever since that time ? A Yes sir. Only the short time I was speaking about when we came to my father's intending to build us a house, and live on the farm.
Q Was that after you had gone to South West City ? A Yes sir.
Q How long did you stay at your father's ?
A Didn't stay there long; we concluded not to build a house.
Q Did you stay as long as a month ? A Yes sir.
Q Then you moved back to South West City ? -- A Yes sir.
Q Do you own any property in South West City ? ---Aren't you certain whether you do or not ?
A I owned some bank lots and little houses, and I traded a whole lot. I am satisfied I don't own anything there now. I traded along; and bought them and sold them.
Q When did you dispose of your property there ? A I don't know just when I have had any. Part of the time I traded for places and it would be in my brother's name.
Q Have you done any trading lately ? A I taken a house in a short time ago on a mortgage, but it was put in his name.

Q In your brother's name ? A I know it wasn't in mine.
Q Do you mean to say that you don't own any property of any kind outside of household effects, outside of the Cherokee Nation ?
A Yes sir. Of course a driving horse.
Q Outside of that ? A Yes sir, I know I don't.
Q Who is in possession of this farm you claim to have in the Cherokee Nation ? Is it rented ?
A I have got the most of it in myself, and part of it is rented.
Q Is it rented by citizens or non-citizens ?
A They are all non-citizens, I think.
Q How much revenue did you derive from the farm last year ?
A I can't tell you, we got a right smart of wheat off it, but we never got any corn.
Q You stated that you own a mercantile establishment at Grove ?
A Yes sir.
Q Are there any non-citizens who own establishments there or any other town in the Cherokee Nation ? A Yes sir.

Examined by Mr. West:

Q I want to ask you about your brother Joseph Wauqain voting; I don't remember whether you stated in your direct examination whether he always voted in the Cherokee elections or not; did he ?
A Yes sir.

Examined by the Commission:

Q Where is your wife at this time ? A At South West City.
Q You are living together at present ? A Yes sir.
Q Have you kept house in the Indian Territory at any time since your marriage ? A No sir. At the time when I aimed to go to house keeping my house burned down.
Q Do you board in South West City ? A No sir.
Q Have you ever housed since your marriage, or have you kept house continuously ? A We have kept house.

S. M. KAYNE, called as a witness and being duly sworn, and examined by the Commission, testified as follows:

Examined by J. C. West, Esq:

Q What is your name, age and place of residence ?
A S. M. Kayne; I live at Tyner Creek; am 27 years old.
Q Are you a citizen of the Cherokee Nation ? A Yes sir.
Q Did you ever hold any official position in the Cherokee Nation ?
A Yes sir, I have held several of them. I was Chief of the Cherokee Nation for four years.
Q What four years were you Chief of the Cherokee Nation ?
A I was elected in 1899.
Q And held until 1903 ? A Yes sir.
Q Did you know at that time the applicant in this case, Scott A. Wauqain ? A Yes sir.
Q Did you know his brother Joseph Wauqain ? A Yes sir.
Q What part of the Cherokee Nation did they make their home ?
A Delaware District, in the northeastern portion of the Nation.
Q Ever there when Delaware, Adair and the Indian all came together ? A Yes sir.
Q Did you ever hear of their citizenship in the Cherokee Nation being questioned ? A No sir.
Q Did you ever say what Scott Wauqain to any official position of any kind in the Cherokee Nation ?
A I appointed him a deputy sheriff for that district.
Q Delaware District ? A Yes sir.
Q What county did that ? A That was made the year 1896.
Q Did you ever hear of his brother Joseph Wauqain holding any official position in the Cherokee Nation ? A Yes sir, he was one of our Delaware men from that district.

Q When did he hold that office ? A He was elected, I think, in 1896. He filled the vacancy caused by the resignation of Judge Landrum.
Q Do you know whether or not that was after Joseph Yeargain commenced working in South West City, Missouri ?
A No sir, I don't know anything about that.

Examined by the Commission:

Q You live at Prior Creek ? A Yes sir.
Q How long have you known the applicant in this case ?
A I have known of the family all my life. I have not been very intimately acquainted with them. I saw Mr. Scott Yeargain here at the Seminary.
Q Have you resided anywhere in their visinity during the past four years ? A No sir.
Q Do you know where they have lived for the past four years ?
A I only know from what I have heard. I never was in South West City, nor in Grove.

J. C. STARR, called as a witness, being duly sworn, and examined, testified as follows:

Examined by F. C. West, Esq:

Q What is your name, age and residence ? A J. C. Starr, age 22, residence, Vinita, I. T.
Q What business are you at present engaged in ?
A I am stenographer for the Cherokee Nation.
Q Are you a citizen of the Cherokee Nation ? A Yes sir.
Q Were you raised in the Cherokee Nation ? A Yes sir.
Q Do you know the applicant in this case, Scott A. Yeargain ?
A Yes sir.
Q Do you know his brother, Joseph Yeargain ? A Yes sir.
Q How long have you known him ? A I have known both of them since about 1882.
Q Did you ever go to school with either or both of them ?
A I went to school with S. A. Yeargain. We went together at the Male Seminary at Tahlequah, I. T.
Q Did you ever live in the same district with them ? A Yes sir.
Q What district was that ? A Delaware District.
Q Do you know of Joseph Yeargain holding any official position in the Cherokee Nation at any time ? A Yes sir.
Q What was that ? A He was elected Senator from Delaware District.
Q Do you know where he was at work at the time he was elected ?
A I think he was living at South West City, Missouri.
Q Did you have any part in his election ? A I voted for him.
Q Have you ever known of a question being made in the Cherokee Nation by the authorities, or anybody else, as to the citizenship of Scott A. Yeargain, or Joseph Yeargain ?
A Their citizenship in the Cherokee Nation has never been questioned that I know of.
Q Do you know where their farms are up there ?
A I don't know exactly; I know about where they are; near Maysville.

Examined by the Commission:

Q Do you know where these people have been residing for the past four years, Mr. Starr ?
A I think they have been residing at South West City, Missouri.
Q Don't you know they have been residing there ? A Yes sir.

W. W. HASTINGS, called as a witness, being duly sworn and examined, testified as follows:

Examined by P. C. West, Esq:

Q Your name is W. W. Hastings ? A Yes sir.
Q What is your age ? A Thirty five; my post office is Tahlequah.
Q Do you know Scott A. Yeargain, the applicant herein ?
A Yes sir, I have known Scott A. Yeargain, and his brother Joseph ever since I can remember. My father and mother lived in Delaware District, on Badie's prairie, just across the line from Maysville, Arkansas, and I may say here that the line of Arkansas that separates Arkansas from the Indian Territory, runs right along by the porches at Maysville. My father and mother, I was going to say, lived on this side of the line about four or five miles. When I could first remember these boys and their parents lived on this side of the line perhaps about two miles from my home. They went to the public schools up there, and have been recognized as citizens, and these records show that their names have been enrolled on all the rolls of the Cherokee Nation. Their father and mother owned quite a large farm on this side of Maysville, and sometime in 1892 or '3, about eight or ten years ago, while both these boys were single and while they were making their homes with their parents, they purchased quite a large farm--I don't remember how many acres, but it was a large and valuable one, right near their father's, and I believe one side of it adjoins their father's, and it was purchased in their own name, and I remember writing the bill of sale for them. Sometime since, that house, which was large and valuable, on it, was burned down, but they own the improvements, as I understand it, since. These boys intended to reside there I suppose; Scott had up until the time he was married in 1896. Some little while before that--perhaps two years, Joe, as has been explained in the testimony, went over to South West City; and South West City is right on the line of Missouri, Indian Territory and Arkansas. It is only about eight miles distant from Maysville, Arkansas. I understood that he first went in as a clerk, and afterwards bought an interest, and afterwards bought the entire business. My testimony as to this last part is assumed from hearsay, of course. I might say that I left my father's and mother's home permanently in 1890 or '91, and came down to Tahlequah, and of course have been up there on occasional visits since that time. I have seen these boys living in South West City. A brother of mine married Scott, and while I wasn't at the wedding, I heard of it over there in front of his father's gate, in a buggy, in 1896, and I suppose he has been residing up there at South West City since that time, and it has always been my understanding that his brother resided up there, as he stated, for two or three years before 1896, and lives there now. I have always understood that he retained these farms and improvements, and I understood that he had another farm up there. As to their business at Grove, I have never been there since the railroad run in there. I know of Scott's being census taker up there in 1896, and I knew that Joe was elected to the Cherokee Senate there while he was residing at South West City, Missouri. His term expired on the first Monday in November, 1897. As to their voting over there and in the Cherokee Nation, it is hearsay. I have understood that they have voted on the Cherokee side. I only know about their voting in Missouri from what they state here on the stand. I believe I went to school with Joe at the Seminary. I know of both of them going to the Cherokee primary schools as well as the Male Seminary. There were a great many boys going to school there, and I won't be positive whether I went with Scott or not, but I think I did.

I might say that this South West City was the nearest trading point at which a great number of Indians, particularly at the time

they went there, traded. On this side it was rather rough country for a number of miles, and there was no trading point other than over east at Maysville, Arkansas, for the people who lived there, for a great many years. A great many of our people have lived at Maysville, Arkansas, and I expect at South West City. I am not so well acquainted with South West City. There is no trading point except South West City, Missouri, and Maysville, Arkansas, unless they go to Prior Creek or Vinita; none of importance. None of importance, none that you could get anything from except Grove since the railroad runs in there.

Examined by the Commission:

Q Where have these applicants been residing for the past four or five years ? A I have understood that they have resided in South West City. As I stated, Scott went there in 1894, and Joe prior to that time.

Q You said you knew a number of Cherokee citizens residing in these towns, from the Cherokee Nation; do you know of any other families that have resided over there for the past four or five years as this family has, and engaged in business there ?

A Well, I don't know that I can just now recall these people. I haven't been around up there.

Examined by P. C. West, Esq:

Q You know quite a number in Muskogee ?

By the Commission:

Q I said in South West City, Missouri. Well--have you ever heard of any ? A Yes sir, Percy Wiley, Dan Freeman--

Q When ? Prior to this time, prior to '98 ?

A I don't know that I can recall that just now.

Q Do you know members of any other Cherokee families that have exercised the right of suffrage in any of the States ?

A In what years ?

Q Any time prior to 1906, or within the past six years ?

A I don't know that I did, because I never attended any of these elections.

Preston C. West, Esq: Joseph Yeargain, by his attorney, Preston C. West, moves that his application for enrollment as a Cherokee citizen be re-opened, and that all of the testimony taken this day, in the matter of the application of Scott A. Yeargain, be filed with and made a part of the record in the matter of the application of Joseph Yeargain, and be considered as a part of the testimony therein.

The Commission: Do you object to re-opening the case Mr. Hastings ?

Mr. Hastings: No sir.

The Commission: The request of the attorney for the applicant will be complied with, and the testimony taken in this case, this day, in the matter of the application of Scott A. Yeargain, will be filed with and made a part of the record in the case of Joseph B. Yeargain, whose name appears on Cherokee Roll Card Field No 3 out.

The Commission: The attorney for the applicant requests and will be granted ten days in which to file a brief in behalf of applicant.

[illegible]

[illegible]

E. A. Cragwell

Subscribed and sworn to before me this June 27, 1900.

[illegible]

Notary Public.

DEPARTMENT OF INTERIOR

COMMISSION TO FIVE CIVILIZED TRIBES.

In RE APPLICATION

SCOTT YEARGIN
ENROLLMENT OF HIMSELF & CHILD
AS CHEROKEE CITIZENS.

STATEMENT.

The evidence in this case shows that about 1872 the parents of Scott A. Yeargin, who were Cherokees, removed from Arkansas to the Indian Territory. That applicant was born in the Delaware District of the Cherokee Nation and was never absent therefrom, except at school for a time, until 1896. That about ten years a go he and his brother Joseph Yeargin purchased two valuable improvements in the Delaware District , Cherokee Nation, one a few miles from Maysville Arkansas, the other a few miles from South West City, Mo. That they have ever since owned these improvements and still own them, that they have in addition cattle and other property in the Cherokee Nation, and a store at Grove, Cherokee Nation, Ind. Ter. that these two brothers were educated in the Cherokee schools and that their names appear upon every Cherokee Roll made since they were born; that Maysville Arkansas and South West City Mo. are about eight miles apart both being on the line of the Cherokee Nation, and South West City at the point where Missouri, Arkansas and the Cherokee Nation all come together; that these two towns are the trading point for all that part of the Cherokee Nation , and the only places of any size or importance in that vicinity; that about 1894 Joseph Yeargin began to work as a clerk in a hardware store at South West City, Mo (still retaining his property in the Cherokee Nation) and afterwards purchased first a one half interest, then the whole of the business in which he had been employed ; that Scott continued in the Indian Territory until 1896 when he married in the Cherokee Nation, the ceremony being performed by a Cherokee official; that the house on the larger improvement owned by himself and brother having been burned down, he remained at his father's house with his wife for a month or two, then went with him to south west city.

went with her to South West City and went to work in his brother's store; that a year or two afterwards , applicant did not know whether in 1898 or not, he came back for a while with his wife to his father's house in Cherokee Nation, expecting to rebuild the house on the farm of himself and his brother, but after two or three months concluded not to build, and returned to South West City, where his wife and child have since remained. But applicant is now and has been for several years, the manager of a store owned by himself and Joseph Yeargin at Grove, I.T. ; that he and his brother have both voted in Missouri, but have not done so since 1900, when they were first before the Commission; that both of them have voted in every Cherokee election since they were old enough to vote, and that applicant was appointed census taker for his district by Chief Mayes after he began working in South West City and actually took the census of Delaware District under the appointment; that his brother Joseph was after he had been working two years in South West City elected to the Cherokee Senate as Senator for Delaware District; that these two boys in addition to having large property interests in the Cherokee Nation, participated in all its National affairs; that they were universally recognized by the Cherokees, both officially and otherwise as citizens; and that up to the present time no question as to their citizenship has ever been raised; that they have been in the Cherokee Nation almost every week, and have never at any time been any further away from it than these two borders towns; that they have never at any time entertained any idea of abandoning their original domicile and have at all times regarded the Cherokee Nation as their permanent home.

A R G U M E N T.

Inasmuch as the ~~Commission~~ applicants has already been listed for enrollment, as since under the facts stated there can be no real question as to his legal right to such enrollment, argument would be wholly superfluous, except for the reason that certain questions asked by the Commission indicate that they attach undue importance to the fact of applicants having for a time engaged in business just over the border and having had his immediate family with him outside of the Cherokee Nation.

It is not quite clear to counsel whether the Commission regard applicant's case as affected by the provision of Section 22 of the Curtis Bill "No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship," or Sec. 2 of Article I of the Cherokee Constitution : "The lands of the Cherokee Nation shall remain common property ; but the improvements made thereon, and in the possession of the citizens of the Nation, are the exclusive and indefeasible property of the citizens respectively who made, or may rightfully be in possession of them; x x x x x x x x x x x x x x and that whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease x xx x x x x x x x x ."

Now so far as the Act of Congress is concerned, it is perfectly clear that it has no application whatever to the case in hand both by reason of its own terms and the conditions which it was passed to meet. Prior to its passage many persons who had never resided in the Indian Territory, but had been born and reared in the states, had been readmitted by the several nations, and these matters had all been adjudicated by the Commission and the United States Court in the Indian Territory, but thousands of these people still remained in distant states, avoiding all the duties and burthens of citizenship here, but expecting to reap all its benefits in the final distribution of tribal property. These are the parties the act was passed to reach. It has reference to those claimants of the right of enrollment who never had acquired any bona fide settlement in the Nation, not to those who were born and reared here and

have at all times owned property , held office, and constituted an integral part of the body politic. This we think too clear for argument.

But even if applicable to these claimants at all, it in no wise militates against their rights, for they have never had a permanent home outside of the Cherokee Nation, and had "in good faith settled" in that Nation long before the Curtis Bill was even dreamed of and have never "settled" elsewhere, and have never at any time regarded any other place as their permanent home or had any intention of remaining permanently in any other place.

Precisely the same reasons prevent applicants ever having lost or forfeited citizenship in the Cherokee Nation. The portion of the Cherokee Constitution referred to requires two elements :

(1) The removal of the person and all his effects out of the Nation and into some other sovereignty.

(2) The acquisition of citizenship under some other [redacted]

In other words the Cherokees required a man to extirpate himself before he lost his Cherokee rights, and the law as laid down in their constitution is not different from the general law on the subject, except that it requires even more. Judge Jeremiah Black , one of the greatest lawyers this country ever produced, while Attorney General of the United States, succinctly stated the law in these words:

"Expatriation includes not only emigration out of one's native country, but naturalization in the country adapted as a future residence."

IX Op Atty. Genl. 358.

Webster on Citizenship p 148.

Morse on Citizenship Sec. 48.

It is true applicant (apparently without the least idea of prejudicing his Cherokee citizenship) voted at some of the Missouri elections, but it is quite clear that he did so without any warrant of law, for he was all the while exercising the right of suffrage, and a part of the time holding office in the Cherokee Nation. Besides the mere fact of his going over into Missouri , even if he had abandoned his tribe (which the evidence clearly shows he had no intention of doing and did not do) he still would not have been a qualified elector in Missouri.

Elk v Wilkins 112 U.S. 94.

[redacted].

Law. Ed. Bk. 28- 843.

Applicant has furthermore at all times since becoming sui juris owned and been in possession of valuable landed improvements in the Cherokee Nation, and also a large amount of cattle, horses , and other personal chattels, and has in every way borne his share of the duties and burthens of citizenship, as well as claimed and enjoyed the benefits thereof. Obviously, he does not come within the spirit or the letter of the forfeiture clause of the Section of the Cherokee Constitution cited.

But finally, and if upon no other ground, the claimant must be enrolled as a Cherokee citizen, no matter what law of Congress or of his tribe is held applicable, for nothing is better settled than that mere absence for a considerable period from the original domicil does not effect a change of citizenship. The change of location must be made with a bona fide intention of becoming a citizen of the new state, and there must be actual residence there with the intention that it is to be a principal and permanent residence. Or as it is sometimes tersely put, " to constitute a new domicil, two things are indispensable; first, residence in the new locality; and, second, the intention to remain there. Mere absence from a fixed home , however long continued, cannot work the change. "

Mitchell v United States 88 U.S. 350.
Law. Ed. Bk. 22- 588.

Ennis v Smith 14 How. 400.
Law. Ed. Bk. 14-

Gardner v Sharp 9 Fed. Cas. 1199.

The case of Ennis v Smith, supra, involved the will and estate of the celebrated Polish General, Thaddeus Kosiusko. Mr. Justice Swayne who delivered the opinion of the Court said:

"It is difficult to lay down any rule under which every instance of residence could be brought, which may make a domicil of choice. But there must be to constitute it actual residence in the place, with the intention that it is to be the principal and permanent residence."

Twenty years later the same Justice again speaking the unanimous opinion of the Court in the case of Mitchell vs. United States, reaffirmed the principles of law by which the rights of parties as to loss of citizenship are to be tested and said:

"A domicil once acquired is presumed to continue until it is shown to have been changed. Somerville v Somerville, 5 Ves. 787; Harvard Coll. v. Gore , 5 Pick., 370; Whart. Const. L. Sec. 85.

Where a change of domicil is alleged , the burden of proving it rests upon the person making the allegation. Crookendon vs, Fuller, 1 Swab. & Tr. 441; Hodgson v. De Beauchesne 12 Moore P.C. 328. 1858.
To constitute the new domicil, two things are indispensable; first, residence in the new locality: and second, the intention to remain there. The change cannot be made except facto et animo. Both are alike necessary. Either without the other is insufficient. Mere absence from a fixed home, however long continued, cannot work the change. There must be the animus to change the prior domicil for another. Until the new one is acquired, the old one remains. Whart. Confl. L. Sec. 55, and the authorities there cited. The principles are axiomatic in the law upon the subject. "

And in the case of Gardner v. Sharp, Mr.Justice Washington of the Supreme Court , sitting in the Circuit Court for the District of New Jersey, stated the same rules with equal clearness force, and precision:

"When a citizen of one state removes to another, and a question of jurisdiction arises, it must be decided by the quo animo which induced the removal. If it was to remain permanently in the state to which he was emigrated, it amounts to a change of domicil and of citizenship. If it was merely for a temporary purpose, he can be considered only as a sojourner in the state to which he has gone. Length of time of residence, although it may afford evidence of the real intention of the party in changing his place of residence, is not of itself a criterion of change of domicil. The residence of a day at his new home constitutes him a citizen of the state to which he has removed. If, on the contrary, his removal was accompanied by, the animo revertendi, he is considered in law but as a sojourner in the state where he has fixed his temporary residence, although that residence may have continued for years. "

Tested by these rules, the right of claimant is incontestible. Indeed, under the case made, any other rule of determination would deny to Cherokee citizens the right claimed and exercised by all the other subjects of our government of engaging in any lawful enterprise at any point on the globe where thrift detects opportunity,or labor and capital find profitable employment. Had applicant during the past six years hidden himself in a hovel in the flint hills on the west of his ancestral home, and become a charge upon the government during the past severe winter, no suspicion even would have been hinted against his right to enrollment.

That instead he has engaged in profitable enterprises both within territory and for half a mile across the border,becoming able to help himself and others, and for pleasure or convenience, or for the sake of social and educational advantages, has during this time had his family with him over that intangible and invisible line which separates the great state of Missouri from the Delaware District of the Cherokee Nation, certainly ought not and we feel equally confident does not change his status.

Respectfully,

PRESTON C. WEST,

ATTY. FOR APPLICANT.

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

In the matter of the application for the enrollment of Joseph D. Yeargain, Scott A. Yeargain and Marjorie C. Yeargain as citizens, by blood, of the Cherokee Nation: consolidating the applications of

Scott A. Yeargain, et al., - - - - - - - -Cherokee 6426
Joseph D. Yeargain - - - - - - - - - - -Cherokee D - 937.

DECISION

The record in these 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 persons as citizens, by blood, of the Cherokee Nation:

On December 11, 1900, at Tahlequah, Indian Territory, Joseph D. Yeargain made application for himself;

On the same date and at the same place Scott A. Yeargain made application for himself and his minor daughter, Marjorie C. Yeargain; the application also included his wife Ida C. Yeargain, but she is differently classified and is not embraced in this decision.

Further proceedings in the matter of said applications were had at Muskogee, Indian Territory, June 25, 1902.

The evidence shows that Joseph D. Yeargain and Scott A. Yeargain are native Cherokees and are identified as such on the 1880 authenticated roll of the Cherokee Nation. They are also identified on the following rolls of said Nation: the 1883 roll; the 1886 pay roll; the 1890 census roll; the 1894 strip payment roll; and the 1896 census roll. The said Ida C. Yeargain is identified on the 1896 census roll as the wife of Scott A. Yeargain. Marjorie C. Yeargain is too young to appear upon any of the tribal rolls but is identified by a birth affidavit on file with the Commission.

The evidence further shows that on February 2, 1896, said Scott A. Yeargain was lawfully married to Ida C. Tinnin, a white woman, and that Marjorie C. Yeargain is the issue of such marriage.

The evidence further shows that the said Scott A. Yeargain resided in the Cherokee Nation all his life up to 1896 and that Joseph D. Yeargain resided in said Nation for about 26 years immediately preceding the year 1895. The said Joseph D. Yeargain and Scott A. Yeargain have been permanent residents of Southwest City, Missouri, from 1895 and 1896 respectively, up to and including the date of this application herein; and Marjorie C. Yeargain, being a minor, is presumed to have resided with her father.

Paragraph nine of section 21 of the Act of Congress approved June 28, 1898, (30 Stats., 495), provides:

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

It is, therefore, the opinion of this Commission that the application for the enrollment of Joseph E. Yeargain, Scott A. Yeargain and Marjorie C. Yeargain as citizens, by blood, of the Creek Nation should be denied under the provisions of section 21 of said Act of Congress and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this OCT - 1 1902

D937

In re

Jos D Yeargin

Brief

Filed

Feb 22 1902

Justin C West

Attorney for Applicant

DEPARTMENT OF INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION
JOSEPH D. YEARGIN,
FOR ENROLLMENT OF HIMSELF
AS A CHEROKEE CITIZEN.

B R I E F.

In this case the facts are given in the statement of the case made in our argument upon Scott A. Yeargin's application. There are but two points of difference, viz.,

That Joseph D. Yeargin commenced working in South West City Mo., about two years before Scott A. did, and the additional fact that Joseph D. Yeargin is still a single man.

We have endeavored in the other case to give briefly but clearly the rules of law that are applicable , and to show conclusively the right of applicant to be enrolled.

Inasmuch as the evidence in the Scott A. Yeargin case is all a part of the record in this case, we desire to request that in the determination of this matter, the brief and argument filed in that case be taken and considered in this one.

DEPARTMENT OF INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION

SCOTT A. YEARGIN
ENROLLMENT OF HIMSELF AND CHILD
AS CHEROKEE CITIZENS.

MOTION FOR REHEARING AND REVIEW.

Come the applicants, Scott A. Yeargin, and Marjorie C. Yeargin, and move the Honorable Secretary of the Interior to reopen this case, and review the same, because his decision herein of the date of October 30th, 1902, is erroneous in this, to-wit:

I.

That he erred in holding that the provision contained in the Act of Congress of June 28th, 1898, "No person shall be enrolled who has not heretofore removed to, and in good faith settled in the Nation in which he claims citizenship," was applicable to the claimants in this case.

II.

That he erred in holding that the applicants herein had failed of compliance with the requirements of the provision of law last above quoted, even if same was applicable to their case.

III.

That he erred in not holding that the following provision of the Cherokee Constitution:

"That whenever any citizen shall remove with his effects out of the limits of this nation, and become a citizen of any other government, all his rights and privileges as a citizen of this nation shall cease, provided, nevertheless, that the national council shall have the power to readmit by law to all the rights of citizenship any such person or persons who may at any time desire to return to the nation on memorializing the national council for such readmission,"

is theonly provision of law whereby citizens of the Cherokee Nation in the attitude of these applicants could have lost their Cherokee citizenship.

IV.

That he erred in not holding the following provision of the Act of Congress of June 28th, 1898:

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized, and directed to take the roll of Cherokee Citizens of 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,"

mandatory upon the Commission to the Five Civilized Tribes, requiring them to enroll these applicants.

V.

Because the decision of the Honorable Secretary in this case as to the applicant, Marjorie C. Yeargin, is in direct conflict with his own ruling of November 22nd, 1902, in the matter of the application for enrollment as a citizen by blood of the Cherokee Nation of Alice Jane Ross, et al., (Cherokee No. R. 84) wherein he held the provision of law last above quoted mandatory as to all descendants of persons, whose names were found upon the 1880 authenticated roll.

WHEREFORE, applicants pray that the decision herein be reopened, and reversed, and a decision rendered reversing the decision of the Commission to the Five Civilized Tribes, and commanding said

Commission to enroll applicants as citizens by blood of the Cherokee Nation.

Respectfully,

_____

Attorneys for Applicants.

S T A T E M E N T .

The evidence in this case shows that about 1872 the parents of Scott A. Yeargin, who were Cherokees, removed from Arkansas to the Indian Territory. That applicant was born in the Delaware District of the Cherokee Nation and was never absent therefrom, except at school for a time, until 1896. That about ten years ago, he and his brother, Joseph Yeargin, purchased two valuable improvements in the Delaware District, Cherokee Nation, one a few miles from Maysville, Arkansas, the other a few miles from South West City, Mo. That they have ever since owned these improvements, and still own them; that they have in addition, cattle and other property in the Cherokee Nation, and a store at Gregg, Cherokee Nation, Indian Territory. That these two brothers were educated in the Cherokee schools, and that their names appear on every Cherokee roll made since they were born; that Maysville, Arkansas and South West City, Mo., are about eight miles apart, both being on the line of the Cherokee Nation, and South West City at the point where Missouri, Arkansas and the Cherokee Nation All come together; that these two towns are the trading points for all that part of the Cherokee Nation, and the only places of any size or importance in that vicinity; that about

1894, Joseph Yeargin began to work as a clerk in a hardware store at South West City, Mo. (still retaining his property in the Cherokee Nation) and afterwards purchased, first a one-half interest, then a whole of the business in which he had been employed; that Scott continued in the Indian Territory until 1896, when he married in the Cherokee Nation, the ceremony being performed by a Cherokee official; that the house on the larger improvement owned by himself and brother having been burned down, he remained at his father's house with his wife for a month or two, then went with her to South West City, and went to work in his brother's store; that a year or two afterwards, applicant did not know whether in 1898 or not, he came back for a while with his wife to his father's house in Cherokee Nation, expecting to rebuild the house on the farm of himself and his brother, but after two or three months concluded not to build, and returned to South West City, where his wife and child have since remained. But applicant is now, and has been for several years, the manager of a store owned by himself and Joseph Yeargin at Grove, Indian Territory; that he and his brother have both voted in Missouri, but have not done so since 1900, when they were first before the Commission; that both of them have voted in every Cherokee election since they were old enough to vote, and that applicant was appointed census taker for his district by Chief Mayes after he began working in South West City, and actually took the census of Delaware District under the appointment; that his brother, Joseph, was, after he had been working two years in South West City, elected to the Cherokee Senate as Senator for Delaware District; that these two boys, in addition to having large property interests in the Cherokee Nation, participated in all its National affairs; that they were universally recognized by the Cherokees, both officially and otherwise, as citizens, and that up to the present time, no question as to their

citizenship has ever been raised; that they have been in the Cherokee Nation almost every week, and have never at any time been any further away from it than these two border towns; that they have never at any time entertained any idea of abandoning their original domicile and have at all times regarded the Cherokee Nation as their permanent home.

A R G U M E N T.

So clear does it appear to our minds that the provision of the Act of Congress of June 28th, 1898:

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

can have no application to this case for the reasons stated in our original brief, that we cannot believe those arguments were given due weight by the Honorable Secretary, and we take the liberty of restating them in the same language there used:

"Now so far as the Act of Congress is concerned, it is perfectly clear that it has no application whatever to the case in hand both by reason of its own terms and the conditions which it was passed to meet. Prior to its passage many persons who had never resided in the Indian Territory, but had been born and reared it the states, had been readmitted by the Several Nations, and these matters had all been adjudicated by the Commission and the United States Court in the Indian Territory, but thousands of these people still remained in distant states, avoiding all the duties and burthens of citizenship here, but expecting to reap all its benefits in the final distribution of tribal property. These are the parties the act was passed to reach. It has reference to those claimants of the rights of enrollment who never had acquired any bona fide settlement in the

Nation, not to those who were born and reared here and have at all times owned property, held office, and constituted an integral part of the body politic."

The Nation itself had provided, as we shall see, for those of its citizens, who residing within its borders, should voluntarily abandon its allegiance and remove themselves and all their effects beyond its borders. The act in question was merely supplemental to this providing for another class entirely. There was no need for such a law, or to those citizens who had already acquired and still held a bona fide domicile within the nation. The act nowhere provides when such domicile shall be acquired, provided it was prior to the date named therein. And if the applicants did not in good faith acquire residence in the nation by living there twenty-five years, and having all the interest they had during the time centered within its borders, we are at a loss to know how such settlement could have been acquired.

II.

But let it be granted, gratia argumenti, that the provision in question is the law of this case and that the claim of these applicants is to be weighed in the balance, and still under the facts in the case their citizenship and enrollment ought not to be [illegible] them, we cannot believe that it was ever the intention of Congress to cut out citizens whom the Cherokees themselves actually recognized and desired as such, but only those whose claims had been resisted because they desired to share in the division of the estate, but had heretofore shirked all its burdens and responsibilities. Those these claimants are manifestly not within the spirit of the provision; no more are they within its letter. As we have said, the act nowhere prescribes the time when the settlement should be made in the Nation, provided it was before the fatal twenty-eighth of June. Scott A. Yeargin was born in the Nation, and up to about 1896, never

had any residence or occupation elsewhere. He and his brothers had acquired valuable properties in the Nation long before they owned a dollar's worth in Missouri. They had attended its schools, taken part in all its affairs, and even after acquiring their business in Missouri, retained their Cherokee property, and bought more. They continuously exercised every right of Cherokee citizens, and testify that they were within its borders almost every week, and that they never intended to abandon their domicile and citizenship therein, and always regarded it as their permanent home. They were continuously recognized by the Cherokees themselves as bona fide citizens and bore their part in its government both before and after they began to engage in business in Missouri. They were on every Cherokee roll made subsequent to their birth. Under this state of facts, how can they be denied enrollment under any law?

Nothing is better settled than that mere absence for a considerable period from the original domicile does not effect a change of citizenship. That the original domicile, or forum originis, as it is called, is to prevail until the party has not only acquired another, but has manifested and carried into execution an intention of abandoning his former domicile, and taking another as his sole domicile. A man cannot be considered a vagabond, or person without any domicile, for the domicile of origin is not abandoned until a new one has been intentionally and actually acquired. The change of location must be made with a bona fide intention of becoming a citizen of the new state, and there must be actual residence there with the intention that it is to be a principal and permanent residence. Reduced to its lowest terms, "to constitute a new domicile, two things are indispensible, first, residence in the new locality, and second, the intention to remain there. Mere absence from a fixed home, however long continued, cannot work the change."

Mitchell vs. United States 88 U. S. 350

Law Ed. Bk. 22 - 588

Railway vs. Ohle, 177 U. S. 123

Law Ed. Bk. 29 - 837

Ennis vs. Smith 14 How. 400

Law Ed. Bk. 14 -

Garnder vs. Sharp 9 Fed. Cas. 1199

Hall vs. Schoenecke (Mo.) 31 S.W. 97

Bernairdes vs. Gussett (Tex.) 28 S.W. 113

Krone vs. Cooper 43 Arkansas, 547

Story on Confl. Laws Sec. 44

The case of Ennis v Smith, su pra, involved the will and estate of the celebrated Polish General, Thaddeus Kosiusko. Mr. Justice Swayne, who delivered the opinion of the Court, said:

> "It is difficult to lay down any rule under which every instance of residence could be brought, which may make a domicil of choice. But there must be to constitu te it actual residence in the place, with the intention that it is to be the principal and permanent residence."

Twenty years later the same Justice again speaking the unanimous opinion of the Court in the case of Mitchell vs. United States, reaffirmed the principles of law by which the rights of parties as to the loss of citizenship are to be tested, and said:

> "A domicil once acquired is presumed to continue until it is shown to have been changed. Somerville v Somerville, 5 Ves. 787; Harvard Coll. v. Gore, 5 Pick., 370; Whart. Const. L. Sec.55 Where a change of domicil is alleged, the burden of proving it rests upon the person making the allegation. Crockenden vs. Fuller, 1 Swab. & Tr. 441; Hodgson V. De Beauchesne 12 Moore, P.C. 283, 1858. To constitute the new domicil, two things are indispensable; first, residence in the new locality; and second, the intention to remain there. The change cannot be made except facto et animo. Both are alike necessary. Either without the other is insufficient. Mere absence from a fixed home, however long continued, cannot work the change. There must be the animus to change the prior domicil for another. Until the new one is acquired, the old one remains. Whart. Confl. L. Sec. 55, and the authorities there cited. The principles are axiomatic in the law upon the subject."

And in the case of Gardner vs. Sharp, Mr. Justice Washington of the Supreme Court, sitting in the Circuit Court for the District of New Jersey, stated the same ru les with equal clearness, force and precision:

> "When a citizen of one state removes to another, and a question of jurisdiction arises, it must be decided by the quo animo which induced the removal. If it was to remain permanently in the state to which he was emigrated, it amounts to a change of domicil and of citizenship. If it was merely for a temporary purpose, he can be considered only as a sojourner in the state to which he has gone. Length of time of residence, although it may afford evidence of the real intention of the party in changing his place of residence, is not of itself a criterion of change of domicil. The residence of a day at his new home constitutes him a citizen of the state to which he has removed. If, on the contrary, his removal was accompanied by, the animo revertendi, he is considered in law but as a sojourner in the state where he has fixed his temporary residence, <u>although that residence may have continued for years.</u>"

We conscientiously believe, and most earnestly urge that even under the Act of June 28th, 1898, the right of claimants indisputable.

Great stress seems to have been laid upon the fact that up to 1900 they voted in Missouri, but this does not , and cannot for many reasons, both of law and of fact in anywise effect their status . In the first place, it is at best only evidence from which the fact or right of domicile and residence may be inferred. It is not conclusive.

Howes vs. Baxter (La) 20 So. 703

Woodworth vs. Railway 18 Fed. 285.

In Howes vs. Baxter, the Court very properly said: "The votes he cast here are entitled to weight, as is his vot e for schoo l directors in Michigan, but neither his votes there nor here and conclusive."

Manifestly in applicants' case, or any case involving similar facts, any other rule would be absurd, for if the casting of a vote in Missouri conclusively fixes upon a man the status of a citizen thereof, equally voting in the Cherokee Nation would make him a citizen of that Nation. The law of conclusiveness must attach to both or neither

Secondly, whatever presumption might arise from the votes cast in Missouri is met and overturned by their votes in the Cherokee Nation, by their taking part in its functions of government, holding property there, the fact that it was their domicile of origin and that they always looked upon the Cherokee Nation as their home. Their testimony on this last point is not only admissible and competent

Railway vs. Ohle 117 U. S. 1233
Law Ed. Bk. 29 - 837

Kennia vs. Breckhans 5 Fed. 764 - 6
Woodworth vs. Railway 18 Fed. 284 - 5
Howes vs. Baxter (La.) 29 - 30. 703

but in this case must be conclusive because they stand unimpeached either by living witness, or the facts in the record.

In the third place, the claimants being Indian by blood, and members of the Cherokee Tribe, puts them in a class separate and apart from ordinary citizens of one state who remove therefrom and go into another state of the Union. The fact of their having cast votes in Missouri is of no moment whatever in the determination of this case, and from the evidence it is clear they had no notion of thereby forfeiting their Cherokee citizenship, and refrained from it immediately upon receiving an intimation that it might be counted against them. The most that can be said of it is that it was illegal and probably subjects them to the liability of a criminal prosecution.

Elk vs. Wilkins 112 U. S. 94

Law Ed. Bk. 28 - 643

It has been held by the highest authority that such illegal voting does not make them any the less Indian, nor effect in anywise their membership in the tribe to which they belong if they continue their connection with the tribe and the tribe maintains its tribal organization.

U. S. vs. Holliday 3 Wall 407

Law Ed. Bk. 18 - 186

U. S. vs. Osborn 2 Fed. 58 - 9

III.

If these Indians have in any manner lost or forfeited their rights, it has been under the provisions of the Cherokee Constitution already quoted. That provision is not operative so far as claimants are concerned because their names appear upon the 1880 authenticated roll of the Cherokee Nation, and the provisions of law as now in force, are mandatory in the requirement that all such persons shall be enrolled by the Commission . But even if it were operative, claimants have not under its terms lost or forfeited their citizenship

> "That whenever any citizen shall remove with his effects out of the limits of this Nation and become a citizen of any other government, all his rights and privileges as a citizen of this nation shall cease, provided, nevertheless, that the national council shall have the power to readmit by law to all the rights of citizenship any such persons or persons who may at any time desire to retu rn tothe nation on memorializing the national council for such readmission."

All the arguments we have advanced and authorities cited, in the last foregoing subdivision of this brief, apply with equal force to the provisions of the Cherokee Constitution under consideration, but there are elements here involved, not embraced in the act, for there must ~~not only~~ be:

(1) The removal of the person,

(2) The acquisition of citizenship under some other government,

(3) The removal of all effects out of the Nation,

That is to say, the Cherokees required, in order to work a forfeiture, absolute expatriation, and "expatriation includes not only emigration out of one's native country, but naturalization in the country adpoted as a future home."

IX. Op. Atty. Genl. 359

Webster on Citizenship, 148

Morse on Citizenship, 48

Furthermore the individual must actually remove all his property out of the Nation, and these applicants have at all times for the past ten or fifteen years, had large and valuable holdings in the Cherokee Nation, both of permanent improvements and movable chattels.

IV.

Although the foregoing propositions seem to us conclusive, the plain reading of the Act of Congress of June 28th, 1898, requires the enrollment of these applicants in any event. The very language of the Act itself,

> "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 the 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 they shall investigate the right of all <u>other</u> persons whose names are found on <u>any other rolls</u>, and omit all such as may have been placed thereon by fraud, or without authority of law.....

leaves no room for question as to its mandatory character. The statement of the Honorable Acting Commissioner of Indian Affairs that "there are no exceptions noted in the law itself, and none have

been created by subsequent legislation," seems to us not only entirely sound and correct, but as embracing in very few words about all there is to be said upon the proposition, but we have higher authority than this upon which to rely. The Honorable Secretary of the Interior in his opinion in the matter of the application for enrollment as citizens by blood of the Cherokee Nation of Alice Jane Ross, et al., (Cherokee No. R. 54) of date, November 22nd, 1902, expressly holds that the illegitimate children of David Ross by several non-cit izen white women, with whom he lived, but to whom he was not married, were entitled (contrary to the ordinary legal rule) to enrollment because descendants of one whose name was borne upon the 1880 roll, and that the Twenty-first section of the Act of June 28th, 1898 was mandatory, and required the Commission to enroll "all descendants born since the date of said roll to persons whose names are found thereon." We are utterly unable to find in t he Act any distinction either in purpose or language between those whose names appear upon the '80 roll and their descendants. If mandatory as to the latter class, how can it possibly be otherwise as to the former? We submit that there can possibly be no distinction.

V.

What we have already said in Division Four above is conclusive of the right of the applicant, Marjorie C. Yeargin. The Ross children, though illegitimate, were held entitled to enrollment because the provisions of the Act of Congress of June 28th, 1898, were mandatory, and the Commission was bound to enroll them. Marjorie C. Yeargin is the legitimate issue of a lawful marriage between a Cherokee citizen, whose name is borne on the '80 roll, and a white woman, and the same mandatory act requires her enrollment, notwithstanding it should be found that her father did not have a residence in the nation. The act cannot be mandatory in the one

instance and negatory in the other. The act is either mandatory or it is not.. If mandatory, nothing can prevent its operation, or authorize the disregarding of its requirements. If it is not mandatory, then the decision in the Ross case is already wrong. But we submit that the decision in the Ross case is right, and the former decision in this case wrong.

We have to say in conclusion that if the decision in the present case is allowed to stand, it appears to us to be making these people pay a penalty for thrift. We cannot but believe that it is a violation of both the letter and the spirit of all the legislation upon the citizenship question, and we earnestly hope that the matter will be carefully reconsidered, and the former ruling herein entirely reversed.

These people have acted in entire good faith, and we believe have both the legal and the equitable right to enrollment.

Respectfully,

In re

Application of Joseph D. Yeargain,
Scott A. Yeargain and Marjorie C.
Yeargain for enrollment as Cherokee Citizens.

SUPPLEMENTAL BRIEF ON BEHALF OF APPLICANTS.

We believe that a careful reading of Mr. West's brief in this case cannot fail to convince one that paragraph nine of section twenty-one of the Curtis Act can have no application to the Yeargain cases. The Yeargain cases, however, have been made test cases in the Department on the law points involved and we wish to discuss those points with the view of urging a construction of the law which will be of more general application.

The law points in these cases naturally fall into two general divisions; viz.:

1. The construction of paragraph nine of section twenty-one of the Curtis Act.

2. The rights of minor descendants, born out of the Cherokee Nation, of a person on the roll of 1880 and other rolls.

I.

"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 a canon of construction that "the words of a statute are to be construed with reference to the subject matter of the enactment and to the object sought to be attained and the meaning of the words used is to be found not so much in the strict etymological propriety of the language, nor even in its popular use, as in the subject or occasion on which they are used." (Id.).
Cases cited Vol. 22, page 322, Am. & Eng. Ency. Law.
"The interpreter in order to understand the subject matter, scope and object of the enactments, must ascertain what was the mischief

or defect for which the law had not provided; that is, he must call to his aid all those external or historical facts which are necessary for this purpose and which lead to the enactment." [8].

Consulted Vol 23, page 336, Am & Eng Ency Law

As is frequently the case in statutory enactments this paragraph is first found to be ambiguous when it is undertaken to apply it to the given state of facts. The first requirement, "that no person shall be enrolled who has not heretofore removed to x x x the nation" etc., is on its face clear; but a casual view of the conditions shows the need of construction. It cannot be said in reason that Congress intended that no person should be enrolled as a citizen of the Cherokee Nation who was born there and had never lived any where else; yet a person could not remove to the Cherokee Nation without having lived beyond the limits of that Nation. The logical conclusion then, from this first attempt to apply the provisions of the paragraph to the conditions, is that the paragraph is latently ambiguous and needs construction; certainly to the extent of finding that it does not apply to perhaps ninety-nine out of a hundred of the persons embraced in its general language.

Finding, therefore, that the paragraph needs construction, we proceed within the authorities above cited to inquire what was the mischief or defect which Congress by this law undertook to remedy, and in doing so our inquiry need not go beyond the acts of Congress, the reports of the Dawes Commission within its jurisdiction expressly given by Congress and the findings of facts of that Commission under that authority.

By the act of March 3d, 1893, (27 Stat. at L., 645, Sec. 16) the President was authorized to appoint three commissioners to enter into negotiations with the Cherokee and other Indian Nations for the purpose of the allotment and division of the lands of the Cherokee and other Indian Nations in severalty "among the Indians of such nations or tribes, respectively, as may be entitled to the same," and the Commission was directed to "endeavor to procure,

first, such allotment of lands in severalty to the Indians belonging to each of such nations." The general purpose is also stated of extinguishing the tribal title to the lands and creating a State or States of the Union which shall embrace the lands within the Indian territory." It will be noted that Congress here declares the purpose to be to allot the lands to the Indians belonging to the tribes. The Commission was also directed to make reports to the Secretary of the Interior.

By Senate resolution of March 29, 1894, the Commission was instructed to inquire into the condition of the Five Civilized Tribes of Indians and of the white persons dwelling among them and report the result of such inquiry with recommendations for legislation. On November 18, 1895, the Commission reported as to the roll of citizenship of the Cherokees that "since the administration of public affairs has fallen into present hands this roll has become a political foot-ball and names have been stricken from it and added to it and restored to it without notice or rehearing or power of review, to answer political or personal ends, and with entire disregard of rights affected thereby." The remainder of this report will be found on pages 91, 92 and 93 of the Annual Report of the Secretary of the Interior for the fiscal year ending June 30, 1895.

By the act of June 10, 1896, (29 Stat. at L., 339) the Commission was directed to proceed at once to hear and determine the application of all persons who might apply to them for citizenship in any of said nations, limiting the time within which the Commission should decide on each application and directing the Commission in determining applications to "~~respect all laws of the several nations~~ or tribes, not inconsistent with the laws of the United States, and all treaties with either of said nations or tribes, and ~~shall give due force and effect to the rolls, usages, and customs of each of said nations~~ or tribes; and provided further, that the rolls of citizenship of the several tribes as now existing are hereby confirmed."

It also provides for persons who claim to be entitled to be added to the rolls or desire to become citizens. The Commission is directed to use every fair and reasonable means to determine the rights of persons claiming such citizenship and the rolls to be prepared by the Commission "shall be thereafter held and considered to be the true and correct rolls of persons entitled to the rights of citizenship in the said several tribes." We here note the prominence given the laws, rolls, usages and customs of each of said nations or tribes, notwithstanding Congress had before it the report of the Dawes Commission above referred to.

By the act of June 7, 1897, (30 Stat. at L., 64) Congress defined "rolls of citizenship", as above used, to be "the last authenticated rolls of each tribe which have been approved by the Council of the Nation, and the descendants of those appearing on such rolls and such additional names and their descendants as have been subsequently added, either by the Council of such nation, the duly authorized courts thereof, or the Commission under the act of June 10, 1896."

Section 21 of the act of June 28, 1898, was the next enactment on this subject and by it the roll of 1880 seems to have been considered as "the last authenticated roll" of the Cherokee Nation for we find that here the Commission was directed "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," while they are directed to "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."

Section 21 proceeds further to direct the Commission to

make correct rolls of citizens by blood of all of the other tribes eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law etc. Special provision is made as to Choctaws, Creek and Choctaw Freedmen, Chickasaw Freedmen and as to persons who claim in two or more tribes. Following all of which we have the provision in paragraph nine.

Congress had in mind, therefore, the creation of one or more states of our republic out of territory governed by tribes of Indians, and in which the title to the lands was held by the several tribes, or nations in trust for the people composing the several tribes or nations. The first act recognizes the necessity of changing this patriarchial tenure to one consistent with the creation of the proposed state, that is, a change from the tribal holding in trust for the people of the tribe in common, to the holding in fee of the individual member of the tribe in severalty. Congress declares the purpose to be to allot the lands to the Indians belonging to the tribes.

Congress has been persistent in this effort to allot the lands to these particular persons and finding that each tribe had its roll of members or citizens, by the act of June 10, 1896, all such rolls were confirmed, and the Commission was directed to enroll all persons whose names appeared thereon and receive the applications of other persons. This act is particularly clear as to who is entitled to allotments for the Commission is directed to be governed by the laws, rolls, usages and customs of each of said tribes. Not the Commission's idea of citizenship, but the Indian idea is the guide as revealed by the Indian laws, usages and customs.

The report of the Commission as to the inaccuracies of certain rolls resulted, in 1897, in the limitation of the act of 1896 as to the rolls confirmed, the last rolls only being ~~xxxx~~ ~~firmed~~ retained but still the Commission is to be governed by the

Indian laws, rolls, usages and customs as to who are citizens, or members of the tribes and who are entitled to allotments.

What then was the occasion of of the requirement by congress, in 1898, that no persons shall be enrolled who had not theretofore removed to and in good faith settled in the nation in which he claims citizenship. We find that an effort was first made to make up a new roll from the rolls of the nations in existence. That as to the Cherokee Nation the Dawes Commission reported that these rolls had been used as a political foot-ball, that they were incorrect and unsafe for use as a basis for the preparation of a correct roll of citizens for that reason. The roll of 1880 was selected as being perhaps the one having fewer inaccuracies than the others, but even it is recognized as being incomplete and the Commission is directed to supplement it by resorting to other rolls. But it will be noticed that in all of this legislation Congress has nowhere undertaken to do anything beyond the laws, customs and usages of the Cherokee Nation. The rights of citizenship are left dependent upon Cherokee law and there is no declaration anywhere making a new qualification. Even paragraph nine adds no new requirement as to citizenship, because the Cherokee law required actual residence before citizenship could be acquired. The whole system of legislation, therefore, was directed to making rolls of those who are entitled to citizenship under the Indian laws, usages and customs.

There are two views as to the application of paragraph nine to the roll of 1880:

First, that the law directing the enrollment of persons whose names appear thereon is mandatory and complete and that paragraph nine has no application to such persons; and that it was intended merely as a guide in determining the rights of persons whose names appear on the other rolls. This proposition has been so ably discussed in Mr. West's brief under division fourth that we proceed to the second view without further argument of the

first.

The second view of this provisions of paragraph nine is that Congress intended to question every roll to the extent of ascertaining whether or not at the time the applicant's name was placed thereon he had the right to be enrolled and that one of the things necessary for him to establish was that he was at that time an actual resident of the nation in which he was enrolled.

The following illustrate the point: If Levi C. Flint, who was a Shawnee Indian and who was entitled under the agreement of June 7, 1869, between the Shawnees and the Cherokee Nation to remove into the Territory and to become enrolled as a citizen of the Cherokee Nation, and had his name placed on the roll of 1871 without having complied with the terms of that agreement in removing from Kansas to the Cherokee Nation, the Commission could inquire into that fact. Another instance would be this: A Cherokee Indian removed from a state to and in good faith settled in the Cherokee Nation and secured the enrollment of himself and his brothers and sisters who would also have been entitled to enrollment under Cherokee law if they had likewise removed to and settled in the Nation, but who did not. In this case the Commission had the right to investigate the question as to whether or not these brothers and sisters had complied with the requirements of Cherokee law as to residence at the time of their enrollment.

This view of the paragraph requires actual residence in the Cherokee Nation at the time the name of the applicant is put upon some roll. Being such a resident and otherwise qualified he is a citizen under Cherokee law and his enrollment is lawful. Being lawfully enrolled, then the Commission may inquire only as to whether or not he has done some subsequent act which under the Cherokee law will deprive him of his right of citizenship.

This construction of paragraph nine satisfies its every requirement and it makes the various acts of Congress and the In-

dian laws harmonious, which is always an important object of construction. It gives the commission perfect freedom to obey Congress' direction in section twenty-one to investigate the right of all persons whose names are found on any roll and omit all such as may have been placed thereon by fraud or without authority of law which is the very object of the investigation named in the act directing it. It cures the mischief pointed out in the report of the commission and allows the commission to omit all persons whose names have been enrolled "to answer political or personal ends and in entire disregard of rights affected thereby" or enrolled in any other unlawful way. ample latitude is given to inquire whether one whose name appears on any roll had theretofore removed to and in good faith settled in the Cherokee Nation. It allows to stand, while another construction might nullify, the directions of Congress that the Indian laws shall be given due force and effect. It satisfies the demands of reason and equity and is in harmony with the spirit of other acts where Congress has recognized that Indians may leave their tribes without forfeiting their tribal rights of property. In fact they have been encouraged so to do in the act of February 8, 1887, (24 Stat. at L.,390) granting citizenship to Indians who take up their residence separate and apart from their tribes, and expressly declaring this to be done "without in any manner impairing or otherwise affecting the right of such Indians to tribal or other property;" and in the act of August 9, 1888,(25 Stat. at L., 392) granting citizenship to Indian women who marry U. S. citizens and expressly declaring that nothing in the act "shall in any way affect the right or title of such married women to any tribal property or any interest therein."

If it be necessary, therefore, to fix upon a time when an applicant must have been actually residing in the Cherokee Nation, the time of his enrollment is the logical one, though as Mr. West has clearly pointed out, any time prior to June 28, 1898,

satisfies the requirements of permanent line.

We respectfully in its a comparison of the above with the decision of the Dawes Commission which is, in effect, that no Cherokee shall be enrolled who was not actually living in the Cherokee Nation on June 28, 1898, though he may have been absent without affecting his status as a citizen under Cherokee law.

The first construction entitles these applicants to enrollment because Joseph D. Yeargain and Scott A. Yeargain were enrolled in 1880 and Marjorie C. Yeargain is the descendant of Scott A. Yeargain. Congress directed the Commission under this construction to enroll all these persons.

The second construction requires investigation as to whether in 1880 Joseph D. Yeargain and Scott A. Yeargain were bona fide residing in the Cherokee Nation and the record clearly shows they were. Having found, therefore, that they were citizens at that time and legally enrolled under every law, we inquire whether since that time they have done some act which under any law deprives them of their right of citizenship -- decitizenizes them. There is but one law bearing on the case and that is the Cherokee constitution which provides the sole manner in which a citizen may become a non-citizen. To lose his rights he must do three things

1. Remove from the Cherokee Nation;
2. Remove all his effects from the Cherokee Nation;
3. Become a citizen of another government.

We submit the facts show that applicants had no intention of permanently doing the first; the second it is admitted they did not do and the third they could not do under the law,

Elk vs. Wilkins, 112 U. S., 94.

because they were not made citizens of the United States until 1907 if at all. Scott A. Yeargain being entitled, Marjorie C. Yeargain is also as his descendant under section twenty-one.

II.

We will now consider the rights of minor descendants, born out of the Cherokee Nation, of a person on the roll of 1880 and other rolls.

First as to the minor applicant in this case we believe she should be enrolled because she is a descendant of a person whose name is legally on the roll of 1880.

Second, because under a proper construction of paragraph nine of section twenty-one of the Curtis Act, (even if that paragraph should be held applicable to persons on the roll of 1880) Scott Ross Keagin should be enrolled and his minor child should be so of course.

But as there are other cases we represent in which there are minor applicants, born outside the Nation have been rejected under paragraph nine although they are descendants of persons whose names legally appear on other rolls, we ask a more general consideration of that paragraph.

We have found that the paragraph is latently ambiguous and needs construction. We here briefly state a few of the general rules of construction which are applicable.

In construing a statute we should look at the whole context, and give full effect to all provisions. The objects intended to be subserved by the legislation should be considered and while the ordinary and popular meaning of words should be given where such an interpretation is possible, yet the operation of the statute should be restrained within narrower limits where its literal meaning would extend to cases which the legislation never intended to include in it. Market Co. vs. Hoffman, 101 U.S., 116.

Such a construction is to be given as will render the act reasonable rather than unreasonable and just rather than unjust. Merriam vs. U. S., 107 U. S., 457; Moonan vs. Bradley, 9 Wall., 394.

Congress stands in the position of a trustee of the

lands and funds of these Indians. The laws are, therefore, to be liberally construed in favor of the claimant and against Congress where such a construction is possible. Any other construction of section twenty-one than the one urged above would result in depriving those parties of their rights of citizenship and their pro rata share in the distribution of the lands and funds of the Cherokee Nation.

Construction making it the intention of Congress to deprive this child of its share in the lands and moneys so held in trust for it is within the reasons under which the Supreme Court of the United States has said that conjecture and uncertainty can never disinherit an heir even if the court is absolutely certain that the testator intended so to do. xx

Allen vs. Allen, 17 How., 467.

In construction, where one meaning would result in disinheriting children and another possible one would not so result, the former is permissible only when expressed in such clear terms as will make the intention so to do unmistakable.

Underhill on Wills, Sec. 532, Vol. 1, p. 460.

And this principle is as applicable in the construction and interpretation of such statutes as the one under consideration as in the construction of any other document.

The provision of section twenty-one as to who shall constitute the Indian tribes after the new roll, as made by the Commission, throws still further light on the meaning of the paragraph. It is as follows: "The rolls so made when approved by the Secretary of the Interior, shall be final and the persons whose names are found thereon, with their descendants thereafter born to them, with such persons as may intermarry according to tribal laws, shall alone constitute the several tribes which they represent.

Nothing in the section indicates the intention of Congress to establish a different rule as to what persons should

constitute the tribes before and after the making of the new roll. Certainly after the new roll is made, a Cherokee born outside his tribal limits would not lose his rights to tribal membership. The provision as to removal and settling within the tribes, does not apply to descendants born after the new roll shall be made; it was not intended to apply to descendants born before it is made.

The Supreme Court of the United States has repeatedly declared "that all laws are to be so construed as to avoid an unjust or an absurd conclusion; and general terms are to be so limited in their application as not to lead to injustice, oppression or an absurd consequence."

Lau Ow Bew vs. U. S., 144 U. S., 47, 61.

In this case the Supreme Court construed section six of the act of May 6, 1882, which provided that "every Chinese person" who comes to the United States shall obtain the permission of and be identified by the Chinese Government, such identity to be evidenced by a certificate issued by the Chinese Government showing such permission, the name of the permitted person in his individual, family and tribal name, title or official rank, age, height, physical peculiarities, former and present occupation, when, where and how long pursued, place of residence in China, and that he is entitled to come to the United States. If a merchant, the certificate must state the nature, character and estimated value of the business carried on by him prior to and at the time of his application, as aforesaid, with his financial standing in his country.

Lau Ow Bew was a "Chinese person", a subject of the Chinese Government and a merchant. He came to this country from China without the certificate and the collector refused to permit him to land on the sole ground that he failed and neglected to produce the certificate of the Chinese Government mentioned in section six as above stated.

Lau Ow Bew had been living in Portland, Oregon, for some years and was engaged in business there and had returned to China

on a visit and the Supreme Court of the United States, notwithstanding he was a "Chinese person, a subject of the Chinese Government, and a merchant" and about to and actually did come to the United States, ~~and the Supreme Court of the United States notwithstanding he was a "Chinese person, a subject of the Chinese Government, a merchant"~~ held that the act did not apply to him, but would apply to "those who are about to come to the United States for the first time" (page 61) for the reason that the Chinese "Government could not be expected to give in its certificate, the particulars mentioned, of all persons resident -- some, perhaps, for many years, -- out of its jurisdiction. Neither in the letter nor the spirit of the act calls for a construction imputing to Congress the enaction of a condition so absurd. . . . We repeat what we said in the case of Ah Fie and other Chinese laborers, that all laws are to be so construed as to avoid an unjust or an absurd conclusion; and general terms are to be so limited in their application as not to lead to injustice, oppression or an absurd consequence." (page 61) The following cases are cited: Church of the Holy Trinity vs. U. S., 143 U. S., 457; Henderson vs. Mayor of New York, 92 U. S., 259; U. S. vs. Kirby, 7 Wall., 482; Oates vs. National Bank, 100 U. S., 239; Low Yam Chow, 13 Fed. Rep. 605, 606.

Applying these rules, we find that the Dawes Commission is authorized in making rolls of citizenship of the tribes to take the roll of 1880 "and all descendants born since the date of said roll of persons whose names are found thereon." The word "persons" applies here to those whose names appear on the roll. "Descendants" evidently refers to children who are enrolled by virtue of their ancestors' names appearing on the rolls. The Commission is to "investigate the rights of all other persons whose names are found on any other rolls", and to enroll such "of their descendants born since such rolls were made".

The same distinction between "persons" and "descendants"

will be noticed by a perusal of paragraphs three, five, six and eleven of section twenty-one -- both before and after paragraph nine.

The practice of the Dawes Commission and the Department in these cases has been consistent with this construction in enrolling claimants. The proof required in these cases is from the ancestor. When he has established his identity as a "person" entitled to enrollment, his "descendants" are enrolled as a matter of course.

Not only is there a distinction made between "persons" and "descendants" in the act, but it is absurd and unjust to hold that the word "persons" in paragraph nine of the act applies to "descendants" of "persons".

The [illegible] generally assigned for anything rejecting these minors are two:

1. They were not born in the Cherokee nation.

2. They have not removed to and in good faith settled in the Cherokee Nation.

It is difficult to consider these reasons as the deliberate, serious product of a real tribunal passing on valuable property rights.

As to the first reason, it is dismissed with the unquestionable statement that there is no law or custom depriving the child or adult of the right to enrollment because of its place of birth being without the nation. On the contrary, thousands have been enrolled by the Commission who were born elsewhere. The law says the Commission shall enroll "descendants born since such rolls were made" and by what right does the Commission assume the authority to require birth in the nation. If the child is a descendant born since the date of a roll on which its ancestor's name legally appears, the requirement of the act is satisfied. Are we to go further?

As to the second reason, the requirement that a child

shall remove to and in good faith settle in the nation is so absurd that we fear to follow the reason to its logical results lest we be charged with levity in so serious a matter. Disclaiming any such intention, the results are:

1. A baby must first select its place of birth and if it errs in that, it must

2. Leave its mothers arms and forthwith remove to and in good faith settle in the Cherokee Nation, else its birth-right is forfeit. This child should, at birth, have jumped from its mother's bosom, removed to the Cherokee Nation and become a settler there, taking its part in taming the wilderness, building, plowing the sod, reaping and sowing as settlers do.

Any such construction of the act of Congress presupposes a marvelous Congressional conception of the Indian and a belief in a breed of most remarkable Indian babies.

What would Chief Justice Fuller say if this case were before him? He has told us in the Lam Ow Hew case that the word "person" in paragraph nine of section twenty-one of the Curtis act does not include the word "descendants" in said section.

C O N C L U S I O N .

In conclusion, we respectfully submit:

1. That paragraph nine of section twenty-one of the Curtis act is latently ambiguous and needs construction.

2. That said paragraph has no application to persons whose names appear on the roll of 1880 or their descendants.

3. That as to persons whose names appear on any other Cherokee roll a reasonable construction of said paragraph nine requires an investigation as to whether or not at the time such persons were placed on said rolls they were bona fide residents of the Cherokee Nation and entitled to citizenship under Cherokee law; that having found thus far in the affirmative the investi-

gation is then limited as to whether or not such persons have done some act which, under Cherokee law, deprives them of their rights as such citizens; that having found in the negative as to this it is then the right of such persons to be enrolled with their descendants born since the date of the rolls so investigated.

4. That the word "person" in paragraph nine of section ~~XX~~ twenty-one of the Curtis act has no application to the minor descendants of the persons named in said act, and when it is found that such persons were bona fide citizens of the Cherokee Nation at the tiem their names were placed on said rolls it then becomes the right of the minor descendants of such persons born since such rolls were made to be enrolled irrespective of their places of birth or residence during their minority.

Respectfully submitted,

Wm Henry White
Harry Skinkbell
A & L Lickie
Cecil McDaniel
Attorneys for Applicants.

DEPARTMENT OF INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION

JOSEPH D. YEARGIN
ENROLLMENT OF HIMSELF AS

CHEROKEE CITIZEN.

MOTION FOR REHEARING AND REVIEW

Comes the applicant, Joseph D. Yeargin, and moves the Honorable Secretary of the Interior to reopen this case, and review the same, because his decision herein of the date of October 30, 1902, is erroneous in this, to-wit:

I.

That he erred in holding that the provision contained in the Act of Congress of June 28th, 1898, "No person shall be enrolled who has not heretofore removed to, and in good faith settled in the Nation in which he claims citizenship," was applicable to the claimant in this case.

II.

That he erred in holding that the applicant herein has failed of compliance with the requirements of the provision of law last above quoted, even if same was applicable to his case.

III.

That he erred in not holding that the following provision of the Cherokee Constitution:

"That whenever any citizen shall remove with his effects out of the limits of the Nation, and become a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease, provided, nevertheless, that the National Council shall have the power to readmit by law to all the rights of citizenship any such person or persons who may at any time desire to return to the Nation on memorializing the National Council for such readmission,"

is the only provisionnof law whereby citizens of the Cherokee Nation in the attitude of this applicant could have lost their Cherokee citizenship.

IV.

That he erred in not holding the following provision of the Act of Congress of June 28th, 1898:

"That in making rolls of citizenship of t he 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,"

mandatory upon the Commission to the Five Civilized Tribes, requiring them to enroll this applicant.

WHEREFORE, applicant prays that the decision herein be reopened, and reversed, and a decision rendered reversing the decision of the Commission to the Five Civilized Tribes, and commanding said Commission to enroll applicant as a citizen by blood of the Cherokee Nation.

Respectfully,

_____

Attorneys for Applicant.

In this case the evidence in the case of Scott A. Yeargin was, by agreement of counsel and consent of the Commission, made a part of the evidence in this case also, and inasmuch as the evidence in the two cases is the same, we respectfully ask that the brief of argument filed in the case of Scott A. Yeargin be considered in passing upon the attached motion for rehearing and review, as though the same argument had been made in this case.

Respectfully,

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee 6426,
D 937.

Muskogee, Indian Territory, October 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 October 1, 1902, in the consolidated cases of Scott A. Yeargain, et al., Cherokee No. 6426, and Joseph D. Yeargain, Cherokee D 937, rejecting the application of Scott A. Yeargain for the enrollment of himself and his minor child, Marjorie C. Yeargain, and the application of Joseph D. Yeargain for the enrollment of himself, 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,

Enc. C. No. 4.

Acting Chairman.

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D 937.

Muskogee, Indian Territory, November 8, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, of date October 1, 1902, rejecting the application of Joseph D. Yeargain for the enrollment of himself as a citizen by blood, and the application of Scott A. Yeargain for the enrollment of himself and his minor child, Marjorie C. Yeargain, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 30, 1902.

Respectfully,

C. R. Breckinridge

Commissioner in Charge.

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-937

Muskogee, Indian Territory, December 23, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:-

There is transmitted herewith a copy of a motion made on behalf of the applicant, for a re-hearing before the Secretary of the Interior of the application of Joseph B. Yeargin for enrollment as a citizen by blood of the Cherokee Nation.

Respectfully,

Acting Chairman.

Enc. M-2171

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 6426

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 23, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:-

There is transmitted herewith a copy of a motion made on behalf of the applicants, for a re-hearing before the Secretary of the Interior of the application of Scott Yearguin for the enrollment of himself and one child as citizens by blood of the Cherokee Nation.

Respectfully,

Acting Chairman.

Enc. K-196

ATTORNEYS
L. B. BELL
W. W. HASTINGS
J. S. DAVENPORT
J. C. STARR, SECRETARY

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

D-937.

No. F. D.

[redacted]

Vinita, Indian Territory, January 23d.,1903.

Preston C. West, Esquire,

Muskogee, Indian Territory.

Dear Sir:-

I received your motions for review in the Cherokee citizenship cases of Joseph D. Yeargin, and Scott A. Yeargin, et al.

I prepared proper acknowledgements of service and attached to each this morning and mailed them to you.

Sometime ago we received copies of these motions direct from the Commission, so it will not be necessary to send us any more.

Yours very truly,

W. T. HUTCHINGS P. C. WEST L. P. PARKER, JR.
LAW OFFICES OF
Hutchings, West & Parker
MUSCOGEE, IND. TER.

Jan. 23, 1903.

J. C. Star, Esq.,
Vinita, I. T.

Dear Sir,-

Enclosed herewith, you will find motions for review in the Cherokee citizenship cases of Joseph D. Yeargin, Scott A. Yeargin, et al. I filed these sometime since with the Commission, and as none of the representatives of the Cherokee Nation were here at the time, I also filed copies for them, and, my recollection is, requested them to get an acceptance of service. This has not been done, however, for the department has returned these papers to me, and allowed fifteen days to get service.

Will either you or Mr. Hastings please kindly accept service on the documents I am sending, make proper endorsements, and return the same to me at once. If you have not received any copies, or cannot find them in the Commission's papers, let me know when you send the papers back, and I will furnish you these copies at once.

Yours truly,

Preston C West

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

ALLISON T. AYLESWORTH
SECRETARY

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

Cherokee
6426 & D-937

Muskogee, Indian Territory, March 31, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, rejecting the application for the enrollment of Joseph D., Scott A. and Marjorie C. Yeargain as citizens by blood of the Cherokee Nation, which was approved by the Secretary of the Interior on October 30, 1902, has been reconsidered by the Department and the Commission was, on March 19, 1903, ordered to enroll these applicants.

Respectfully,

Chairman.

IN THE MATTER OF THE APPLICATION OF

Joseph H. Yeargain

FOR ENROLLMENT AS

CHEROKEE CITIZEN

A. Original testimony Dec 11 1900

B. Memo. of application Dec 11-19

C. Notice of final consideration 3/13/

Consolidated with 6426

Dated [illegible] 1902 and

Transferred [illegible] No.

Transferred to [illegible]

Cher D 938

2955

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
TAHLEQUAH, I.T., DECEMBER 11th, 1900.

IN THE MATTER OF THE APPLICATION OF Silas Gary 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 through interpreter, Jos Sequichie, as follows:

Q Give me your full name? A Silas Gary.
Q How old are you? A Twenty three.
Q What is your Postoffice? A Melvin.
Q In what district do you live? A Tahlequah.
Q Who is it you want to have enrolled; just yourself?
A Myself, wife and one child.
Q Are you a Cherokee by blood? A Yes sir.
Q Full blood? A Yes sir.
Q Is your wife a Cherokee by blood? A Yes sir.
Q Is she a full blood? A Yes sir.
Q Have you lived in the Cherokee nation all your life? A Yes sir.
Q Give me the name of your father? A Saloi Gary.
Q Is he dead? A No sir, he is living.
Q Give me the name of your mother? A Susan Gary.
Q Is she dead? A She is living.
Q Give me the name of your wife? A Annie Gary.
Q How old is she? A Twenty two.
Q When did you marry her? A About two years ago.
Q Has she lived in the Cherokee Nation all her life? A Yes sir.
Q Give me the name of her father? A Walker Cochran.
Q Is he living? A Yes sir.
Q Give me the name of her mother? A Hanar Cochran.
Q Is she living? A Yes sir.
Q Give me the name of your child? A Thomas Gary.
Q How old is that child? A Three years old.
Q Who is the mother of that child? A Annie.
Q Your present wife? A Yes sir.
Q How long have you been living with this woman? A Some long.
Q Is she enrolled with you in 1896? A No sir.
Q Is this child called Thomas Gary? A Yes sir.
Q Was she ever married before she married you? A No sir.
Q Have you some one here now who knows she has lived with you as your wife? A Yes sir.

(1880 Roll, Page 749, #477, Silas Garey, Tahlequah District)
(1880 Roll, Page 747, #464, Anna Geeran, Tahlequah District)
(1896 Roll Page 183, #636, Silas Garey, Tahlequah District)
(1894 Roll, Page 1018, #461, Annie Cochran, Tahlequah District)

Q Have you any certificate of marriage? A Yes sir.
Q Where is it? A It is in the Clerk's office.

Com'r. C. R. Breckinridge: The applicant applies for the enrollment of himself, his wife and one child. He is identified on the rolls of 1880 and 1896 as a native Cherokee: He has lived in the Cherokee nation all his life, and he will be listed for enrollment as a Cherokee by blood.

His wife is identified on the rolls of 1880 and 1894: She is said to have lived in the Cherokee Nation all her life. The applicant states that they were married some two months ago; He is unable to establish the identity of his wife since her enrollment, but states that he has a marriage certificate in the Clerk's office, which he is desired to send to the Commission: His wife will now be listed for enrollment as a Cherokee by blood upon a doubtful card, to await her identification under her new name.

The child, Thomas Gary, said to be three years of age, and said to be the child of the applicant's wife, is too young to be upon any roll: This child, when a certificate of birth is filed, will be listed for enrollment upon a doubtful card as a Cherokee by blood.

[redacted]

Cherokee D 938

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

In the matter of the application for the enrollment of Annie Carey and her minor children Thomas and Harlan Carey, as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on December 11, 1900, Silas Carey appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment of his wife Annie Carey and their minor child Thomas Carey, as citizens by blood of the Cherokee Nation. The application also included Silas Carey, but he is differently classified and is not embraced in this decision.

The evidence in this case shows that on the 3rd day of May, 1902, there was born to Annie Carey, the lawful wife of Silas Carey, a male child. Said child has been named Harlan Carey. Therefore, the said Harlan Carey becomes an applicant in this case. Annie Carey is identified on the Cherokee Authenticated Tribal Rollof 1880, and on the Cherokee Strip Payment Roll of 1894. She has resided in the Cherokee Nation all her life. Thomas Carey is identified by a certificate of birth.

It is, therefore, the opinion of this Commission that Annie Carey and her minor children Thomas and Harlan Carey, 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. R. Breckinridge
Commissioner.

Dated at Muskogee, Indian Territory,
this SEP 20 1902

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

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 938.

Muskogee, Indian Territory, September 26, 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 Carey for the enrollment of his wife, Annie Carey, and his two minor children, Thomas and Harlan Carey, 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.

Respectfully,

Acting Chairman.

Enc. C. No. 24.

IN THE MATTER OF THE APPLICATION OF

Anna Barnett

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony Dec 11 1900.
B. Memo. of application Dec 11-1900.
C. Affidavit of birth - Thomas Barnett
D. Supplementary statement

Transferred to 180

See Cherokee jacket #6442.

Cher D 939

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
TAHLEQUAH, I.T., DECEMBER 11th, 1900.

IN THE MATTER OF THE APPLICATION OF Nancy Raper for enrollment as a citizen of the Cherokee Nation, and she being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q Give me your full name? A Nancy Raper.
Q How old are you? A Forty five.
Q What is your Postoffice? A Chouteau.
Q In what district do you live? A Cooweescoowee.
Q Who is it you want to have enrolled; yourself and family?
A Just me and my son.
Q Is he under twenty one years of age? A No sir.
Q He will have to apply for himself. A All right.
Q Are you a Cherokee by blood? A No sir.
Q Whi te woman? A Yes sir.
Q When were you married? A In 1874.
Q You are on the roll of 1880? A No sir.
Q To whom were you married? A Jack Raper.
Q Did you live with him until he died? A Yes sir.
Q When did he die? A In 1894.
Q How long have you lived in the Cherokee Nation?
A Ever since 1882.
Q How old was your husband when he died? A I do not remember: There is just a months difference in our ages.
Q When was your husband admitted to citizenship? A In 1882.

Com'r. C. R. Breckinridge: The applicant presents an official copy of the records of the Cherokee Commission on Citizenship, showing that on the 11th of September, 1882, among certain persons admitted to Cherokee citizenship, there appears the name of Jackson Raper.

Q That was the name of your husband, was it? A Yes sir.
Q Who was Thomas Raper, a brother? A Yes sir.
Q Who was Martha Raper? A An aunt.

Com'r. C. R. Breckinridge: This is recognized as official evidence of her husband's admittion, and it is filed herewith.

Q You were never remarried to your husband after he was admitted to citizenship? A No sir.
Q You were married before he was admitted? A Yes sir.
Q Where were you married to him? A Here; this will tell al about it - handing paper to Commissioner -

Com'r. C. R. Breckinridge: The applicant presents a license, issued bythe Ordinary of Murray County, Georgia, authorizing marriage between herself and her husband.

Q Your name at that time was Cline, was it? A Yes sir.

Com'r. C. R. Breckinridge: The license under date of December 29th, 1874, and the certificate shows that they were united in marriage on the same day by the Reverend Martin Isbell. This is an official copy of the original, given under the seal of the acting Official, and it is filed herewith.

Q Were you ever married except to this husband? A No sir.
Q He was never married except to you? A No sir.
Q You have not married since his death? A No sir.
Q When did he come to the Cherokee Nation? A In 1882.
Q And you came with him, did you? A Yes sir.
Q And you have lived here ever since? A Yes sir.

(1894 Roll, Page 121, #682, Nancy Raper, Cooweescoowee D'st)

NANCY RAPER.

Gen'r. C. R. Breckinridge: The applicant is identified on the roll of 1896 as a Cherokee by adoption: She is a white woman: It is shown by the official copy of the records of the Cherokee Commission on Citizenship that her husband was admitted to citizenship as a Cherokee by blood in 1888. She states that she has lived in the Cherokee Nation ever since her husband's admission, and that he lived in the Cherokee Nation from that time until his death in 1894. She has not remarried. The official copy of the license and certificate shows that she was married to her husband in 1874 in the State of Georgia: She was not remarried to her husband after his admission to citizenship.

It is contended by the Representatives of the Cherokee Nation that a person under these conditions is not entitled to enrollment: For the further consideration of that point, the applicant will now be listed for enrollment as a Cherokee by adoption on a doubtful card, and when the final decision of the Commission is rendered, it will be made known to the applicant at her present 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 14th day of December, 1900.

C Shurtleff

COMMISSIONER.

CD 939

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
1902

ACTING CHAIRMAN

R.

C. D-939.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 13, 1902.

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

The applicant was notified by registered letter February 25, 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 office in Muskogee, I. T., on the 13th day of March, 1902, and that on said date she might appear before the Commission, either in person or by attorney, when an opportunity would be given her to introduce any additional testimony affecting her application. Receipt has been acknowledged of the Commission's letter, and the applicant having this day, to-wit: the 13th day of March, 1902, been called, and failing to respond, it is deemed that her case is completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

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

Wm Hutchinson

Cherokee D-939.

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

In the matter of the application of Nancy Raper 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 Nancy Raper.
Q What is your age at this time? A Forty-seven.
Q What is your postoffice? A Chouteau.
Q Are you the same Nancy Raper that made application to the Commission for enrollment as an intermarried citizen December 11, 1900? A Yes sir.
Q What is your husband's name? A Jackson Raper.
Q Is he living? A No sir.
Q How long has he been dead? A In '94.
Q When were you and Jackson Raper married? A In '74.
Q Had you ever been married prior to your marriage to Jackson Raper? A No sir.
Q He was your first husband? A Yes sir.
Q Had he ever been married prior to his marriage to you? A No sir.
Q You his first wife? A Yes sir.
Q Did you and Jackson Raper live together as husband and wife from the time you were married up until the time of his death? A Yes sir.
Q You were never separated? A No sir.
Q Was he a citizen by blood of the Cherokee Nation? A Yes sir.
Q Have you ever married since his death? A No sir.
Q You were still a widow and single on the first day of September, 1902? A Yes sir.
Q Jackson Raper is the only husband you ever had is he? A Yes sir.
Q Have you lived in the Cherokee Nation all the time since you were married in '74 up until the present time? A No sir, we come to this country in February, '82.
Q Was he admitted to citizenship? A Yes sir.
Q You were married though before he was admitted? A Yes sir.
Q Did you and he live together in the Cherokee Nation from the time he came here in '82 up until his death? A Yes sir.
Q And you have lived here all the time since his death in the Cherokee Nation? A Yes sir.
Q Never lived out of the Cherokee Nation since '82? A No sir.

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

E. L. Rothenberger

Subscribed and sworn to before me this 31st day of October, 1902.

B. O. Jones
Notary Public.

Cherokee D 939

J.A.C.

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

In the matter of the application of Nancy Raper as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N .

The record in this case shows that on December 11, 1900, Nancy Raper appeared before the Commission at Tahlequah, Indian Territory, and made personal application for an enrollment of herlsef as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 13, 1902.

The evidence shows that the said Nancy Raper was lawfully married on December 29, 1874, to Jackson Raper, who was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said nation on September 11, 1882. The Cherokee Supreme Court, in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson, held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. The said Nancy Raper is identified on the Cherokee census roll of 1896.

The evidence further shows that the said Nancy Raper lived with her husband in the Cherokee Nation from the time of his admission to citizenship until his death, in 1894, and that since that time and at the date of this application she was a resident of said nation.

The evidence further shows that the said Nancy Raper has never remarried since the death of her husband, Jackson Raper.

It is, therefore, the opinion of this commission that Nancy Raper 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.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this AUG 11 1902

C.F.B. Cherokee 9856

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Nancy Raper 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 Tahlequah, Indian Territory, December 11, 1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of Nancy Raper as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 13 and October 7, 1902, and January 2, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Nancy Raper, 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 December 29, 1874, to one Jackson Raper, a Cherokee by blood; that the said Jackson Raper was not at the time of said marriage a recognized citizen by blood of the Cherokee Nation, and did not become such until his admission to citizenship by the duly constituted authorities of said Nation September 11, 1882. Said applicant did not, therefore, marry a citizen by blood of the Cherokee Nation prior to November 1, 1875. Neither the applicant herein, nor her husband, Jackson Raper, can 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, Nancy Raper, 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 her application for enrollment as such is accordingly denied.

(SIGNED) Tams Bixby

Commissioner

Dated at Muskogee, Indian Territory,

this FEB 2 1907

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 939.

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

Very respectfully,

Acting Chairman.

Enc. C. No. 36.

REFER IN REPLY TO THE FOLLOWING:
Cherokee 9856

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

Muskogee, Indian Territory, February 2, 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 2, 1907, rejecting the application for the enrollment of Nancy Raper 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.H-74
JMH

Refer in reply to the following: COPY.

DEPARTMENT OF THE INTERIOR,

Land. OFFICE OF INDIAN AFFAIRS,
12686-1907.

WASHINGTON.

February 25, 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 Nancy Raper 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, Nancy Raper, is a white woman and neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation except by reason of her marriage on December 29, 1894, to one Jackson Raper, a Cherokee by blood; that Jackson Raper was not at the time of the marriage a recognized citizen by blood of the Cherokee Nation, and did not become such until his admission to citizenship by the duly constituted authorities of that nation on September 11, 1882. The applicant did not therefore marry a citizen by blood of the Cherokee Nation prior to November 1, 1895. Neither the applicant nor her husband can be identified on the Cherokee authenticated tribal roll of 1880.

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,

(Signed) C. F. Larrabee,

Acting Commissioner.

JFB-Y.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

D. C. 12415
I.T.D. 5042,5044,5064,5070,5126-07.
5162,5338,5340,5358,5372- "
5408, 5430,5432/5434, - "

Y. P.
FHE.

February 28, 1907.

LRS.
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, viz:

Title of case.	Date of your letter of transmittal.
Rena L. Ironside, (Intermarried)	February 1, 1907
Nancy Roper, (Intermarried)	February 2, 1907
John Swain, (Intermarried)	February 2, 1907
Eva Ellen Anderson (Freedman)	January 12, 1907
William M. Donaldson,	December 3, 1906
Fannie W. Trott, (Intermarried)	January 8, 1907
Louisa J. Sloan, (Intermarried)	February 6, 1907
Dollie Theresa Callaway, et al,	January 25, 1907
Martha Harris, (Intermarried)	February 6, 1907
Sandy Smith, (Freedman)	November 23, 1906
Edward Chaney,	January 25, 1907
Carl E. Fishback,	January 18, 1907
Sarah E. McDonald, (Intermarried)	January 30, 1907
Mary A. Price, (Intermarried)	January 30, 1907

Copies of Indian Office letters submitting your reports and recommending that the decisions be approved, are inclosed. A copy hereof and all the papers in the above-mentioned cases have been sent to the Indian Office.

AWMc
3-1-07

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

14 inc. and 24 for Ind. Of.

REFER IN REPLY TO THE FOLLOWING:
Cherokee 9856

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

Muskogee, Indian Territory, March 9, 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 Nancy Raper as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, February 28, 1907.

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

Respectfully,

Commissioner.

Encl.H-20
JMH

Division 2. D 930

IN THE MATTER OF THE APPLICATION OF

Sonny Nelson

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

(Original testimony Dec 11 1900.

Memo of application Dec 11 1900.

Marriage license and certificate (copy)

Certificate of admission (certified copy)

Notice of final consideration 3/13/02

Receipt for testimony.

Intermarried Citizen

Cher D 940

R
DOUBTFUL as to wife, Ella M.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., December 11, 1900.

In the matter of the application of Henry McLain for the enrollment of himself, wife as Cherokee citizens; being sworn by Commissioner Breckinridge and examined by the Commission he testifies as follows:

Q What is your name? A Henry McLain.
Q How old are you? A 29.
Q What is your post-office address? A Braggs, Illinois District.
Q Are you a Cherokee by blood? A Yes sir.
Q What degree of Cherokee blood do you claim? A I don't know exactly, about one-32nd.
Q Do you apply for anyone besides yourself? A Yes sir, I am married.
Q You apply for yourself and wife and how many children? A None; myself and wife.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Ever make your home at any other place? A No sir.
Q What is the name of your father? A Joseph McLain.
Q Is he living? A Yes sir.
Q What is the name of your mother? A Martha Ann I believe; she has been dead about 20 years.
Q Your mother a Cherokee? A No sir.
Q Does your name appear upon the 1880 roll? A Yes sir.
Q In what district were you living at that time? A Illinois District.
Q In what district were you living in 1896? A Illinois District.
Q What is the name of your wife? A Ella M. McLain.
Q Is she living? A Yes sir.
Q How old is she? A 22
Q Is she a Cherokee by blood? A Yes sir
Q What degree of Cherokee blood do you claim for your wife? A She is about one-8th I think.
Q Has she always made the Cherokee Natin her home? A Yes sir
Q Lived here all the time? A Yes sir.
Q What is the name of her father? A Duncan Fence.
Q Is he living? A No sir.
Q Was he a Cherokee? A Yes sir
Q What is the name of her mother? A I don't know.
Q Is she living? A No sir.
Q Was she a Cherokee? A No sir.
Q When were you married? A About the 18th of November.
Q Last? A Yes sir.
Q Were you ever married before? A No sir.
Q Was your wife? A No sir.
Q In what district did your live in 1880? A Sequoyah District
Q In what distrct did she live in 1896? A I don't know whether she was in Sequoyah; she went to school at the orphan asylum right smart.
Q Was her name Fence in 1880? A Yes sir
1880 roll page 558 #1245 Henry McLain Illinois native Cher
1896 roll page 335 #1327 Henry McLain Illinois native
Q Did your wife ever have any other name besides Fence? A Not that I ever knowed of.
Applicant; My wife has got a brother named George.

Examined by Cherokee Rep've W.W.Hastings.

Q. Your wife's mother a Cherokee or a white woman? A. She was a white woman.
1880 roll and 1896 roll examined for applicant's wife and name not found;
Q. Was your wife at the Asylum in 1896? A. I couldn't say for certain.
1894 roll page 9 Old Nile Tower Orphan roll examined here

Commissioner: The applicant applies for the enrollment of himself and his wife as Cherokee citizens by blood; he is identified upon the rolls of 1880 and 1896 as a native Cherokee; he has lived in the Cherokee Nation all his life, and he will be duly listed for enrollment as a Cherokee citizen by blood; his wife cannot be identified upon the authenticated roll of 1880; nor upon the census roll of 1880; she is identified, however, upon the Strip Payment roll of 1894, as a native Cherokee; for the reason that she cannot be identified upon the roll of 1880 nor upon the roll of 1896 she will be listed for enrollment upon a doubtful card.

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

M D Green

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

Commissioner.

10940

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 29 1901
ACTING CHAIRMAN.

S U P P L E M E N T A L T E S T I M O N Y.

D.#940.
#7385.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., MARCH 27th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of ELLA M. McLAIN, D.#940, and GEORGE FENCE, #7385, as citizens of the Cherokee Nation:

HENRY McLAIN, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name? A Henry McLain.
Q How old are you ? A I am 29 years old.
Q What is your post office? A My post office at present is Wimer.
Q In what district do you live? A I live in Cooweescoowee.
Q Is Wimer in the Indian Territory? A Yes, sir.
Q Who is it you want to have enrolled, just yourself? A No, sir; I come to enroll my wife.
Q You want to enroll yourself too? A I have already enrolled, but I did not have sufficient proof to enroll her when I enrolled at Tahlequah.
Q So you apply at this time simply for your wife; do you want to offer additional testimony? A I have her Aunt here.
Q What is your wife's name? A Ella M. McLain.
Q Now, Mr. McLain, the trouble with your wife was she could not be identified on either the roll of 1880 or the roll of 1896? A No, sir.
Q Now, who here knows anything about her? A Her Aunt is here.

NANCY JANE SANDERS, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name, please? A Nancy Jane Sanders.
Q How old are you? A 47.
Q What is your post office? A McLain.
Q In what district do you live? A Canadian.
Q How long have you lived in the Cherokee Nation? A Since I was about ten years old.
Q Do you know this gentleman here, Mr. Henry McLain? A Yes, sir.
Q Do you know his wife? A Yes, sir.
Q What is her name? A Ella.
Q Ella M.? A Her name is Margie Ella.
Q When did she marry Mr. McLain? A Last Fall sometime, I don't know what day of the month it was.
Q Last Fall? A Yes, sir.
Q You know that they were married? A No, sir I was not there.
Q Do you know it as a matter of family information? A It was in the paper there at the post office.
Q The family recognizes that she is married to him? A Yes, sir.
Q What was her name before she married him? A Ella Fence.
Q Was she born in the Cherokee Nation? A Yes, sir.
Q Is she a daughter of Duncan Fence? A Yes, sir.
Q Is he alive? A No, sir.
Q Give me the name of her mother? A Lucy Fence.
Q Is she alive? A No, sir.
Q How long has she been dead? A She has been dead about 18 years I reckon.
Q How old is the wife of Henry McLain here? A 22.
Q Was her mother a Cherokee woman by blood? A No, sir.
Q White woman? A Yes, sir.

and he said he would send it to Wimer but he didn't do it.
Q Mr. McLain, you had better get a certificate from the Minister and file it.
Q You were never married except to this wife? A No, sir.
Q And she was never married except to you? A No, sir.

---oo0oo---

J. O. Ressen, being first duly sworn, states xthat as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in t his case, and that the foregoing is a true and complete t ranscript of his stenographic notes thereof.

J. O. Ressen

Subscribed and sworn to before me this 29th day of March, 1901.

M. D. Green
Notary Public.

CORRECTION

THIS DOCUMENT

HAS BEEN

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TO ASSURE

LEGIBILITY

Q Was her father a Cherokee by blood? A Yes, sir.
Q How long has he been dead? A I reckon he has been dead about 14 years.
Q How long did you say her mother has been dead? A She has been dead about 18 years.
Q Did Mrs. McLain's mother, Lucy, live with her husband, Duncan, from the time of their marriage until the mother, Lucy, died? A Yes, sir.

The 1880 Authenticated Roll of citizens of the Cherokee Nation examined and Applicant's Wife's Father's name found therein; page 695, #461, Duncan Fence, in Sequoyah District.

Q Did Ella Fence have the name of Maud as well as Ella? A Margie.

The 1896 Census Roll of the Cherokee Nation examined and Applicant's wife identified thereon; page 1068, #557, as Maud E. Fence, in Sequoyah District.

Q Can you explain why Mrs. Ella M. McLain's and her mother, Lucy's, names were left off the roll of 1880? A No, sir, I can't; after their mother died, Charley Sanders in Sequoyah District, he was her uncle on her father's side, he taken the children; I was not living down there.
Q Was Lucy Fence ever married except to Duncan Fence? A Yes, sir.
Q She married before she married Duncan Fence, did she? A Yes, sir
Q How many times? A Once.
Q Who was her first husband? A Jack Webb.
Q Is he dead? A Yes, sir.
Q Did she live with him until she died? A Yes, sir.
Q Did he die before she married Duncan Fence? A Yes, sir.
Q Was Duncan Fence ever married before he married his wife, Lucy?
A No, sir.
Q The mother of this woman then was the first wife of Duncan Fence?
A Yes, sir.
Q And the only wife he ever had? A He married after she died.
Q Did Duncan and Lucy live together until Lucy died? A Yes, sir.
Q Are you certain about the age of this Mrs. Ella McLain? A No-sir; I ain't, that's what she says is her age; after her father and mother died they sent her to the Orphan Asylum.

The 1896 Census Roll of the Cherokee Nation examined and Applicant's wife's brother identified t hereon, page 1043, #45, George Fence, Orphan Roll Saline District.

Q Now, is George Fence who is on the 1896 Orphan Roll, a full brother of this woman, Ella McLain? A Yes, sir, full brothers and sisters.

COM'R BRECKINRIDGE:--A copy of this testimony will be filed with the application of Ella M. McLain, D. #940, and also a copy will be filed with the case of George Fence, #7385, and attention is called to the proof of marriage between Henry McLain and his wife, Ella M. Fence, in addition t o that in the original application, and to the fact that Ella M. Fence is now duly identified on the roll of 1896, and that her ~~full~~ brother, George, who is shown to have been at the Cherokee Orphan Asylum, is her full brother. Admission to the Orphan Asylum is strong presumptive evidence of Cherokee citizenship by blood.

HENRY McLAIN, the Applicant, re-called, testified as follows:

Q Now, Mr. McLain, have you a certificate of marriage between yourself and your wife? A No, sir; I paid the preacher to make out one

and he said he would take it to Winer but he didn't do it.
Q Mr. McLain, you and Winer got a certificate from the Minister and file it.
Q You were never married except to this wife? A No, sir.
Q And she was never married except to you? A No, sir.

---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 the his case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 29th day of March, 1901.

M. D. Green
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 27 1902

R.

C. D-940.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 13, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Ella M. McLain for the enrollment of herself as a citizen of the Cherokee Nation.

Appearances:
G. W. Benge, attorney for applicant.
W. W. Hastings, attorney for the Cherokee Nation.

The applicant's husband, Henry McLain, was notified by registered letter February 25, 1902, that his application for the enrollment of his wife, Ella M. McLain as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 13th day of March, 1902. The applicant this day, to-wit: the 13th day of March, 1902, appears by her husband, Henry McLain.

HENRY MCLAIN, being first duly sworn, and being examined, testified as follows:

BY COMMISSION OF MR. MCLAIN: What is your name?
A. Henry McLain.
Q. How old are you? A. Thirty.
Q. What is your post office address? A. Vinar.
Q. Are you the husband of Ella M. McLain? A. Yes sir.
Q. She is an applicant before the Commission as a citizen of the Cherokee Nation? A. Yes sir.
Q. Is there any statement you desire to make relative to the enrollment of your wife? A. None whatever.
Q. You submit the case to the Commission for final decision?
A. I suppose so, unless I hunt more witnesses, I don't see that there is any more than what I have already got.

Henry McLain, in behalf of his wife, and the representative of the Cherokee Nation present submit the case, same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record ?

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

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

Wm Hutchinson

DEPARTMENT OF THE INTERIOR, BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES, AT MUSKOGEE, I. T., MARCH 20th 1902.

----------oOo----------

In the matter of the application of Henry McLain for the enrollment of his wife, Ella M. McLain, " Nee Fence", as a citizen of the Cherokee Nation by virtue of Cherokee blood.

" D 940 "

In obedience to a notification to the said Henry McLain of the time for final hearing and closing of said case by the Commission, said Henry McLain appeared in behalf of his wife Ella, and agreed that the case be submitted for final decision by the Commission, with leave of filing Brief, by his Attorney G. W. Benge, in behalf of said applicant.

" B R I E F".

The contention of the applicant is, that she is the daughter of Duncan Fence, a Cherokee Indian by blood and Lucy Webb by lawful marriage " see certificate of said marriage herein filed", that by such marriage Ella and George were born to them, that they were left orphans when they were quite young. That as orphan children of citizens of the Cherokee Nation, they were admitted to the orphan Asylum School, made and provided for such orphans, citizens of the nation only, "see statement, of Nancy Sanders", in 62nd and 63rd line of her statement again we find the names both of Ella and George on the orphan rolls, taking the statement of Nancy Jane Sanders, corroborated by the fact that we find the name of Ella Fence, on page 7, No. 12, 1894 orphan roll, and by reference to the orphan roll of 1896-1943, we find the name of George Fence, this fact is strong presumtive proof of the citizenships of Ella and George Fence by virtue of Cherokee blood. That no roll is ever made of the orphans of the country except as made at the orphan asylum school as the beneficiaries enter, and that

~~and that~~ the census of the orphans are made up from the books or such rolls as are made of those in attendance at the said school. That no one who is not a citizen of the nation can enter said school, Mrs. Mary Jane Sanders, says, that "they" were sent to the orphan asylum, after the death of their parents," (indicating both) and again we find by reference to the 1896 roll, page 1068, appears the name of Maud E. Fence, undoubtedly one and the same name, Mrs. Sanders states that she is known as, Ella M. and as Ella, and as Margie, which is very comm on among the Cherokee Indians and more so with orphans' children, applicants name appears on the pa y rolls as well as those above cited, and having been born and raised in the Cherokee Nation, knowing no other country, and in view of the fact that applicant has thus been recognized and treated ever as a Cherokee Citizen, having participated in the per capita payments having been received as an orphan Cherokee as well as having been listed and enrolled as such, on the roll containing only citizens of the Nation, the applicant Ella McLain should now be listed for enrollment by the honorable Commission as a citizen of the Nation by virtue of Cherokee blood.

Respectfully submitted.

G. W. Bruce

Attorney for applicant.

Cherokee D 940

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

In the matter of the application of Ella M. McLain 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 December 11, 1900, Henry McLain appeared before the Commission at Tahlequah, Indian Territory, and made personal application for enrollment, among others, of his wife, Ella M. McLain, 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 27, 1901; also further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 13, 1902. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that the said Ella M. McLain was 22 years of age at the date of this application and that she is the daughter of Duncan Fence, identified as a native Cherokee by the 1880 authenticated roll of the Cherokee Nation. The said Ella M. McLain is identified upon the strip payment roll of 1894 and also identified on the 1896 census roll of the Cherokee Nation.

The evidence further shows that the said Ella M. McLain was born and has always resided in the Cherokee Nation and at the date of this application was residing in the Cherokee Nation.

It is, therefore, the opinion of this Commission that Ella M. McLain 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.

Acting Chairman.

Commissioner.

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 940.

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 Ella M. McLain 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 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. 43.

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. 190

IN THE MATTER OF THE APPLICATION OF

Della M. McFarin

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony. Dec 11-1900

B. Memo. of application. Dec 11-1900

~~C. Supplemental testimony 3/2/7~~

D Notice of final consideration, 3/13/0

E Receipt for testimony.

Cohe [illegible]

[illegible]

Ch [illegible]

I Brief for applicant

Oct 3, 1902 [illegible] and trans [illegible]

See Cherokee Jacket # 6451.

Cher D 941

ARMAN.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah I.T. December 12,1900.

In the matter of the application of James Taylor 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 James Taylor.
Q What is your age. A 79.
Q What is your post-office address? A Claremore.
Q In what district do you live? A Coowescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Have been ever since 1880.
Q Your name on the authenticated roll of 1880? A We come here in 1880, and I think it is on the roll of 1881.
Q You claim to be a citizen by blood? A Yes.
Q Who do you want to enroll besides yourself? A I have no other.
Q Just yourself? A Yes sir.
Q In what district were you in 1896? A Coowescoowee.
Com'r: Examination of the rolls of the Cherokee Nation, it is found that upon the list of North Carolina Cherokees who were paid transportation, and emigrated to the Cherokee Nation under the act of the National Council approved December 3 1880, is found the name of James Taylor, #20.

Q Were you enrolled in 1896, four years ago. A I made application to the Dawes Commission,
Q Where do you reside? A I reside at Claremore with my daughter
Q Have you lived in the Cherokee Nation continuously since 1881?
A Most of the time.

Examined by Cherokee Rep've W.T.Hastings:

Q Why didn't you come to Claremore to enroll? A I was away on business.
Where? A In North Carolina.
Q How long have you been in North Carolina on business? A Well it has been about 2 years.
Q Now the fact of the business is you never have permanently lived in this country? A Yes I have.
Q How long? A Ever since my family come; I brought them here, and my effects are there at my daughters.
Q Where have you been getting your mail? A When I was here I got it at Claremore.
I know that, but when you were not here where did you get it, where would a letter addressed to you have reached you? A I have been in several places, I would get it Ashville, Murphy and Andrews.
Q How long have you been getting it at Ashville? North Carolina?
A Several months.
Q And at Murphy? A Yes sir, I got letters at Murphy not long ago.
Q How long? A It has been about 2 weeks.
Q How long did you remain in the Cherokee Nation when you came here in 1881, in October? A I staid three years? A Then where did you go in 1884? A I went back to 1883,
Q To North Carolina? A Yes sir.
Q And how long did you remain there, ever since haven't you
A No; I have been at Washington a good deal.
Q You have lived both at North Carolina and Washington ever since you went back haven't you? A No, I was here in 1894 and 1895 and 1897.
Q How long did you remain here when you came back in 1894?
A I remained here about or about four years.

Q How long did you stay here in 1894 when you came back here?
A I was here three years.
Q In 1894? A From 1894 to 1897
Q Did you remain here continuously all the time from 1894 to 1897?
A Yes sir
Q And you never staid any part of that time in North Carolina or Washington? A I don't know; I may have went to Washington and back here.
Q Where were you in 1896? Were you in this country? A Yes sir
Q Did you appear when these fellows went around to take that census roll in 1896? A Yes sir. I was with them at Vinita.
Q Did you apply for enrollment? A I went there and saw Mr. Armstrong.
Q Oh I mean the Cherokee census takers? A No, I didn't see them.
Q Didn't you see Sequichie, wasn't Sequichie taking the census along about that time? A No sir.
Q Didn't you come back from North Carolina to enroll at that time in 1896 and they refused to enroll you? A No, I never was refused enrollment; I went to the Dawes commissin.
Q What did the Dawes Commission tell you? A Mr. Armstrong said I was all right, and they would put me on.
Q Did you make written application to the Dawes Commission in 1896 for enrollment? A Yes sir, petition.
Q Did they admit you? A I don't know.
Q Do you know Sarah Ann Gordon? A No.
Q Who filed your case? A Didn't have any.
Q You wrote it out yourself? A Sent it to the Commission.
Q What is your middle name? A Didn't have any.
Q You know Amanda Gibson? A No.
By Com'r Needles:
Q Do you know William Taylor? A Yes sir, there is a William Taylor, my son, W.T.
By Hastings:
Q Do you know a Meade Taylor? A No.
Q Did anybody else apply when you applied, any of the rest of the family? A My daughter, her husband is D.J.Mathews.
Q What is your daughter's first name? A Addie.
By Com'r Needles:
Q Who is Ora Taylr? A Dora; that is Frank Rucker's wife, my daughter Dora.
By Needles:
Q Do you know Nancy Bell Fletcher? A No sir.
1896 roll examined for applicant and name not found.
Q Who drew your money in 1894? A My children.
By Hastings:
Q Why didn't you draw it? A I gave an order to the treasurer to pay it to my children.
Q Why didn't you draw it yourself where were you? A I was living with my children.
Q Where were you? A I was here at Pryor Creek. My son James and William drawed it.
1894 roll page 388, #4432 James Taylor Chowweescoowee
By Com'r Needles:
Q Have you a family? A No.
Q Your children are all grown? A Yes sir.
Q It appears that the Dawes Commission in 1896 rejected you?
A I had no notice of it.
Q Did you ever inquire about it to know what they did do?
A Mr. Armstrong said it was all right.
Com'r: The record shows you were rejected.

Com'r Needles: The name of James Taylor is found upon the census roll of 189[illegible] nor upon the authenticated roll of 1880.

his name is found upon the per roll of 1894; his name is also found upon the list of North Carolina Cherokees who removed to the Cherokee Nation, particulars described in the testimony; by reason of uncertainty as to the application to the Dawes Commission in 1896 and also as to the red seven, final judgment on the enrollment of James Taylor will be suspended, and his name will be placed upon what is known as a doubtful card, and reference is made to DEFERRED CARD 310 and DOUBTFUL CARD D 697.

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

M D Green

Subscribed and sworn to before me this December 13, 1900.

Commissioner.

941

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JAN 21 1901

ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE N, I.T., JANUARY 17th, 1902.

SUPPLEMENTAL TESTIMONY IN THE MATTER OF THE APPLICATION FOR ENROLLMENT OF JAMES TAYLOR AND FRANK M. RUCKER, "D" #841 & "D" #772 respectively:

James Tayler, being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q Give me your full name? A James Tayler.
Q How old are you? A Seventy nine.
Q What is your Postoffice? A Claremore .
Q In what district do you live? A Cooweescoowee.
Q Do you know Frank M. Rucker? A Yes sir.
Q Is his wife your daughter? A She is.
Q What is her name? A Her name is Dora.
Q Any other name besides Dora? A She was named after her grand mother, Susan Hedora.
Q Was she ever called May D.? A I do not know.
Q Her full proper name is Susan Hedora? A Yes sir.
Q Here's a marriage license issued by the clerk of Tahlequah District, September 13th, 1884, authorizing marriage between Frank M. Rucker, a citizen of the United States, and May D. Tayler, a Cherokee, and the certificate shows that they were united in marriage on the 4th of September, 1884, by the Reverend L. M. Gravens? A Yes sir, he is dead now.
Q Does this relate to the marriage between Mr. Rucker and your daughter? A Yes sir.
Q This May D. Tayler is your daughter? A Yes sir.
Q Was Frank Rucker ever married before he married your daughter?
A I never heard of it.
Q Was your daughter ever married before she married him? A No sir.
Q Have they lived together ever since they were married in 1884?
A Yes sir, they are living together now.
Q Did you come from North Carolina? A Yes sir, but I am not on the North Carolina Rolls.
Q Why not? A I was born and raised in Tennessee.
Q Have you a certificate of your admission to citizenship? A
A No sir, I did not think I nee ded any; I came here in '80 and put our names on all.
Q Was your name enrolled at Tahlequah? A Yes sir.
Q Have you any evidence of that fact? A Nothing more than the rolls.
Q Where is the official copy of the roll? A I have nothing of the kind.
Q You have no proof that your name is on that roll? A I can show that they was on that.
Q Was your mother a Cherokee? A She was.
Q What was your father? A David Taylor.
Q What was he; Cherokee or white man? A White man.
Q What was the name of your wife when you came here?
A I did not have any wife.
Q Your wife was dead? A Yes sir.
Q And you just brought your children? A Yes sir; I have lived with them ever since.
Q Was your wife a white woman or a Cherokee? A White woman.
Q Were you ever married more than once? A No sir.
Q Only married once? A Only once; yes sir.
Q When were you married? A I was married in -- I think it was 1854.
Q Who was it you married? A Adline Manchester.
Q Did you pay your way, or did the Cherokee Nation pay it?
A I paid my own way: Me and John.
Q You came from Tennessee? A No sir, I came from North Carolina, but I was born and raised in Tennessee, but am not on the North Carolina rolls.
Q You were classed as a North Carolina Cherokee, were you?

A Yes sir., but I am not on the North Carolina rolls.
Q You are on it in spite of all you say; How do you know you are not on the North Carolina Roll? A I have got a roll; I know we were not put on it, under the act of '48, because we had been born and raised in Tennessee.
Q You mean a roll that was kept in North Carolina, do you not?
A Yes sir.
Q Well, now; put on your glasses and follow me; Who is that James Taylor there, fifty eight years old? A What year was that?
Q 1881? A That is myself I guess.
Q This is the man that paid his own way? A Yes sir, I paid it.
Q You think that is you? A Yes sir, and I paud for my two daughters coming.
Q Why are not their names down here on this roll? A They were at school at the time I came in '80.
Q Where were they at schools when you came here? A One was at Henderson; the other at Ashville (Nashville?).
Q Back in the old country? A Yes sir.
Q How long was it before you brought them out here?
A Dora was first; She came with my son John, and when the others time was out, she came with Mrs. Dege.
Q They came later? A yes sir.
Q That is the reason their names were not put down at the time yours was? A yes sir.
Q When did you wife die? A She's been dead about eighteen years or nineteen.
Q Where did she die? A She died in North Carolina.
Q You never brought her out here? A No sir.
Q Have you lived here ever since you came in 1881? A Only when I was away on business.
Q Well, how much time were you away on business? A I have been away sometimes over a year; I have stayed four years at a time and two years at a time;. I have had some litigations going on that I had to attend to.
Q Did you always consider yourself a citizen of the Cherokee Nation? after you came here in 1881? A Yes sir.
Q Did you ever vote back there in North Carolina or Tennessee?
A Not since I came here; When I came here, I was made magistrate. I have never voted or registed since.
Q Never voted or registered where? A In No rth Carolina.
Q Have you a certificate of your marriage to your wife? A No sir.

By Mr. W. W. Hastings, Cherokee Representative:
Q Did you live with your wife until her death? A No sir.
Q You separated from her? A Yes sir.
Q How long before her death? A Well, it was some three or four years.
Q Then you separated from her in 1878? A '73.
Q You separated from her in 1873 then? A Yes sir; some time in seventy.
Q Can you not be more accurate about it; About what year in 1870?
A I can not tell you.
Q You say some three or four years before her death, and she died in '1881 or 1882? A I came here in 1880.
Q Was she dead when you came here? A yes sir.
Q And then you went back? A I went back as soon as we got the act passed through the legislature inviting the North Carolina people to come here.
Q That was in December, 1880, was it? A Yes sir, on the 3rd of December, 1880.
Q Well, when did you return here the next time under that Act?
A I went back and got two carloads of people; We had to make arrangement with some road to bring them here at twenty dollars a head, in '81; June 6th, '81, they left Loddon, Tennessee and came here.
Q Well, when did you arrive here yourself? A I came here directly afterwards; I was here when the Act was passed.
Q I mean when you came back the last time; That is what I am getting

at. Did you come here in '81? A Yes sir. I came here when they paid bread money; I received mine same as the others.
Q How long did you remain when you came in 1881? A Until '84.
Q And then you went where? A To Washington on business.
Q How long did you remain up there? A Until somewhere along in 1890.
Q About what time in 1890? A In the Fall of 1890; cold weather coming.
Q Have you been here in the Cherokee Nation ever since the Fall of 1890? A I stayed here until 1897.
Q Continuously? A Yes sir.
Q All the time from the fall of 1890 to 1897? A Yes sir. I believe I did go up to Washington, but I was not gone long.
Q Where did you live from 1890 now until 1897 in the Cherokee Nation? A I lived first with my ~~brother~~ son, John , and Addie Mathews; occasionally with Laura and I stayed a good while with my ~~brother~~ brother at Coffeyville.
Q Did these children live with you or their mother after the separation? A A Lived with me.
Q Always lived with you? A Yes sir.
Q When did Mrs. Rucker come to the Cherokee Nation? A John brought her just as soon as her term of school was out.
Q When was that? A I can not tell you exactly.

Com'r. C. R. Breckinridge:
Q How old was she then? A She was thirteen.
Q Did she come here when she was thirteen years old? A Yes sir.

By Mr. W. W. Hastings, Cherokee Representative:
Q How long after you returned here in 1881 was it that Mrs. Rucker came here? A I do not know.
Q Was it two or three years? A Two or three years; yes sir.

Com'r. C. R. Breckinridge:
Q She was over thirteen years of age then when she came? A She was a little over, because they put her out of college when she was thirteen.
Q Has she been here ever since that time? A Yes sir, ever since; never been out of the Territory.

By Mr. W. W. Hastings, Cherokee Representative:
Q John Taylor then came with his sister, Dora some two or three years after you came? A No, me and John came first and got the arrangement made .
Q He did not return after this l w was passed until he came with your daughter, Mrs. Rucker? A No sir; He had been here before.
Q Well now when? A He had cut hay, quite a lot of hay in August, and they got this act passed inviting the Indians -- the Indians they came in June, before June '81. We cut and sold out hay and then went back again.
Q Sold your hay where? A Up there close to Tahlequah.
Q When did you sell it to? A Cochran; a good part of it.
Q What Cochran? A I do not know.
Q What direction from Tahlequah did you cut hay? A West like; south west.
Q What time of the year did you cut it? A August.
Q Of what year? A '80.
Q That was before the law was passed? A Yes sir, and we came to get the law passed to get the invitation.

Com'r. C. R. Breckinridge:
Q This John you speak of; is he your son? A Yes sir, oldest son.

By Mr. W. W. Hastings, Cherokee Representative:
Q After he went back when you were out here the time you sold the

hay, the next time John came back was when he came with Mrs. Rucker?
A Yes sir. That's his second trip.

Com'r. C. R. Breckinridge:
Q What year was it Mrs. Rucker came out here? A I can not say exactly.
Q About 1883 or 1884, was it not? A It must have been.
Q You said it was three or four years after you came? A Yes sir, she was going to school when I came; She was a minor and going to school.
Q Well, how long after you came before your daughter, who is now Mrs. Rucker, came out? A About three years.
Q And you mean about three years after 1881? A Yes sir.
Q Then John came here about 1884; came back? A This was his second trip.
Q Came back the second time before 1884? A No sir, third time. We were here first cutting hay.
Q In 1880? A Yes sir.
Q When did John go back again? A We cut and sold our hay and went back again.
Q John came with you in 1880 first and helped get that law passed?
A Yes sir.
Q And then he went back again? A Yes sir.
Q Then after he went back after this first trip here, when did he come the second time? A Well, he came -- he came here in 1881.
Q How long did he stay? A He did not stay very long.
Q Did he stay a month? A Yes sir, he stayed a year.
Q And then he went back? A He went to Washington.
Q Where else did he go? A He went to Washington to settle up his accounts.
Q And when did he come back here? A He came back with Dora.
Q In 1884? A Yes sir, '83 or '4.
Q Has he been here ever since? A Yes sir, never been away.
Q Now, you left here in 1884 to go to Washington? A Yes sir.
Q And came back in 1890? A Yes sir.
Q Were you in Washington all that time? A Most of the time.
Q Where were you when not there? A I had some law suits back in North Carolina.
Q You were away six years? A No sir, not all the time. I was here in 1890.
Q You were here in 1880, and you left in 1884; Where were you during that six years? A I was in Washington most of the time.
Q Where-else? A In North Carolina in relation to my land matters.
Q So you were in Washington and North Carolina the whole time?
A Yes sir.
Q What were you doing in Washington all ~~the time~~ that time?
A I had a power of attorney from these emigrants to come out here and collect the money due them from the Government.
Q And you were in Washington only for the purpose of looking after that business? A Yes sir.

By Mr. W. W. Hastings, Cherokee Representative:
Q You swore that you had lived in the Cherokee Nation from the fall of 1890 until 1897, all the time consintuously? A No sir, I was out twice and back.
Q Where? A I went to North Carolina to see to my law suit.
Q When? A I went in 1891.
Q And when was the second time you went out; and where.
Q I was back in '92.
Q Back in North Carolina in '92? A Back here.
Q You said you were out twice between 1890 and 1897; You have explained that you were out once; Where were you the second time?
A In '93.
Q Where did you get then? A I went up to Washington.
Q How long did you remain there then? A I remained about a year.
Q Then you came back here in 1894? A Yes sir, I came back in

'94 and I remained until 1897.
Q Then from 1894 to 1897 you were here all the time? A Yes sir.

Con'r. H. R. Breckinridge:
Q And then where did you go? A To Washington.
Q In 1897? A Yes sir.
Q How long did you stay there?
A Not long: I got a round trip to the McKinley inauguration.
Q Just stayed there on a limited ticket? A Yes sir.
Q Can you not write back to North Carolina or Tennessee and get a copy of the marriage records showing the marriage between yourself and your wife, Adline Winchester? A I do not know. The records have all been burned. Burned in time of the War.
Q Is there any one here that knows Mrs. Rucker was recognized as your child, and known as your child? A I do not know, except my own family relation.
Q Are any of them here?
A I have a brother at Chelsea.
Q You never had her name put on the roll: Your name is on the roll; other people have their children's names on the roll, but you have not got your children's names on the roll?
A Who, Mrs. Rucker?
Q Yes sir? A Busyhead taken them as minors when I first came.
Q That is what I am trying to prove?
A If I need any other proof, I will furnish it.
Q I want you tobring some one here who knows that Mrs. Rucker was your child? A Yes sir.
Q So as to show that she is entitled to the rights that you acquired back there in 1881? A Well.
Q Will you bring some one here to give evidence about that?
A Yes sir, my people; we all lived there together.
Q Will you bring one person here who will swear; that knows all about it? A I can bring several.
Q Who will you bring here now that knows; that know your wife, and know you and she were husband and wife, and that this woman is your daughter: Who can tell me that?
A My brother Tom.
Q Where is your brother Tom? A He lives up here on fourteen mile creek.
Q Can you bring him here?
A I do not think he is hardly able to come.
Q Well, who else can come? A Brother David; he lives up there at Chelsea.
Q Can you bring him? A I can, if necessary.
Q I want you to bring some one? A Well sir.

By Mr. W. W. Hastings, Cherokee Representative:
Q Were you ever married before you married the mother of Mrs. Rucker? A No sir.
Q You had seven children before you married her? A Yes sir.
Q Did you testify before the citizenship court that you were the father of Mrs. Dege? A I do not know.
Q Did you not testify about her? A I do not know.
Q Will you swear that you did not? A I do not think I was called in as a witness.
Q Are you her (Mrs. Dege's) father? A Said to be: I raised her.
Q Do you recognize here as your child? A Yes sir.
Q Are you the father of a Mrs. Powell? A No sir; she was a child of Mrs. Dearmit.
Q Mrs. Rucker's mother and Mrs. Dege's mother were not the same woman? A No sir.
Q Did you live with Mrs. Dege's mother as your wife?
A No sir.
Q Did you ever live with her at all? A No sir; this child was

born; it was laid to me; She said it was mine.
Q She was a white woman? A No sir, she was part Indian.
Q Cherokee? A That Blythe stock.

Com'r. C. R. Breckinridge:
Q How many children have you besides these born of your wife, Adline Manchester? A I have got eleven surviving children.
Q How many have you got that are not the children of Adline Manchester? A There are five here by the Manchester woman.
Q And then there are six that are not by the Manchester woman?
A yes sir.
Q Are these children all by one woman? A No sir.
Q Did you ever live as husband and wife with the mother of any of these six children who are not by your wife, Adline Manchester?
A I did with one.
Q You lived as the husband with one woman besides your wife?
A yes sir, but I married her.
Q That is what I asked you a while ago, and you said no?
A There is only three -- she died.
Q Only three what? A Three children.
Q These six children are by different mothers, to some extent at least? A Yes sir.
Q Were the mothers of these children all dead when you married your wife, Adline Manchester? A yes sir.
Q Their mothers were all dead? A yes sir.
Q I want to establish now the lawful marriage with this woman, Adline Manchester, and prove that these children are her lawful children: What was the occasion of your separation from Adline Manchester? A Her conduct. She became dissipated.
Q Dissipated? A yes sir.
Q What do you mean by dissipated? A Well, she went with the war pretty much, and she became so I would not live with her.
Q Do you mean that she became unfaithful? A yes sir.
Q Are you confident that these are your children by her?
A They were all born before she ever became any such way.
Q You bring some one here that can swear to your marriage to that woman, Adline Manchester, and to these children being recognized as your children by that woman? A I do not know about the marriage part, whether I can get any one or not.
Q Is there any one who knows you were married to her?
A I was married by old man Britton; he is dead.
Q Is there no one living who know she was your wife?
A yes sir, my brother David.

By Mr. W. W. Hastings, Cherokee Representative:
Q Which is your youngest child by your wife, Adline Manchester?
A Addie Mathews.
Q When was she born? A She was born -- I think it was '71.
Q Is it not a fact that she was born some year or more after your separation from her mother, Adline Manchester? A No sir, she was born before any separation.
Q When did Mrs. Mathews come to this country?
A She came with Mrs. Dege.
Q When was that? A I do not know exactly.
Q The last part of the 80's was it not?
A Along in '80; mayby '84; when her time was out at school she came with Mrs. Dege.

Com'r. C. R. Breckinridge:
The name of James Taylor, aged fifty eight years, appears on the roll of North Carolina Cherokees who paid transportation, which roll is in the possession of the Cherokee Representatives present, and it it noted in said roll that his right is through his mother.
The applicant claims that that is his name, enrolled at that time. The date of that enrollment is October 22nd, 1881.

This testimony will be added as supplemental in the case of Frank M. Rucker et al, "D", #772

(Marriage license and certificate, relating to the marriage of Frank M. Rucker and May D. Taylor, in 1884, showing that they were married in accordance with Cherokee law, is filed herewith.

Q Did you ever apply to the Dawes Commission for admission in 1898? A In '97, I did.
Q You did not apply for admission in 1897: You applied for enrollment? (No response.)
Q You were not a party in an application made in 1896 to the Dawes Commission? A No sir.
Q You are not the James Taylor that is named in the case of Sarah Ann Gorham et al? A No sir.
Q Do you know the James Taylor? A No sir.
Q Who is William Taylor? A My son is named William.
Q But he is not related to the Gorham family? A No sir.
Q Do you know Ora Taylor? A No sir.
Q Do you know Mande Taylor? A No sir.
Q You do not know that family at all? A No sir, I never heard of them.

Com'r. C. R. Breckinridge: It appears from the testimony that this applicant was not a party in proceedings before the Dawes Commission for admission to citizenship. A copy of the foregoing testimony will be filed with his application, "D", #941.

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 18th day of January, 1901.

COMMISSIONER.

A1

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JAN 23 1901

ACTING CHAIRMAN.

"D" #941.
"D" #772.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., JANUARY 22nd, 1901.

IN THE MATTER OF THE APPLICATION OF James Taylor - "D" Card #941 - and Frank M. Rucker - "D" Card #772.
David Taylor, being sworn and examined by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A David Taylor.
Q What is your age? A Seventy four.
Q What is your Postoffice address? A Chelsea.
Q Indian Territory? A Yes sir.

James Taylor, being sworn and examined, testified:
Q What do you want to prove by this man? A That Medora was born while me and my wife were living together as man and wife.

David Taylor recalled:
Q Do you know James Taylor? A Yes sir.
Q Did you know his wife? A Yes sir.
Q What was her name? A Addie.
Q Do you know Frank M. Rucker? A Yes sir.
Q Do you know his wife, May D.? A Yes sir.
Q Do you know when this May D. was born? A Along about '66.
Q Well, were James Taylor and his wife living together at that time? A Yes sir.
Q Do you know whether they were married or not? A Yes sir, they were married.
Q How far did you live from them? A About a quarter.
Q About a quarter of a mile? A Yes sir.
Q And while they were living together, this child, May D. Rucker was born? A Yes sir.

By Mr. J. L. Baugh, Cherokee Representative:
Q How long did they live together after the birth of this child?
A I do not recollect.
Q About how long? A Some five or six years.
Q Do you know about how many children were born to them after the birth of this child? A About three I think.
Q What three? A Hiram and Addie.
Q Were he and his wife living together when this child, Addie was born? A They were in Washington.
Q Do you know of your own knowledge that they were living together as man and wife then? A I can not say: They were in Washington.
Q And that child was born while they were living [illegible]
A Yes sir.
Q About how long has Mr. James Taylor lived in the Cherokee Nation?
A I can not tell you - backwards and forwards - he had law suits he had to attend to.
Q Has he ever made the Cherokee Nation his permanent home?
A I think he stays with his boys up here.
Q About how long at a time does he stay with his boys?
A About a year at a time, and he would have to go and attend to law suits.
Q Where was he living in the summer of 1898? A I do not recollect.
Q Was he living in the Cherokee Nation? A I can not say: I do not recollect.

Com'r. T. B. Needles:
Q What relation are you to James Taylor? A He is a brother of mine.

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 23rd day of January, 1901.

COMMISSIONER.

Appearances:

Hutchings, West & Parker, attorneys for applicant.

W. V. Hastings, attorney for Cherokee Nation.

The applicant was notified by registered letter January 25, 1907, 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 office in Muskogee, I. T., on the 12th day of March, 1907, and at that time he appeared before the Commission, either in person or by attorney, and an opportunity was given him to offer any evidence that he may desire in support of his application. Testimony was introduced on behalf of the applicant, and the Commission having duly considered the case, on the 7th day of March, 1907, upon the testimony of record, it is decreed that his case be closed, and that the Commission reported to the Commission for final decision upon the evidence of record.

DOES NOT APPEAR ON ROLL

ACTING CHAIRMAN

ACTING COMMISSIONER

R.

C. D-941.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 13, 1902.

A SUPPLEMENTAL PROCEEDING in the matter of the application of James Tayler for the enrollment of himself as a citizen of the Cherokee Nation.

Appearances:
Hutchings, West & Parker, attorneys for applicant.
W W. W. Hastings, attorney for Cherokee Nation.

The applicant was notified by registered letter February 25, 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, I. T., on the 13th 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 his application. Receipt has been acknowledged of the Commission's letter, and the applicant having this day, to-wit: the 13th day of March, 1902, been called, and failing to respond, it is deemed that his case is completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

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

Wm Hutchinson

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 26 1902
ACTING

File with case C. D. #941

Supl.-C.D.#745.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 21, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of JOHN M. TAYLOR, ET AL., as citizens of the Cherokee Nation; introduced on part of the Applicants:

The applicant was notified by registered letter February 18, 1902, that his application for the enrollmen 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 18th day of March, 1902. On said date the applicant appeared in person and by his Attorneys, Hutchings, Parker & West; Vinita, Indian Territory, and by agreement with the representative of the Cherokee Nation present, the case was continued until the 21st day of March, 1902. On this day, to-wit: the 21st day of March, 1902, the applicant appears in person and by his Attorneys.

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

Commission: The Attorney for the applicant requests that the testimony had this day in the matter of the above application be filed with and made part of the record in the following cases: James Taylor, which was closed on the 15th day of March, 1902, No. D. 941; David J. Mathews, et al., closed March 7, 1902, No. D. 697, and Frank M. Rucker, et al., closed March 17, 1902, No. D. 772.

W. J. McKEY, being duly sworn, testified as follows on part of applicants:

BY MR. PARKER:

Q State your name and residence? A I live in Tahlequah district, that is my home; I am at Wagoner at present; my name is W. J. McKey.
Q What is your age? A 60 years old.
Q Where were you born? A Born in North Carolina.
Q How long have you lived in the Cherokee Nation? A Ever since 1867.
Q What official positions if any have you held in the Cherokee Nation during your life?

Mr. Hastings: I submit that is entirely irrelevant.

Q What official positions have you held? A Why I was census taker there twice in Flint district.
Q Were you acquainted with James Taylor? A Yes, sir.
Q What has been his principal occupation or business during the time you have known him? A Which Jim Taylor?
Q I mean old man Jim? A He has been most of his time since I can recollect in Washington, tending to business of the Nation.
Q Representative of the Nation, of the North Carolina Cherokees?
A Yes, sir.
Q Where has he been representing them? A At Washington.
Q Were you ever a member of the Conventionthat appointed him or give him authority to represent the North Carolina Cherokees?

A Yes, sir; I suppose I was.
Q I wish you would examine that paper and see if that is a copy of the proceedings had at the convention and in what capacity you participated in that proceeding (paper shown witness and examined by him)? A Yes, sir, but I don't know anything about it.

Mr. Hastings: I submit that is a matter that is entirely irrelevant and it cuts no figure whatever with this case; it makes no difference how many North Carolina people he represented, it does not tend to show that he is entitled to citizenship here in any wise.

Mr. Parker: In that connection Attorney for the applicant desires to state that it is for the purpose of showing what Jim Taylor was doing while residing in Washington, and thereby accounting for his absence from the Cherokee Nation.

Witness: That is the date of the proceedings.
Q In what capacity did you participate in that proceeding?
A I was president of that gathering.
Q What did that gathering do? A It give Jim Taylor authority to look after the interests of the Cherokees of North Carolina in Washington.
Q What year was that? A 1894.

Mr. Parker: We desire to offer this copy of the proceedings had on that day.

Mr. Hastings: Well, the Cherokee Nation objects to it, first because it is anmatter entirely irrelevent, and second because it is not certified to and is only a typewritten copy and no signatures thereto.

Commission: The document will be filed, and the attorney for the applicant is requested to furnish the Commission with a certified copy of the same.

Q Do you know whether or not previous to that time James Taylor had been authorized to represent the Emigrant or North Carolina Cherokees, or had acted in that capacity? A No, sir, I don't know that he was; always my understanding is that he was at work for them; I don't know what authority, and don't know whether it was done by convention or anything about that.

Mr. Parker: We desire to now offer in evidence a certified copy of the proceedings of the Convention held at Tahlequah on the 3d and 4th day of October, 1884, approving and confirming the actions of the Delagate, James Taylor, and conferring upon him additional powers as their representative.

Mr. Hastings: The representatives of the Cherokee Nation object to the filing of this document because it is not a certified copy of the record, and it does not purport to be, and because the same is irrelevant and immaterial.

Q Where were you in 1880, Mr. McKey? A I was in the Cherokee Nation.
Q Please state briefly your recollection of what happened in 1880 and 1881 with reference to the emigration of the North Carolina Cherokees to this country? A Well, there was an Act passed the Council in 1880, sometime in December, that there were two delegates sent back to North Carolina to invite the North Carolina Cherokees to the Cherokee Nation.

MR. HASTINGS:
Q That Act was a matter of record there? A Yes, sir.

MR. PARKER:
Q Did you go with those delegates? A I didn't go with them; I met them there.

Q Did you see the applicant, John M. Taylor, Jr., if so, where?
A Yes, sir; I saw him there in Cherokee County, North Carolina where those delegates had assembled with a crowd of Cherokees.
Q Was he among them? A Yes, sir.
Q What did that delegation do at that time? A They just extended the invitation to them to come to this country.
Q Pursuant to that invitation did people from that county and neighborhood come to the Cherokee Nation? A Yes, sir.
Q When did you next see John M. Taylor, Jr? A I don't recollect exactly but I think best of my memory serves me, it was in '81.
Q Whereabouts was he? A In Tahlequah.
Q In this country, Cherokee Nation? A Yes, sir, after I left there.
Q At what time did the North Carolina Cherokees who had accepted that invitation remove to the Cherokee Nation? A Some of them came that summer and in the fall.
Q It was that fall that you saw John M. Taylor here?
A I think it was.
Q To the best of your knowledge where has John M. Taylor resided since that time? A I could not tell you; I have seen him often; I have seen him at Tahlequah, in Cooweescoowee. I have heard of him often.
Q In this country? A Yes, sir, I don't know whereabouts he lived.
Q Were the North Carolina Cherokees who came in response to that invitation required to register at Tahlequah and to be enrolled, to your knowledge? A I could not tell you anything about it.
Q Did you so understand at that time? A I don't recollect anything about whether they were required to enroll or not; I know there was some that did enroll.
Q Was anything said about whether they would have to enroll or not?
A I never heard anything about it; there was some that enrolled that fall, some of the Powell children..
Q If they were required to enroll in response to that invitation you didn't know it at that time? A No, sir.
Q You were in Cherokee country, North Carolina when the invitation was extended? A Yes, sir.
Q And was here when they came? A Yes, sir.
Q According to your information where has James Taylor, the old man, made his, considered his home; where is his home considered to be since the North Carolina Cherokees came west? A I have saw him several times since and he always told me he lived in Cooweescoowee with his children.

MR. HASTINGS:

Q The North Carolina Cherokees did come and enroll, didn't they, Mr. McKey, when they came here, to the Executive office? A Some of them did.
Q Well, do you know of any outside of these that didn't?
A No, I don't know that I do.
Q You don't know of any? A No, I don't.
Q As a matter of fact they all come there and were enrolled and were paid some money by an Act of the National Council? A Yes, sir.

Mr. Hastings: The Cherokee Nation offers in evidence a certified copy of the Act of National Council approved December 16, 1884, the same being an Act or appropriation for the relief of the North Carolina Cherokees lately removed to the Cherokee Nation.

Commission: The document will be filed and made part of the record in the case.

Mr. Parker: Attorneys for the applicant desire to object to the introduction of the Act of December 15, 1881, for the reason that the same provides for the payment of certain sum of money to persons whose names appear upon the roll, and has nothing whatever to do with persons who might have settled in the Cherokee Nation in response to the Act of December 3, 1880, and whose names were not upon that roll.

Mr. Hastings: The Cherokee Nation offeres this certified copy of this Act in evidence for the purpose of showing that all the persons who came to the Cherokee Nation under the Act of December 3, 1880, aggregated 168 persons and were enrolled in the Executive office of the Cherokee Nation, and the name of the applicant does not appear thereon.

Commission: The document will be filed and made part of the record.

The Attorney for the applicant requests and will be granted 20 days in which to file a brief in this case.

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

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

J O Rosson

Cherokee D 941

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

In the matter of the application of James 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 December 12, 1900, James Taylor appeared before the Commission at Tahlequah, Indian Territory, and made personal application for his enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, January 17 and 22, 1901, and March 21, 1902.

The evidence shows that the said James Taylor came to the Cherokee Nation with the North Carolina Cherokees who removed to the Cherokee Nation under the Act of the National Council of said Cherokee Nation, approved December 3, 1880; that the name of the said James Taylor is found upon the list of North Carolina Cherokees who removed to the Cherokee Nation under the Act of the National Council above referred to, and he is duly identified upon the 1883 pay roll and the 1894 Strip payment roll of said nation.

The evidence further shows that the said James Taylor has resided in the Cherokee Nation since the year 1881, with the exception of several years spent in Washington, D. C., and North Carolina while representing the Eastern Cherokees.

It is, therefore, the opinion of this Commission that James Taylor 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
Acting Chairman.

Commissioner

C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,
this NOV 20 1902

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee I. T. December 10th 1902.

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

C. D. 941.

Protest of the Cherokee Nation.

The Cherokee Nation desires to respectfully protest against the decision of the Commission rendered in this case and asks that the judgment and the record in the case be forwarded to the Honorable Secretary of the Interior for Review.

The testimony in this case shows that the applicant James Taylor has resided without the limits of the Cherokee Nation most of the time since he claims to have first located within the Cherokee Nation; the testimony of the applicant taken on January 17th 1901 shows that the applicant left the Cherokee Nation in 1884 and remained without its limits until 1890 and on page four of said testimony the applicant states that from 1890 until 1897 he was out twice, to the State of North Carolina , and one trip to Washington; that he remained in Washington about a year covering the period from 1893 until 1894 and that he remained in the Cherokee Nation from 1894 until 1897.

We submit that the testimony in this case shows that the applicant James Taylor has resided without the limits of the Cherokee Nation in Washington D. C. and in North Carolina where he has spent most of his time and if there is any virtue in the Cherokee Constitution Art I Sec 2 this applicant has forfeited his right to enrollment by his non residence from 1884 to 1890 and for other peiods of time as disclosed by the record in this case.

The Cherokee Nation contends that this applicant did not in good faith remove to and permanently locate within the limits of the Cherokee Nation prior to June 28th 1898 and we contend that the testimony in this

case shows that the applicant never at any time removed to and in good faith settled in the Cherokee nation and that because of his non residence his application for enrollment should be denied.

Respectfully submitted,

W W Hastings

Attorney for the Cherokee nation.

Cher
Supp'l to D 941

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., March 21, 1903.

In the matter of the application of JAMES TAYLOR, for the enrollment of himself as a citizen by blood of the Cherokee Nation:

Now, on this twenty first day of March, 1903, come J. C. Starr, on behalf of the Cherokee Nation, and L. F. Parker, Jr., attorney for the applicant, and agree that, owing to the absence of the applicant in Washington, the taking of further testimony herein may be continued until April 23, 1903, at Vinita, Indian Territory.

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

E. C. Bagwell

Subscribed and sworn to beforeme this July 13, 1903.

Samuel Foreman,

Notary Public.

COMMISSION TO

FILE
MAY 16 1903

CHAIRMAN

On motion

Tuesday, May

Committee to
entitled cases
transcript of
Leave (

AAD.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, Indian Territory, April 22nd, 1903.

In the matter of the application of James Taylor for the enrollment of himself as a citizen by blood of the Cherokee Nation.	Cher. D-941.

This case is called for hearing pursuant to continuance.

The applicant is called three times and fails to respond either in person or by attorney.

The Cherokee Nation appears by J. C. Starr.

On motion of the Cherokee Nation the following testimony is introduced:--

M. M. Caulk, being duly sworn, testified as follows:

Examination by Mr. Starr.

Q. State your name? A. M. M. Caulk.

Q. What is your age, Mr. Caulk? A. 55.

Q. Where do you live? A. 3 miles north of Chelsea.

Q. How long have you lived in the vicinty of Chelsea?

A. Lived there 14 years.

Q. Are you well acquainted with the people around that vicinity? A. Yes, sir.

Q. Do you know any people in that country by the name of Tayler? A. Yes, sir; I know of several Taylors. I knew one Ned Tayler, Bert Taylor and John Taylor. There was another one, David Taylor.

Q. How far do these people live from Chelsea and from where you live? A. Some of them, I think--I think Ned and Dave live about three miles from Chelsea. The other ones live five or six miles.

Q. All living in the neighborhood where you live?

A. Yes, sir. The farthest one off isn't more than 10 miles.

Q. Is there a man by the name of James Tayler making his home with any of the Taylors in that vicinity? A . Not that I knew of. I never heard of any man by that name in the vicinity.

Q. Have you heard of a man by that name making his homein that vicinity? A. No, sir.

Q. Do you know a man by the name of James Taylor, about 80 years old, making his home in that vicinity? A. No, sir.

Q. No such man living with any of the Taylors in that vicinity?

A. No, sir.

Q. Or with any of the Taylors that you mentioned? A. No, sir; I nevr heard of a man by the name of James Tayler.

Joseph L. Williams, being duly sworn, testified as follows:

Examination by Mr. Starr.

Q. What is your name? A. Joseph L. ~~[illegible]~~.Williams.

Q. What is your age, Mr. Williams? A. 38.

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

Q. How long have you lived in and around Chelsea, Indian Territory? A. Well, I have lived there and had Chelsea for my post office off and on for 10 years. I have known Chelsea ever since it was first started. When the railroad run through there I worked on the railroad.

Q. Are you acquainted with the people in the vicinity of Chelsea? A. Yes, sir.

Q. Do you know any people in that vicinity by the name of Taylor? A. Yes, sir.

Q. Please give their names? A. I don't know all their names. I know one by the name of Ned, one by the name of John Taylor. I think they all pass as brothers.

Q. They live in the vicinity of Chelsea? A. Yes, sir; live southwest of Chelsea. I believe it is more west than southwest.

Q. Are you acquainted with them? A. Yes, sir.

Q. Know where they live? A. Yes, sir.

Q. Been in the vicinity of their farms frequently? A. Yes, sir; several times. Never stayed in the house but I been around their place. I threshed wheat in that country.

Q. You say you threshed wheat in that country? A. I threshed wheat within a quarter of a mile ~~m~~from Ned Taylor's house, if I didn't threach for him.

Q. Is there an old man, about 80 years old, by the name of James Taylor, living with any of these Taylors? A. Never heard or saw any such a man.

Q. Ever see him in that vicinity? A. No, sir.

On motion of the Cherokee Nation this case is continued until Tuesday, April 28th, 1903.

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

Jesse O. Carr.

Subscribed and sworn to before me this 16th day of May, 1903.

Samuel Foreman

Notary Public.

Cherokee D 941.

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

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

-1-

D E C I S I O N.

The record herein shows that on December 12, 1900, James Taylor appeared before the Commission at Tahlequah, Indian Territory, and made 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, January 17, and 21, 1901, and March 13, 1902. A copy of the testimony of W. J. McKey, taken at Muskogee, Indian Territory, March 21, 1902, in re application of John M. Taylor, et al., Cherokee D 745, is filed herewith and made a part of the record in this case.

The record further shows that on November 20, 1902, this Commission rendered its decision herein enrolling said applicant as a citizen by blood of the Cherokee Nation, and that the proceedings in said case were duly forwarded to the Department. Subsequent thereto, attorneys for the Cherokee Nation filed a motion with the Department praying that said case be re-opened, and Departmental letter of February 7, 1903 (I.T.D. 1006-03), granted said motion and returned said case for further testimony. Supplemental proceedings in the matter of said application were had at Vinita, Indian Territory, March 21, and April 22, 1903. It appears that at the hearing before this Commission at Vinita, Indian Territory, April 22, 1903, on motion of the Cherokee Nation, this case was continued to April 2 , 1903, but as no further testimony has since been introduced on behalf of either party, this case is now declared closed.

The evidence in this case shows that the applicant, James Taylor, in 1881, under an Act of the National Council of the Cherokee nation,, approved December 3, 1880, removed to said Nation with the North Carolina Cherokees, and that, with the exceptions below noted, has since continuously resided therein. It

appears that since his removal to the Cherokee Nation, the applicant herein has been employed to represent the North Carolina Cherokees in litigation before the Courts of North Carolina, and matters pending before the Department at Washington, and on such attorney he has been compelled to reside a portion of the time outside the limits of the Indian Territory, but it does not appear that his rights to citizenship in the Cherokee Nation have been forfeited thereby. Said applicant is identified on the roll of North Carolina Cherokees who paid transportation, the Cherokee pay roll of 1883, and the Cherokee strip payment roll of 1894.

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

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.
Chairman

(SIGNED). T. B. Needles.
Commissioner

(SIGNED) C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,
this MAY 13 1905

Before the Honorable Secretary of the Interior:

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

Cherokee D# 941.

Motion to re open case.

Comes now the Cherokee Nation and represents to the Honorable Secretary of the Interior that the Cherokee Nation has newly discovered testimony which shows that the applicant James Taylor has been a continuous resident of Cherokee County North Carolina for the past thirteen years during which time he has been a non resident of the Cherokee Nation and made his home in Andrews North Carolina with his son in law where he now lives and where he was living on June 28th 1898.

Two Letters are attached hereto which explain themselves and show the names of the witnesses by whom the Cherokee Nation expects to prove the applicants residence in North Carolina by depositions.

The Cherokee Nation expects to prove by Joe W. LaHay, Teesey Chambers of Claremore I. T. W. W. Couch and H. H. Scudder of Chelsea I. T. that the applicant James Taylor has not made his home with his children in the Cherokee nation as he claims in his testimony.

The Cherokee Nation Therefore moves that said case be returned to the Commission to the Five Civilized Tribes with instructions to said Commission to take further testimony in this case, in order that the Cherokee Nation might be permitted to introduce the testimony of its witnesses to disprove applicants right to be enrolled as a citizen of the Cherokee nation because of his non residence and because of his failure to comply with that provision of the Curtis Bill which provides:

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

This motion is not made for the purposes of delay, but is made in good faith in order that justice might be done.

Respectfully,

W W Hastings JCG

Attorney for the Cherokee nation.

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

Cher. D-941.

Muskogee, Indian Territory, November 22, 1902.

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

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, granting the application of James Taylor for the enrollment of himself 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 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-82.

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 941.

Muskogee, Indian Territory, December 19, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated November 20, 1902, granting the application of James Tayler for the enrollment of himself as a citizen by blood of the Cherokee Nation, a copy of which decision was furnished you on November 22, 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,

Commissioner in Charge
Acting Chairman.

ATTORNEYS
L. B. BELL
W. W. HASTINGS
J. S. DAVENPORT
J. C. STARR, SECRETARY

OFFICE OF
ATTORNEYS FOR THE CHEROKEE NATION
CHEROKEE FREEDMEN ENROLLMENT
MUSKOGEE, IND. TER.

No. F. D.

Andrews

--Copy----

Andrews N. C. Jan 14, 1903.

Attorneys for the Cherokee Nation

Vinita I. T.

Gentlemen:

Your favor of recent date at hand and for answer have to say that Mr. James Taylor the man inquired for is in this country and has been here for a long time; the most of his time. I refer you to W.P. Walker, D S. Runnels, and T. J. Bristol of Andrews N. C. who are able to give you the information you desire.

Yours respectfully,

A. J. Burch P. M.

ATTORNEYS
L. B. BELL
EDW. W. MARTIN
J. S. DAVENPORT
J. J. C. STARR, SECRETARY

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. 1 D

MUSKOGEE, IND. TER.

Billard & Bell
Attorneys at Law,

John M Billard
Marshall W. Bell.

Murphy N. C. Jan 14 1898.

Mr. J. C. Starr,
Vinita I. T.

Dear Sir:-

I have yours of 10th, asking if James Taylor, who passed for a Cherokee Indian, is at present a resident of the State of North Carolina, and how long he has been such resident. In reply I beg to say that he is a resident of the county of Cherokee and has been for at least thirteen years, which is the period of my acquaintance with him. He is said to make his home with a niece of his, Mrs Adaline Battle, who resides at Andrews, this county. I do not think he has made a residence anywhere but here since 1896 but my recollection is that he has been here almost continuously since that period; at least he figured in the courts here most all the time and has had a good deal to do with the U. S. Courts during that time.

You might use as witnesses the following: S. W. Levingood, J. S. Meroney, D. W. Ramsey, T. J. Patterson, T. M. Cox, J. E. Sutherland, Reggie Hubbard, and others of Murphy N. C.; Mrs Adaline Battle, J. M. Richardson, Stephen Porter, W. P. Walker, R. S. Russell, "Doc" Holland, and others of Andrews, N. C.

There is a young man by the name of Wm. M. Meroney, who resides in Vinita, and who is originally from this place, who might give you some information about the matter; he knows Taylor well and has known him all of his life (Meroney's.)

You will find Taylor a shrewd fellow; I have heard his character proven bad in the courts here. But he is plausible and smart.

Yours truly, M. W. Bell.

Andrews N C Jan 14 1908

Attorneys of the Cherokee Nation I. N.

gentlemen your favar of recent date at hand and for answer have to say that Mr James Taylor the man inquired for is in this country and has been here for a long time the most of his time he claims that his citizen ship is in the Ind T. I refer you to W P walker ~~D S Runel and T. J. Bristl all of~~ Andrews N.C. who is able to give you any information you may desire

Yours Very Respectiful

A. J. Burch. P.M.

1 mo 17 1903
Vinita I T

Mr J C Starr

Dear Sir in
reply to your questions first
its treatment was partly the
cause of her leaving my evidense
is based on what mother told
me. Brother Charles was living
at home when mother left
home & have seen him back
his horses and Apples
I will be at Vinita on the
2 and will answer all
questions you have to ask
very respectfully
Cherokee Marion
Sexton Ark

[illegible] 17 [illegible]

[illegible] Oh Sir

My [illegible] [illegible] [illegible]
living in [illegible] [illegible]
[illegible] with [illegible]

[illegible] Sa[illegible] [illegible]
told what [illegible]
Sa[illegible]
She [illegible] a rite to [illegible]
her Mother [illegible]
cross he often loaded [illegible]
things to [illegible] that
was the only time he [illegible]
the [illegible] he
would [illegible] provide for
me only more I was in bad
helth and had been for a
long time Charley my son

was the only on
with us [illegible]
[illegible] at [illegible] while I
stand there that was
several weeks I [illegible]
a good body down with
[illegible] I am not in good
helth [illegible]

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. D--941

D. S. Russel, Esquire, Vinita, Indian Territory, Jan. 17th., 1903.

Andrews, North Carolina.

Dear Sir:-

We are anxious to know about the residence of JAMES TAYLOR; how long he has resided in Andrews, North Carolina; whether he has ever voted there, and where he has lived for the past ten years, and where he was living all of the year 1898. Does he have a house there, and does he keep it furnished? Does he keep house? In other words, where is his actual home? Does he vote in the elections there and take part in exercising the right of citizenship as other citizens of the State of North Carolina? Do you consider him a citizen of the State of North Carolina?

Please write me fully by return mail and greatly oblige

Yours very truly,

J C Clark

I have known JAMES TAYLO Sen' for eighteen years! Owners some wild lands in this and adjoining counties, but has no home here, he lod-ges and boards with his relatives and tenants, has no persnl property of any-kind, Does not vote or take any interest in affairs in this coun-try, Cliams his citizenship in the Indian Tarritory. I dont know remem-ber where he was in the year of 1898.

Yours truly,

D S Russell

Notary Public.

Andrews, N.C.

Jan 29th, 1903.

ATTORNEYS
L. B. BELL.
W. W. HASTINGS
J. S. DAVENPORT,
J. G. STARR, SECRETARY

No. F. D.

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN, ENROLLMENT

MUSKOGEE, IND. TER.

Vinita I. T. January 20th 1903.

The Honorable Secretary of the Interior
Through the Commissioner of Indian Affairs,
Washington D. C.

Sir:

There is transmitted with this communication a motion on part of the Cherokee Nation to re-open the case of James Taylor, (Cherokee D 941) for enrollment as a citizen of the Cherokee Nation.

Careful inquiry has been made and the Cherokee Nation will produce a number of reputable witnesses ~~other than~~ In addition to those named in the motion to reopen the case to show that Taylor has not made his home in the Cherokee Nation with his children as set forth in his testimony; also the testimony of William H Meroney a young man who recently came to Vinita from North Carolina and who has known Taylor all of his (Meroney's) life and knows that Taylor's residence has been in North Carolina for the past thirteen or more years and isstill there.

We have made inquiry and are prepared to take depositions of the witnesses at Murphy N. C. and at Andrews N. C. the home of James Taylor, and will take the testimony promptly in the event the motion to reopen the case is allowed.

Respectfully,

Attorney for the Cherokee Nation.

W. P. WALKER, J. W. WALKER.

W. P. WALKER & SON,

DEALERS IN

DRY GOODS, CLOTHING,

BOOTS, SHOES & GENERAL MERCHANDISE.

Andrews, N. C. JAN 12 1903 190

Mr J. C. Starr
Tinita Indian Territory

Dear Sir

We received of the 17 of Jan to hand I has known James Sayles ever since I has been long enuff to know any one James Sayles has always been Recognized here as a citizen I never seen him Vote here but my neighbors tell me he vote here he has known certain place of living here sponger round on his Relatives and Beats every bodey he has any thing to do with no truthe nor honer in him he claims land in this country and if he has any I dont know of any

Respectfuley W. P. Walker

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.

Vinita, Indian Territory, January 26th.,1903.

M. W. Bell, Esquire,

Murphy, North Carolina.

Dear Sir:-

In the matter of the application of James Taylor for enrollment as a citizen of the Cherokee Nation, the applicant, James Taylor, came before the Dawes Commission and testified that he had been a resident of the Cherokee Nation since 1881; that he had been to Washington a great deal of his time representing the Eastern Cherokees, and that he had been back to North Carolina a few times looking after some law suits he had there, but that he had not established a residence there, but that he made his home with his children at Claremore, Indian Territory. The Commission on this testimony admitted Taylor, and we appealed to the Secretary of the Interior. After our appeal had been perfected, and the case had gone forward to the Secretary, we learned that Taylor had not made his home in the Cherokee Nation, but that he had been in Andrews, North Carolina. We have made a motion to have the case reopened, and we want to take depositions in Murphy and in Andrews. Our funds are limited, and if our motion to reopen the case is allowed, could we get you to attend to the matter for us for a fee of ten dollars? Of course, we would want you to go to Andrews and look after the taking of the depositions there as well as at Murphy. We, of course, would pay your expenses to Andrews. We would want to prove particularly where Taylor was in 1898, and if he voted in North Carolina, and if so, has he voted

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.

MWBELL#2.

there for the past eight or ten years. If we get you to look after the case for us, we would then send full instructions as to what we want to prove, in the event our motion to reopen the case is allowed by the Secretary.

Please favor us with an early reply and greatly oblige

Yours very truly,

T. J. BRISTOL. J. A. BRISTOL. M. S. MATHESON.

BRISTOL BROS & CO.,

DEALERS IN

GENERAL MERCHANDISE, DRY GOODS, NOTIONS,

AND COUNTRY PRODUCE.

Andrews, N. C. June 30 1903

Mr J. C. Blair
Vinita I. T.

My Dear Sir

Yours of the 17th
Just now recived and contents
fully noted. "Some of your questions
are very hard to answer as
Old Man James Taylor is a
hard man to learn anything
much about "I dont think he
offers to Vote in our Elections
he keeps a Bed at Oliver Hardins
and stays there some all 2r
he stays at Jane Adams and
Billie Hardins in past its
common to see him at different
places. "The Old Man fell &
hurt him self last fall &
Om

and stayed here in Andrews for a bout two months and got up and is right peart now. Yes I have allways thought him to be a citizen of this state but posibly he claims something Els. He belongs to the same Masonic Lodge I do. In fact was made a Mason at Murphy N C

I remain Yrs truly yours
Thos J Bristol

P.S
I aint told that James Taylor was armed in this county I know he has been here most of the time for the last twenty years since I have lived in the county

T J B

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-941.

Muskogee, Indian Territory, May 13, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, granting the application for the enrollment of James Taylor 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. L-42.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-941.

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

Muskogee, Indian Territory, July 15, 1905.

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

Dear Sir:

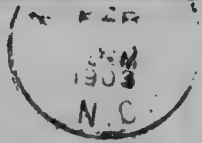
You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, granting the application for the enrollment of James Taylor as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior, on July 3, 1905.

Respectfully,

GHL

Commissioner.

James Taylor
CD 941



ATTORNEYS FOR THE CHEROKEE NATION,

Fite-Rowsey Building,

P. O. Box No. 357. ~~MUSKOGEE~~ Vinita, INDIAN TERRITORY.

James Taylor

JUL 15 1905 Cancelled and Transferred to Cher. 1897

See Cherokee D772, D745, D697, 2693, H898

Cher D 942

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
DEC 12 1900

ACTING CHAIRMAN.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T. December, 12th 1900.

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

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

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

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

Q What is the name of your father? A. Richard.
Q Is he dead? A. No sir.
Q What is the name of your mother? A. Polly.
Q Is she dead? A. No sir.

1880 roll, page 801, No 1926, John H. Riley , Tahlequah dist.
1894 15 48, John Riley (Reservator, $153,70.)

Q Why was it that they made this deduction from your strip payment money? A. I sent for mine.
Q How much did you get? A. Something over $100.oo, dont know how much
Q What was the reason that they deducted some from the original amount? A. For lands I got in the strip.
Q Had you that land in 1894? A. Yes sir.
Q Do you still own that land? A. Yes sir.

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

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

Chas von Weise

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

Commissioner.

OF THE IN
SSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 12 1900

ACTING CHAIRMAN.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

34/1

Date DEC 12 1900 1900.

Name John H. Riley Nera. 27

District TAHLEQUAH. Year 1880 Page 801 No. 1926

Citizen by blood yes Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

37/2

Wife's name Stella Riley

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

Names of Children:

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

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

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

dto 1 on 1880 roll as John H. Riley

dtoo 3 & 4. Affidavits of birth to be supplied

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 27 1902

ACTING CHAIRMAN

R.

C. D-942.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 13, 1902.

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

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

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

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

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

BY MR. GIBSON: For what purpose did you buy this place in the Cherokee Nation? A. Bought it for a home farm.
Q. State whether you are occupying it at this time as your home?
A. Yes sir, I am.

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

BY COMMISSION: The document will be filed.

Q. You submit the case? A. Yes sir.

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

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

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

Wm Hutchinson

Commission to the Five Civilized Tribes

FILED

MAR 13 1902

Acting Secretary

NATURALIZATION.

FINAL CERTIFICATE.

United States Court,

Muskogee JUDICIAL DIVISION,

INDIAN TERRITORY,

November Term, 189 2

Recorded on Page 200

Naturalization Record **A.**

P. F. PETTIBONE & CO., STATIONERS AND PRINTERS, CHICAGO.

Final Certificate of Naturalization.—P. F. PETTIBONE & CO., LAW AND PUBLIC OFFICE STATIONERS, 80-82 ADAMS ST., CHICAGO.

United States of America

Indian Territory. First **Judicial Division.**

Be it Remembered, That on the First day of ..... in the year of our Lord, one Thousand Eight Hundred and Ninety two ... personally appeared before the Honorable JAMES M. SHACKELFORD, Presiding Judge of the United States Court, of the Judicial Division and Territory aforesaid (the same being a Court of Record, having and exercising common law jurisdiction, a Seal and a Clerk), and sitting judicially for the dispatch of business, at the Court House, in Muscogee in the Judicial Division and Territory ~~aforesaid~~, John Riley a member of the Cherokee Nation of Indians ~~an alien~~, above the age of Twenty-one Years, and applied to the said Court to be admitted to become a naturalized citizen of the United States of America, pursuant to the several Acts of Congress heretofore passed on that subject; ~~and the said applicant having thereupon produced to the Court record testimony showing that he has heretofore reported himself and filed his Declaration of his Intention to become a Citizen of the United States~~ and having made application for citizenship, according to the provisions of the several Acts of Congress, and the Court being satisfied as well from the oath of the said applicant as from the testimony of John W. Jordan and William Mc Makin who are known to be competent witnesses, that the said applicant has resided within the limits and under the jurisdiction of the United States, for at least five years last past, and at least one year last past within the Indian Territory, and during the whole of that time he has behaved himself as a man of good moral character, and appeared to be attached to the principles contained in the Constitution of the United States, and well disposed to the good order, well-being and happiness of the same; ~~and two years and upward having elapsed since the said applicant reported himself and filed his Declaration of his Intention as aforesaid~~, IT WAS ORDERED that the said applicant be permitted to take the oath to support the Constitution of the United States, and to renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state and sovereignty whatever, ~~and more particularly all allegiance which he may in anywise owe to the Sovereign of~~ which said oath having been administered by the Clerk of said Court ~~whereof he was heretofore a citizen or subject, which said oath having been administered to the said applicant by the Clerk of said Court~~, **It was Ordered by the Court** that the said applicant be admitted to all and singular the rights, privileges and immunities of a naturalized citizen of the United States, and that the same be certified by the Clerk of this Court, under the seal of said Court accordingly.

INDIAN TERRITORY, First JUDICIAL DIVISION, } ss. I, Marshall L. Bragdon Clerk of the United States Court of said Judicial Division and Territory, do hereby certify the foregoing to be a true and correct copy of the Records of said Court.

IN TESTIMOMY WHEREOF, the Seal of the said Court is hereto affixed, at the Clerk's Office in Muscogee this First day of December A. D. 1892, and of the Independence of the United States the one hundred and Seventeenth

Marshall L. Bragdon *Clerk.*

By W. Shackelford *Deputy.*

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

In the matter of the application of John Riley, for the enrollment of himself, his wife his two minor children as citizens of the Cherokee Nation.

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

Brief of Applicant.

The proof in this case shows that the applicants have never removed with their effects from the Cherokee Nation, and that they have never become citizens of any other government.

The proof further shows that the names of the principal applicants appear on the 1880 and 1894 rolls of the Cherokee Nation, and that said rolls have been confirmed by the acts of congress approved June 10, 1896, June 7, 1897 and June 28, 1898. Consequently the inevitable conclusion follows that these claimants must be enrolled under the provisions of said act, and that no forfeiture of their citizenship has ever been worked by process of law, or by ~~their~~ any act of their own.

We respectfully submit that they must be enrolled, and we so request.

Respectfully submitted.

N. A. Gibson

Attorney for applicants.

Service of a copy of the foregoing brief accepted this _____ day of March, 1902.

_____

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. June 8th 1902.

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

Cherokee D 942.

Brief on part of the Cherokee nation.

The testimony in this case shows that the applicant is a son of Richard Riley, listed for enrollment on Cherokee Doubtful Card No 946; That he has been a resident of the Territory of Oklahoma since it opened on September 16, 1893 up until January 1899. He first testified that he ~~xxxxx~~ removed to the Cherokee nation in 1898 but in his subsequent testimony he corrected it and stated that it was in January 1899 when he removed from Oklahoma. He had been a resident of the Cherokee Strip prior to its annexation to Oklahoma but what we desire to specially present to the Commission is that he admit that after the separation of the Cherkee Strip from the Cherokee Nation and its annexation to the Territory of Oklahoma he continued to reside in Oklahoma until january 1899, owned property there and voted and otherwise exercised the rights of citizenship in the new Territory of Oklahoma. He was not a resident of the Cherokee Nation on June 28th 1898 and it would seem that the Commission could not enroll him under the following provison of section twenty-one of the Curtis Act:

"No person shall be enrolled who has not heretofore removed to and in good faith ~~xxxxxxx~~ Settled in the nation in which he claims citizenship."

New applicant admits that he was a resident of Oklahoma at the time this act was passed and had been for more than five years and continued to reside there until January 1899 and while there enjoyed and exercised all the rights of any othercitizen of the Territory of Oklahoma.

Respectfully submitted,

Attorney for the Cherokee nation.

Q. They have lived with you all the time since they were born, and what is true of your readers is true of the children? 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.

Subscribed and sworn to before me

Cherokee D 942.

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

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

SUPPLEMENTAL PROCEEDINGS.

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

By the Commission,

Q What's your name ? A My name's John H. Riley.
Q How old are you, Mr. Riley? A Thirty-seven.
Q What's your postoffice? A Vera.
Q You're an applicant for enrollment as a citizen by blood, are you? A Yes, sir.
Q What's your wife's name? A Stella Riley.
Q How old is your wife? A Twenty-eight.
Q Is she a citizen by blood or a white person? A Citizen by adoption.
Q She is an applicant for enrollment as a citizen by intermarriage, is she? A Yes, sir.
Q When were you married to your wife, Stella? A November, 11, 1894.
Q Were you ever married prior to your marriage to this wife?
A No, sir.
Q Was she ever married prior to her marriage to you? A No, sir.
Q Have you and she lived together all the time since your marriage to the present time? A Yes, sir.
Q Never been separated? A No, sir.
Q Were you and she living together as husband and wife on the first day of September, 1902? A Yes, sir.
Q Have you resided in the Cherokee Nation all the time since 1880 up to the present time? A All except when we went to the Cherokee Strip in '96 and stayed there until '98.
Q You were out there with Mr. Jordan, were you? A Yes, sir.
Q Well, now, what time in '98 did you come back to the Cherokee Nation? A I came back in April, '98, and bought a place and fixed it up some and then I went back home. I had a place out there and gathered my crop and moved back here the 16th of January, '99.
Q 16th of January, '99? A Yes, sir.
Q And you had your family here? A I had my family with me.
Q You went back and gathered your crop? A Yes, sir.
Q And then came back with them? A Yes, sir.
Q Did you take land there at the opening of the Territory?
A Yes, sir.
Q As a Cherokee? A Yes, sir.
Q How much did you take? A Eighty acres.
Q Did you draw your Strip money? A All except $112.00.
Q Did the Cherokee Nation deduct $112.00 from your $265.70?
A Yes, sir.
Q Then you drew your Cherokee Strip money less what the Cherokee Nation valued the eighty acres; is thatall that you got? A Yes, sir.

Q When you came back to the Territory what did you do with the eighty acres out there in the Strip? A I still own it.
Q And you have lived in the Cherokee Nation ever since you came back here? A Yes, sir.
Q These children, Ruth P. and Mamie A., are your children by your wife, Stella? A Yes, sir.
Q Both living now? A Yes, sir. Ain't I got three children registered there?
Q No, I think not.
Q They have lived with you all the time since they were born and what is true of your residence is true of the children? 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 19th day of November, 1902.

B C Jones
Notary Public.

Cherokee D #942

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

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

D E C I S I O N.

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

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

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

It appears from the records of the Commission that Stella Riley and Ruth P. Riley, with others, made application under the Act of Congress approved June 10, 1896 (29 Stats.,321), to the Commission to the Five Civilized Tribes for admission to citizenship in the Cherokee Nation, which application was duly acted upon by the Commission and rejected. Appeal was taken to the United States Court, Northern District, Indian Territory, sitting at Muskogee, which court, by judgment rendered November 9, 1897, in the case of Daisy Lee Jordan et al. vs. the Cherokee Nation, #202, reversed said decision of the Commission and admitted said Stella Riley and Ruth P. Riley to citizenship in the Cherokee Nation. The court in said case held:

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

It is, therefore, the opinion of this Commission that John E. Riley and his minor children, Ruth F. Riley, Neville A. Riley and Henry Riley, should be enrolled as citizens by blood of the Cherokee Nation, and that Stella Riley, wife of the said John E. Riley, should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section 21 of the Act of Congress approved June 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 1907

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

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

Cherokee D----942

PROTEST OF THE CHEROKEE NATION

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

In the Jane Stills case, (Cherokee D--1264), the Commission decided that under the "additional legislation", namely; the Act of Congress of date June 28th.,1898, that the Commission was authorized to disturb the judgment of the United States Court upon appeal from the Commission under the Act of June 10th.,1896.

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

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

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

Muskogee, Indian Territory, February 25, 1902.

Mr. John H. Riley,

Nera, Indian Territory,

Sir:-

You are hereby notified that the application of yourself, your wife and two minor children for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 15 day of March, 1902.

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

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

Cherokee D-942
Register.

Yours truly,

Acting Chairman.

Commissioner in Charge.

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. 942.

Muskogee, I. T., March 6, 1902.

Post Master,

Cleveland, Oklahoma.

Dear Sir:

Please advise us if thereis a man living there by the name of John H. Riley.

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. 942.

Muskogee, I. T., March 6, 1902.

Post Master,
Vera, I. T.

Dear Sir:

Please advise me if there is a man living there or near there by the name of John H. Riley.

Yours truly,

Cherokee D-848

Muskogee, Indian Territory, July 18, 1908.

John H. Riley,

Vera, Indian Territory,

Dear Sir:

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

This affidavit is in due form but was received subsequent to July 1, 1908, at which time, under instructions from the Secretary of the Interior, this Commission ceased to receive applications for enrollment as citizens of the Cherokee Nation; consequently no action can be taken upon this application at this time, but same will be held pending action by the tribe upon the Cherokee agreement. Should that agreement be ratified your child, Mable Riley, will be listed for enrollment.

Yours truly,

Acting Chairman.

Cherokee D-942

Muskogee, Indian Territory, August 19, 1902.

John H. Riley,

Vera, Indian Territory,

Dear Sir:

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

Yours truly,

Acting Chairman.

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

ALLISON L. AVERSWORTH,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D-942.

Muskogee, Indian Territory, February 2, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

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

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

Respectfully,

Acting Chairman.

Enc. H-18.

COPY.

Cherokee D-942

Muskogee, Indian Territory, February 13, 1903.

John H. Riley,

Vera, Indian Territory.

Dear Sir:

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

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

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

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

Respectfully,

Tams Bixby

Acting Chairman.

Enc. M-65

Register.

Cherokee D-942

Muskogee, Indian Territory, February 13, 1903.

N. A. Gibson,

Attorney for John H. Riley et al.,

Muskogee, Indian Territory.

Dear Sir:

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

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

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

Respectfully,

Enc. M-66
Register.

Acting Chairman.

COPY.

Cherokee D-942

Muskogee, Indian Territory, February 13, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

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

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

Respectfully,

Thos. Buckey

Acting Chairman.

Enc. M-266

Through the

Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D-942

Muskogee, Indian Territory, February 13, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

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

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

Respectfully,

Acting Chairman.

(COPY)

Letter from [illegible] to Secretary:

[illegible] 11,[illegible]-1906.

Department of the Interior,
Office of Indian Affairs,
Washington, Oct. 29, 1906.

[illegible] Secretary,
The Secretary of the Interior.

Sir:

[illegible] enclosed herewith, report from the Commission to the Five Civilized Tribes, dated February 13, 1906, transmitting the record relative to the application of John H. Riley, et al. for enrollment as citizens of the Cherokee Nation.

John H. Riley applies for himself and his minor children, [illegible], and [illegible] H. Riley, as citizens by blood, and for the enrollment of his wife, Estella Riley, as a citizen by intermarriage.

Subsequent to the date of the original application he applied for the enrollment of Lowell Riley, who was born May 13, 1906. This applicant is properly identified by a birth affidavit.

[illegible], 1906, the Commission held that all the applicants were entitled to enrollment - Estella Riley as a citizen by intermarriage, and the others as citizens by blood.

The Cherokee Nation protests against the Commission's decision.

The record in this case shows that the name of John H. Riley appears on the 1880 roll as a native Cherokee and upon the 1894 strip payment roll as a Reservator. He was lawfully married to

[illegible] 1900, [illegible]

[illegible] Nation until 1900 [illegible] United States, [illegible] in 1893 and occupied part of the Territory of Oklahoma. [illegible] resided [illegible] returned to the Cherokee Nation as now constituted, [illegible] since their return. The Commission states [illegible] that in the cases of Della Riley and [illegible] P. Riley, [illegible] applied to it for admission to citizenship; that their applications were rejected; that an appeal from the Commission's decision was taken, and [illegible] to this court for the Northern District, [illegible] of Riley Lee Jordan et al., v. [illegible], reversed the decision of the Commission and entitled [illegible] to citizenship. The Commission [illegible] the decree of the Court.

[illegible] Riley is a native would [illegible] the 1900 roll. It ~~xx~~ seem, [illegible] entitled to enrollment. [illegible] of the Commission's decision in so far as it relates to them is recommended, and in connection herewith attention is respectfully invited to Department letter of June 14, 1903 - I.T. D. 1004, 1777- relative to the application of Robert E. L. Jordan

et al., for enrollment as citizens of the Cherokee Nation. How-ever, [illegible] of [illegible] rendered [illegible] opinion of the [illegible] February 24, last, it is recommended that the [illegible] of [illegible] to enrollment as an intermarried citizen, be not passed upon at this time.

Very respectfully,

(Signed) W. A. Jones.

Commissioner.

([illegible]). P.

D. C. 34127-1903. WCI C.R. LR. ITP 7760-1903.

MR. [illegible] I.T. 1616.

[illegible] TO. December [illegible], 1903.

The Commission

to the Five Civilized Tribes.

Gentlemen:

With your letter of [illegible], 1903, you transmitted the record in the matter of the application of John M. Riley for the enrollment of himself and his three minor children, Ruth P. Marie A. and Mabel Riley, as citizens by blood, and for the enrollment of his wife Stella Riley, as a citizen by intermarriage, of the Cherokee Nation.

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

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

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

It also appears that Stella Riley and Ruth P. Riley, with others, made application to your Commission for admission to citizenship in the Cherokee Nation under the act of Congress approved June 10, 1898 (30 Stats., 321)/ and that said application was rejected by your Commission; that on November 9, 1897, the United States Court, Northern District, Indian Territory, by judgment rendered in the case of Riley Lee Crook et al. vs. the Cherokee Nation (No. 202), reversed said decision of your Commission and admitted Stella Riley and Ruth P. Riley to citizenship in the Cherokee Nation.

The attorneys for the Cherokee Nation protest against your decision, claiming that the applicants were not residents of the Cherokee Nation on June 28, 1898, and that under the act of Congress of said date, which provides that -

"[illegible] shall be enrolled who has not heretofore [illegible] to [illegible] Indian settlers [illegible] of the tribe,"

[illegible] applicants are not entitled to be enrolled as Cherokees by blood.

Upon the October 2, 1906, the Commissioner of Indian Affairs recommended that your decision, dated February 2, 1906, holding that the applicants herein who claim as citizens by blood should be enrolled, be reversed.

In stating the United States Court in its decision [illegible] Nancy Riley, [illegible] P. Riley, to enrollment, the applicants did not lose the Cherokee Nation or remove their ~~EVERY~~ property ~~NK~~ out of the Cherokee Nation. The tribe simply ceded to the United States a part of its area, upon which these applicants resided, and [illegible] to be [illegible] the Cherokee Nation as now constituted prior to the [illegible] of the act of June 28, 1898, [illegible] 84, the Department concurs in the recommendation of the Commissioner of Indian Affairs, and your decision in so far as it affects John H. Riley, [illegible] P. Riley, [illegible] A. Riley and [illegible] Riley, is affirmed.

A copy of the Commissioner's report is inclosed.

Respectfully,

(Signed)

Thos Ryan, Acting Secretary.

Cherokee D-942.

Muskogee, Indian Territory, December 16, 1903.

N. A. Gibson,

Attorney for John H. Riley et al.,

Muskogee, Indian Territory.

Dear Sir:

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

Respectfully,

Chairman.

Cherokee D-942

Muskogee, Indian Territory, December 16, 1903.

John H. Riley,

Vera, Indian Territory.

Dear Sir:

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

Respectfully,

Chairman.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee 1-942.

Muskogee, Indian Territory, December 11, 1903.

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

Dear Sir:

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

Respectfully,

Chairman.

(COPY)

D.C. 52913-1906. Y.P.

DEPARTMENT OF THE INTERIOR

WASHINGTON. FHE.

I.T.D. 7760-1903. November 28, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Referring to departmental letter of December 5, 1903, in the matter of the application for the enrolment of certain persons as citizens of the Cherokee Nation, including Stella Riley 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 Stella Riley 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.

3 inc. for Ind. Of.

REFER IN REPLY TO THE FOLLOWING
Cherokee
D 942.

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 February 2, 1903, granting the application for the enrollment of Stella Riley 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-22.
S.W.

Cherokee
D 942.

Muskogee, Indian Territory, December 12, 1906.

Stella Riley,

Vera, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting your application for enrolment as a citizen by intermarriage of the Cherokee Nation was reversed by the Department November 28, 1906.

Respectfully,

Commissioner.

S.W.

Cherokee
D 942.

Muskogee, Indian Territory, December 12, 1906.

A. A. Gibson,

Attorney for Stella Riley,

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 the enrollment of Stella Riley 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-21.
S.W.

CHEROKEE D 942

John H. Kelley et al

CHEROKEE

A-Orig. inst. testimony Dec 13 1900.
B-Minor [illegible] Dec 13-1900
C. Marriage licenses and certificate
D [illegible] Kelley
E [illegible] Mamie A. Kelley
F. Copy of testimony filed with Cherokee nation Jan. 12/18[illegible]
7. National Enrol. Application 3/12/02.
4 Certificate of naturalization

Dec 16, 1902, Nas 18 [illegible]
transferred to Cherokee
No 10 362

CHEROKEE 942

Cher D 943

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T. December, 10th 1900.

In the matter of the application of George C. Sumers for enrollment as a Cherokee citizen. He being sworn before Commissioner Breckinridge testified as follows.

Q What is your name? A. George C. Sumers.
Q How old are you? A. 54.
Q What is your post office? A. Mason, I. T.
Q In what district do you live? A. Goowoosoowee.
Q Who do you want to have enrolled? A. Myself.
Q Are you a Cherokee by blood? A. No sir, an adopted citizen.
Q Through whom do you claim your citizenship——A. [illegible] —I should say, to whom were you married? A. Lizzie Sumpsover.
Q Was she a Cherokee by blood? A. Yes sir.
Q Is she living? A. No sir.
Q When did you marry her? A. [illegible]
Q How old was she? A. 14 years, [illegible] 1880? A. Yes sir.
Q [illegible] before you married her? A. [illegible]
Q [illegible] evidence? A. No sir.
Q Are you divorced from her? A. Yes sir.
Q Have you a decree of divorce? A. Not at hand.
Q Did she get the divorce or did you? A. She did.
Q On what ground? A. With the charged me with almost everything between the lids. We went to court and then compromised and she got the divorce
Q Had she left you or did you leave her before the divorce was granted? A. Both of us lived together until we got the divorce.
Q Have you married since you got the divorce? A. No sir.
Q Has she married? A. Yes sir.
Q To whom has she since been married? A. Mr. Kingsberry.
Q How old is Lizzie Sumpsover now? A. 54.

1880 roll, page 311 No. [illegible], A. C. Sumers, Delaware dist.
(Lizzie Sumpsover not on roll.)
1880 " " 1001 Elizabeth Sumers, Delaware dist. int.

Q Where were you in 1896? A. At Vinita.
Q Is the Cherokee Nation? A. Yes sir, but they enrolled in the districts and I was away from mine two weeks.
Q Have you lived in the Cherokee Nation ever since 1880? A. Yes sir I have lived,

1896 roll, page 220 No. 1110, Geo. C. Sumers, Delaware district.
(No mention of his connection)

The applicant is identified under a variation of name, as A. C. Sumers on the roll of 1880, but it is recorded that he was put on there from the Supplemental Pay roll. He is also identified on the 1896 roll with a note that no mention is made as to his connection. He states that he married his Cherokee wife, who is on the 1880 roll with him, in 1872, and that they lived together some 14 years and then seperated and that a divorce was given to her. He is not able to supply a decree of divorce He states that he has lived in the Cherokee Nation since 1877 and that he has not re-married since his seperation from his Cherokee wife, under whom he claims citizenship at this time, the same being his wife Lizzie who is identified with him on the 1880 roll. To await evidence as to whether he forfeited his right to citizenship and as to whether he was properly enrolled in 1896, and to await a copy of the decree of divorce, he will be placed on a doubtful card as a Cherokee by inter-

marriage, and the final decision of the Commission will be made known to him

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

By the Commission-

Q You first seperated from you wife eight years ago? A. Yes sir.
Q And after that seperation and divorce you were re-married to her? A. Yes sir 2 and 1/2 years later.
Q How long did you live together that time? A. Two years.
Q Then did you seperate again? A. Yes sir.
Q Who got the divorce then? A. She did, through a compromise. The court gave me the custody of my two children.
Q How many children did you have at that time? A. Three.
Q When you married the second time, did you get a Cherokee license? A No sir, got it the first time.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized tribes he reported in full and transcribed 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 14th of December, 1900.

C. A. Bacon

Commissioner.

United States of America)
Northern District of the) SS
Indian Territory.)

My Name is M.E.Winworthy I am a citizen of the Cherokee Nation by Blood and was enrolled as M.E.Kinworthy by the Dawes Commission at Vinita I.T. My Maiden name was M.E.SCHRIMPSHER.

On or about the spring of 1879 I was lawful married to Geo,C Summers on a License issued by Jack White of Goingsnake District, Cerrimony was performed by Rev, Wright a Naravian Minister of Talaquah, I.T. at Hildenbiands Mill on Flint-Creek, at present known as Beck's mill.

I lived with said G.E.Summers as his lawful wife until the year 1892, in January 1891 our house and all our personal effects were burned with fire when we were absent from home and our license which I know for a fact we had duly issued and properly signed were burded with our other effects, and in 1892 on my pettition on a charge of adultry, a divorce was granted me by the Delaware Districts Courts Judge H.Landrum residing, September term of Court of said Delaware District.

In said preceedings we agreed certain divisions of property and custody of children which was sanction of the Courts.

By said agrement G.C.Summers was to have possession of the two older children,viz, Arthur and Calvin at fourteen years of age andIwas to have the younger ones, the younger one, Fredie,, The above mentioned conditions were faithfully carried out except as to the children.

In the spring of 1895 the said G.C.Summers and I were again married and we lived togather as husband and wife until the spring of 1897.

Then we seperated and at the September term of the Delaware District Court Judge T.C.Buffington residing I again secured a divorce on the same plea as in 1892, this is adultry, viz., And on the same terms as to the property and custody of the children, G.C.Summers was to have the two older children, Arthur and Calvin at fourteen of age and I was to have the younger one,Freddie.

I further swear that the said G C.Summers never took possession of either fo the said children and that he never contributed to their support and I raised clothed and supported them out of my own resorces, but was not able to properly educate them, and he drew the strip money and neither I or the boys received any benefit, in the winter of 1899 G.C.Summers took the foresaid boys and they lived with him one winter, since which time they have been doing for themselves.

I futher swear that by their request I had their names enrolled by the Dawes Commission at Vinita,I.T.

M E Kenworthy

Subscribed and sworn to before me this the 1st day of February 1901,

J. Ed. Brookshire
Notary Public.

My Com" Expires Jany 22nd 1902

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. February, 26th 1901.

[illegible] in case D-[illegible]43 in the matter of the [illegible]ation of [illegible] G. Sievers. George G. Sievers appeared before Commissioner T. [illegible] Tarpley, and being first duly sworn to testify [illegible].

Statement by the Commission-

Applicant presents the Circuit Court records of [illegible] District [illegible] 1899, and on pages [illegible], [illegible] is [illegible] a [illegible] divorce between Lizzie Sievers and George Sievers, said decree being signed by H. T. Lambert, Circuit Judge of the Northern Judicial Circuit of the Cherokee Nation, and attested by J. H. Hastings, Clerk of Delaware District.

Examination by W. W. Hastings, Citizen Representative-

Q You went to the Executive Office and made some application for a copy of your decree of divorce? A. Yes sir.
Q And they showed you another copy of a decree of divorce and you told them you didn't want that? A. No sir I got still another copy of my second divorce. There is another one besides this.
Q And when they gave you that one you said you didn't want it? A. No sir.
Q You never have presented it to this Commission have you? A. No sir.
Q That is since this other divorce? A. Yes sir.
Q After this divorce was granted, that you now present, you and this woman lived together as husband and wife? A. Yes sir.
Q You married after this divorce, didn't you? [illegible] granted? A. Yes sir, in 1888, and in the Spring of 1897 we got divorced again.
Q Every one of these divorces was granted to your wife? A. Yes sir under a compromise.
Q When were you over last before this Commission? A. Only one time at Tahlequah.

By the Commission-

Q Any other statement that you desire to have [illegible] to do. A. I desire to state that you will find in this divorce that the court gave me custody of my two oldest children. My wife ~~[illegible]~~ gave Mr. Akin $100.00 to beat me out of the money that was coming to them on the payment. He failed in the attempt, and then he turns round and brings this other suit against me in 1894 unbeknowenst to me. There was no citations served on me. He had to do something for not giving him that money as he had failed to beat me at the [illegible]. He had to do and so brings this suit
Q You and her were not living together then when she got the divorce you call the Akins divorce? A. No sir we were not.
Q Had you been [illegible] and left your [illegible]. We had not been getting along well and we agreed to separate and I gave her the divorce. She had made a great many charges against me in court but she could not prove a one of them as she did not have a single witness, and she could not have gotten a divorce unless I had agreed to give it to her.
Q Is there anything else that you would like to prove or offer in evidence? A I have more but cannot produce it at this time. There is a witness out in town that I will go and get and bring him down to prove about how my name got on the 1880 roll as it did.

JEFF MCGEE, being duly sworn as a witness testified before the Commission as follows- Examination by Col. T. B. Mc-Clay, Commissioner:

Q What is your name? A. Jeff McGee.

Q How old are you? A. 56.
Q What is your post office address? A. Hiama.
Q Are you a recognised citizen of the Cherokee Nation? A. Yes sir.
Q Do you know George C. Summers? A. Yes sir.
Q On the roll of 1880 there is found the name of A. C. Summers, which George C. Summers contends is intended for him, what is it that you know about it? A. Him and his wife came into my office in the summer of 1880 with the census taker, and as well as I remember these census takers had made their report, and they was at a loss how to get his name on the rolls, and I was going to Tahlequah and I agreed to take the names down, and I did so and I dont know whether the mistake was mine or the Clerks error in the Executive Department.
Q What I want to know is, is the A. C. Summers on the 1880 roll meant for George C. Summers? A. Yes sir that is what I understand, I took his name down with that of his wife.
Q What position did you hold then? A. Clerk of Delaware district.
Q Was it your duty to enroll people? A. No sir.

~~By W. W. Hastings~~
By the applicant of witness:
Q
Q. Did you state that you [illegible] through [illegible] Joe Muskrat to put my name there? A. Yes sir through [illegible] and you and your wife.

By W. W. Hastings:

Q That has been 21 years ago? A. About it.
Q Has your attention ever been called to it since that? A. Oh yes.
Q When? A Since I have been here.
Q Not before? A. No sir.
Q You remember that you took the names down there? A. Yes sir.
Q Remember of Joe Muskrat coming there? A. Yes sir.
Q Where was the other census taker? A. Wasn't there, they had already made their report and he had gone home.
Q Only one of them was there? A. Yes sir, Joe Muskrat, he lived a few miles from me at the time.
Q Was the Council in session when you got there? A. I dont remember
Q What time of the year was it? A. Later part of the summer, as well as I remember.

By Applicant of witness:

Q Do you remember if you saw my license papers then? A. You had a license issued by the Clerk of Going Snake District--Wright was his name I think.

By the Commission:

Q Do you recollect who they were issued to? A. To Mr. Summers
Q Authorizing him to marry who? A. To marry Miss Scrimscher, Ike Scrimscher's daughter who lived on Cabin Creek--don't remember her given name.
Q Thought you said that Mr. Summers came there with his wife, how did they come there with a license if they were already married? A. They came there with the license to show that they had a right to get on the rolls--that he was an intermarried citizen.
Q Then he showed you the license to show that he had been married to his Cherokee wife in accordance with a Cherokee license? A. Yes sir.
Q Showed you that as evidence that he should be on the roll? A. Yes sir.

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Chas. von Weise, being sworn states that as stenographer to the Com-

mission to the Five Civilized Tribes he reported in full all the proceedings in he above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas. [illegible]

Subscribed and sworn to before me is the 27th of February, 1901.

Commissioner.

7713

DEPARTMENT [illegible]

COMMISSION TO T[illegible] CIVILIZED TRIBES.

FILED

APR 1 1902

[illegible]

ACTING CHAIRMAN

C. D-943.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 14, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of George C. Summers for the enrollment of himself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 25, 1902, thathis 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 office in Muskogee, I. T., on the 13th day of March, 1902. On said date the case was continued by agreement until the 14th day of March, 1902, and the same being this day, to-wit: the 14th day of March, 1902, called, the applicant appears in person.

GEORGE C. SUMMERS, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A George C. Summers.
Q How old are you? A Fifty-five.
Q What is your post office address. A Wasson. I just changed my post office last week, and it is Welch.
Q You are an applicant before the Commission for enrollment as a citizen of the Cherokee Nation? A Yes sir.
Q Do you desire to make any further statement before the Commission relative to your case?
A No sir, except I have a witness here to testify in my behalf.
Q What about? A In regard to my marriage, and also the divorce
Q Is she here? A Yes sir.

M. E. KINWODY, being first duly sworn, and being examined, testified as follows:
Q What is your name? A M. E. Kinwody.
Q How old are you? A Fifty-four.
Q What is your post office address? A Vinita.
Q Are you acquainted with the applicant, George C. Summers?
A Yes sir.
Q How long have you known him? A About twenty three years or twenty-four.
Q Were you married to him atone time? A Yes sir.
Q When? A About ~~1882~~ 1879, as well as I can remember.
Q How long did you continue to live together as man and wife?
A I expect about eleven years, I can't tell exactly. About eleven or twelve years, something like that.
Q What was the cause of the separation?
A Could not get along together, disagreement.
Q Were you ever divorced from him? A Yes sir.
Q Did he always treat you as a husband should treat his wife?
A I didn't consider that he did.
Q Was he ever abusive in his language to you? A Yes sir.
Q Ever strike you in any way? A Yes sir he has.
Q After you left him you never went back to live together again?
A Yes sir. We were re-married.
Q When were you re-miarried? A It was right after the
Q Since that time have you continued to live together as man andwife
A Livedtogether for about- over a year, maybe two years and separated again.

Q This last separation was for the same reason as the former one?
A Yes sir.

BY APPLICANT: Who applied for the divorce? A Me.
Q Was it a compromise divorce, and divide our property?
A Yes, we divided our property between us.

MR. HASTINGS: Who secured that last divorce? A Me.
Q Who applied for the first one? A Me.
Q You got both of them? A Yes sir.
Q Had you ever been married before you married this man?
A Yes sir, been married before.
Q To whom? A Hall.
Q Did you live with him until his death? A No sir, we separated.
Q Were you divorced from him?
A I will tell you the truth. I married him during the war, but I never was legally married to him according to the Cherokee law.
Q How long did you live with him? A About thirteen years, I guess
Q Have any children by him? A Three living.
Q Finally separated from him? A Left him on account of whisky.
Q Never was any divorce between you? A No sir.
Q Then you married this man Summers? A Yes sir.
Q You say he cursed you? A Yes, many a time.
Q Did he ever strike you? A Yes sir, he has, in his rage he has struck me.
Q Did he drink? A No, drink was not our trouble.
Q What did you allege in your first divorce as a ground for divorce?
A I didn't think he was a decent, respectable man, and that was my grounds.
Q You got the divorce in Delaware District? A Yes sir, Delaware, Akins was my attorney.
Q How long did he leave you before you remarried?
A I could not state the time. My memory is very bad. It must have been three or four years, close on to that.
Q And you left him again for the same reason?
A That is what I left him for again.
Q Where were you living when you first separated?
A Down here in the Delaware District, my old home place.
Q Was his conduct such that you could not live with him? A Yes sir
Q Both times? A Yes sir.
Q And the Court granted you a divorce?
A Yes sir, I had the papers drawn up the first time that way. The last time we compromised, and let it go on like the first one. Jim Woodley was the man that helped me the last time. He is a kind of attorney.

BY APPLICANT: Was not the first divorce a compromise? Didn't we agree on certain stipulations which the court sanctioned?
A Yes, I suppose we did. We had three children, and he took them, and Freddy the court gave to me as long as he lived, up until he became of age. And now he wants to take him from me.
MR. HASTINGS: Have you got all the children yet?
A Two of them have been at work for several years.
Q Was this stipulation with reference to the division of the property? A Yes sir.
Q George Freeman was the Sheriff at the time, did you know him?
A He came down and seen what we had. And he wants to take Freddy now, to secure Freddy's land, to get the benefit of it until he is twenty-one, and I don't want him to take it, but that is his intention to do it.
BY COMMISSION: Is there any further statement you desire to make relative to your application? A No sir.
Q You submit the case to the Commission? A Yes sir.

The applicant in his own behalf and the representative of the Cherokee Nation present submit the case, same is deemed completed and will be reportedto the Commission for final decision based upon the evidence now of record.

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

Wm Hutchinson

Cherokee D 943

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

In the matter of the application of George C. Summers 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 December 12, 1900, George C. Summers appeared before the Commission at Tahlequah, Indian Territory, and made personal application for his enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had before the Commission at its office in Muskogee, Indian Territory, on February 26, 1901; also further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 14, 1902.

The evidence shows that George C. Summers was lawfully married under a Cherokee license and in accordance with the laws of the Cherokee Nation in 1879 to one Elizabeth Scrimpscher, a citizen by blood of the Cherokee Nation. The said George C. Summers is identified upon the 1880 authenticated roll of the Cherokee Nation, also upon the 1896 Census roll of said nation.

It appears that the said George C. Summers lived with his said wife for a period of about twelve years following their marriage when they separated and said wife obtained a divorce from the applicant on the ground of cruel treatment; that afterward they were re-married and lived together as husband and wife for two years when they again separated and said wife again obtained a divorce from said applicant on the ground of cruel treatment. The said applicant testified that the decree of divorce was rendered in accordance with an agreement between himself and said wife.

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."

Section 667, of the compiled laws of the Cherokee Nation (1892) is, as follows:

> "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 George C. Summers 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

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee D 943.

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 George C. Summers 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. 17.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 943.

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 George C. Summers 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.

Pinola C[illegible]
[illegible]

Mr Will Gardner
& Sloane friend

I'm happy over the Doubt
[illegible] I see on the [illegible]
[illegible] I thought he sent word
to me that he was married
~~before the messenger to arrive to them~~
that we was married contrary to the
church rules and I don't think that
was fair Disputed Bal. Will I don't
think he ought to be put on the
face now can the make become I don't
want to come Lil Eve get my statement
I want before the independent men. [illegible]
and read it, printed and sent it to you
that was plain a mark without meaning
the article was drawn upon me

over

would you please tell me how to keep out
of coming & murder he said will
table & concerned [illegible] in his power
he has been the least [illegible] in
the cart & give him a month he was
obliged for me to leave off the other
two days some is 27 the other is 2 years
of age he can not tinker the proceeds
of their place much longer now he
going to take [illegible] place & me me
I don't think it is right he is all but
anyhow I may their is nothing too

Lo for him & Lo please answer tell me
what to do I don't want to come if I
could keep him off the rate depending
I would not [illegible] [illegible]
Don't no whether [illegible] will [illegible] this
or not I [illegible] hoping to get an answer
from you telling me what to do
he has no title on the rate [illegible]
a [illegible] [illegible] [illegible] come in to the
Mr. Ekenmarthy [illegible]

IN THE MATTER OF THE APPLICATION OF

[illegible]

[illegible]

[illegible] 1. Original testimony. Dec 12 1900

[illegible] Memo. of application. Dec 12 1900

[illegible] Certified copy decree of divorce

[illegible] Certified copy, Circuit Court docket (divorce case)

E. Supplemental testimony. July 26, 1901.

[illegible]

F. Notice of final consideration, 3/13/02

Cher D 944

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

IN THE MATTER OF THE APPLICATION OF James L. Tindle for the enrollment of himself, wife and children as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A James L. Tindle.
Q How old are you? A Forty four.
Q What is your Postoffice address? A Stilwell.
Q What district do you live in? A Flint.
Q Are you a recognized citizen of the Cherokee Nation?
A By adoption.
Q Have you any certificate of marriage? A Yes sir.

Com'r. T. B. Needles: The applicant presents a duly authenticated marriage license and certificate of marriage, certifying that he was married to one, Miss Caroline Adair, a Cherokee by blood, on the 11th day of September, 1887.

Q She is not living now? A No sir.
Q Have you married since her death? A Yes sir.
Q What is your present wife's name? A Annie Johnson.
Q Is she a Cherokee by blood? A Yes sir.
Q Have you any certificate of marriage to her?
Q No sir; we were married in church.
Q When did you marry her? A In 1889.
Q What are the names of your children? A My oldest child by my first wife is Julia.
Q Any middle name? A No sir.
Q How old is she? A Twlove years old.
Q Next child? A Wallie.
Q How old is she? A She is ten.
Q Next child? A Henry C.
Q How old is he? A He is nine.
Q What is the name of the next one? A Alexander.
Q How old is he? A Seven.
Q Next one? A Jinsie.
Q How old is she? A Four years old.
Q Next one? A Jeff.
Q How old is he? A Four years old.
Q Are these children all alive and living with you? A Yes sir.
Q Were you ever married before you married Careline Adair?
A No sir.
Q Was your first wife dead when you married Annie Johnson?
A Yes sir.
Q Di d you live with her until her death? A Yes sir.
Q Then married Annie Johhnson? A Yes sir.
Q She is a Cherokee by blood? A Yes sir.
Q What is her age? A About thirty.
Q I understand you to say that Carrie Adair was your first wife?
A No sir; I was previously married.
Q Where were you married to your first wife? A In Missouri.
Q Was she living when you married Carrie Adair?
A I suppose she was.
Q Were you ever divorced from her? A No sir, only by limitation.
Q What do you call limitation? A Five years.
Q Under what law is that? A The Statutes of Missouri.
Q If separated five years, that would give a divorce? A Yes sir.
Q You were married to your first wife in 1887? A Yes sir.

By Mr. W. W. Hastings, Cherokee Representative:
Q Who was Annie Johnson's father and mother? A Sam Johnson and Susan Adair.

Q Her name then was Johnson? A Yes sir.
Q Did she have a sister name Jane? A Yes sir; Jennie.

By Com'r. T. B. Needles:
Q You admit now that at the time you married your first Indian wife, Caroline Adair, that your former wife, whom you married in Missouri, and who was a white woman, was living?
A I do not know that she is living
Q Do you know it now? A I have heard since that she is living, but I do not positively know it.
Q Was she married again before you married Caroline Adair?
A I suppose she was.
Q Do you know she was? A No sir, I do not.

(1880 Roll, Page 347, #10, J. Caroline Adair, Flint District)
(1880 Roll, Page 374, #705, Annie ~~[illegible]~~ Johnson, Flint District)
(1896 Roll, Pahe 716, #71, James Tindle, Flint District)
(1896 Rollx Page 703, #1739, Annie Tindle, Flint District)
(1896 Roll, Page 703, #1740, Julia Tindle, Flint District)
(1896 Roll, Page 703, #1741, Wallie Tindle, Flint District)
(1896 Roll, Page 703, #1742, Henry C. Tindle, Flint District)
(1896 Roll, Page 703, #1743, Alex Tindle, Flint District)
(1896 Roll, Page 703, #1744, Jennie Tindle, Flint District)

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 About sixteen years.
Q Continuously? A Yes sir.
Q Your wife, Caroline Adair died before you married your wife, Annie Johnson? A Yes sir.
Q You lived with her until the time of her death? A Yes sir.
Q You have no proof of marriage to your second wife?
A I expect there is some proof here: I was married in church here.
Q Did you know when you married your wife, Caroline Adair that your first wife was ~~[illegible]~~ living? A No sir.

By Mr. W. W. Hastings, Cherokee Representative:
Q How long had it been since you had heard from her?
A About fourteen years.
Q Since you had heard from her? A Yes sir.
Q You had not heard that she was dead? A No sir.
Q You had no reason to believe she was dead? A No sir.

Com'r. T. B. Needles:
Q Did she leave the country? A Yes sir. I was living in Kansas City then.: She left: I do not know where she went: Never could trace her up: She was a sort of a bad woman, and I did not care to find her.

By Mr. W. W. Hastings:
Q You have heard of her since? A I heard of her about a year ago.
Q How did you hear of her? A By some of her relatives.

Com'r. T. B. Needles: The name of James L. Tindle appears upon the census roll of 1896 as an intermarried white: He presents satisfactory proof of marriage to one, Caroline Adair, in the year 1887, and her name appears upon the authenticated roll of 1880 as J. Caroline Adair: She is now deceased: He also avers that in the year 1889, he was married to one, Annie Johnson, a Cherokee citizen by blood, ~~[illegible]~~ having lived with his wife, Caroline until her death: The names of his children by said Indian wives, Julia, Wallie, Henry C., Alexander, ~~[illegible]~~ and Jinsie Tindle appear upon the census roll of 1896: He avers that he has

one younger child, Jeff Tindle, whose name does not appear upon the census roll of 1896, and it will be necessary for him, before said child is finally enrolled, to file with this Commission satisfactory proof of the birth of said child.

The applicant avers in his testimony that he was never divorced from his first wife, to whom he was married in Missouri, she being a white woman: Consequently final judgment as to the enrollment of the said applicant, James L. Tindle will be suspended, and his name will now be placed on a doubtful card.

The name of his wife, Annie Tindle, being found upon the authenticated roll of 1896, as well as the census roll of 1896; and the names of his children as enumerated herein, being found upon the census roll of 1896; they all being duly identified and having made satisfactory proof of residence, they will be listed for enrollment as Cherokee citizens by blood.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly reserded 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 15th day of December, 1900.

C A Bennett

COMMISSIONER.

THE IN
SSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 12 1900

A TING CHAIRMAN.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

(No)

Date DEC 12 1900 1900.

Name James L. Tindle (Stigwell Dist. Ind.)

District FLINT. Year 1896 Page 116 No. 21

Citizen by blood no Mother's citizenship

Intermarried citizen no

Married under what law Date of marriage

License Certificate

Wife's name "Nancy"

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

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

I m. 1896 full as James Tindle.

[illegible] to [illegible] that I
have executed the within
release the parties on
this 11th day of [illegible] 1887.
[illegible]

[illegible] that the above
certificate is recorded on page
[illegible] (13) Marriage Register
[illegible] this 5th day of [illegible] 1891
William [illegible]
Clerk [illegible]

Cherokee Nation }
Flint District }

Know all persons by these presents that I William P. Ware Clerk of Flint District Cherokee Nation, by virtue of the authority in me vested by law, do hereby grant a marriage license to J. L. Tindle a citizen of the United States to marry Mrs. Caroline Adair a Cherokee by blood (and a citizen of Flint Dist. C. N.) He the said J. L. Tindle having complied with the law (the act) regulating intermarriage between citizens of the United States and citizens of the Cherokee Nation

Therefore any Regular ordained minister of the Gospel in good standing; (Judges or Clerks of Cherokee Courts) are hereby authorized to perform the marriage ceremony between said J. L. Tindle and Caroline Adair and return this License within (30) thirty days with your certificate of performance for record in this office

Given under my hand and seal of office in this the 3rd day of September A.D. 1889

William P. Ware
Clerk Flint District
C. N.

of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 13th day of March, 1902, 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 his application. Receipt has been acknowledged of the Commission's letter, and the applicant having this day, to-wit: the 13th day of March, 1902, been called, and failing to respond it is deemed that his case is completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

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

R.

C. D-944.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 13, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of James L. Tindle for the enrollment of himself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 25, 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, I. T., on the 13th 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 his application. Receipt has been acknowledged of the Commission's letter, and the applicant having this day, to-wit: the 13th day of March, 1902, been called, and failing to respond it is deemed thathis case is completed, and same will be reported to the Commission for final decision based upon the evidence noe of record.

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

Wm Hutchinson.

Department of the Interior,
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lena Severs	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	388
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Largen	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	598
Samuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A. Patton	679
William H. Ford	173	Benjamin G. Holland	763
Thomas N. Wilson	185	William Gordon	798
Ulsie Ann Smith	206	Maggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	229	Susie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	253	William H. Burrow	967

Mary Pettit	977
Bettie Mitchell	985
John J. Harrison	993
Jasper N. Bateman	1029
Susan Ballard	1065
Lucy Eva Simmons	1073
Ellen Thornton	1089
Sarah E. Hair	1090
Norman S. Drake	1092
Susan Hogg	1094
David L. Scott	1099
James C. Taylor	1111
Roxie Shepard	1128
Robert G. Elgin	1136
William Hall	1137
Mary Ella Lattimore	1141
Maggie J. Keys	1149
Joseph M. Correll	1177
Jane Ratley	1225
George E. Norton	1234
Mahala D. Thompson	1247
Charles M. Trammel	1264
Flora Carlile	1265
William H. Norrid	1275
Olivia Benge	1276
Dollie Wilson	1278
Moses Bell	1279
Sarah Fleetwood	1290
Rosa E. Fargo	1299
William M. Oliver	1333
Andrew J. Couch	1340
Lina Hyles	1347
Mary M. Miller	1350
Mary E. Taylor	1368
Polly Ann Benge	1369
Margaret Moton	1385
Minnie M. Kinney	1390
Nettie Seabolt	1418
Lawrence G. Fordham	1433
Sarah A. Hoit	1449
Jennette Polecat	1492
Ellen Seabolt	1508
Charles W. Nettles	1509
Lena Sittingdown	1511
Tim Creeden	1513
Odie Pidcock	1517
Silas A. Saterfield	1529
Laura J. Jeremiah	1530
Etta Hicks	1540
Mary A. B. McKinney	1550

Millie Morton	1554
Andrew Walters	1573
John H. Holder	1610
Mary M. Burr	1612
Thomas E. Bonham	1644
Florence Headrick	1663
Daisy B. Brewer	1709
Annie Cordrey	1717
Adam Eckert	1722
Isaac Timmons	1726
Gent Gibson	1727
Amos Anderson	1731
William J. Mounts	1734
James D. Alexander	1745
Willis E. Miles	1769
Lora Adair	1781
John Yarborough	1796
Lillie M. Dassler	1802
Bryant C. Redington	1804
Malisa A. Maxwell	1808
Richard Dukes	1811
Fannie Pettit	1816
Genevia Pool	1817
Mollie Crossland	1822
Lizzie Benge	1828
John H. Welty	1847
Edward P. White	1884
Lauren P. Green	1887
Charles Rosser	1898
Fay Adair	1913
Henrietta Irving	1920
Bird Trippard	1925
John C. Carlile	1937
John W. Gilstrap	1954
Sarah Young	2018
Nancy A. Coleman	2049
James N. Whisenhunt	2118
Hiram Stephens	2157
Asa L. Guinn	2159
Rebecca J. Flying	2172
Thomas J. Measles	2192
Julia Coody	2215
Sarah Crutchfield	2224
Henry E. Lee	2251
Sarah Gritts	2256
John A. Madden	2261
Henry C. Pennel	2271
Matilda S. Cleland	2302
Dona A. Frazier	2312
Laura B. Cordrey	2320

Lafayett D Kindred	2328	William A J Trotter	3257
Pearl V Sisson	2339	Albert P. Goforth	3298
Nancy J Sevier	2380	Anna B Martin	3307
Mollie Hair	2385	William Brown	3344
Dora Sayers	2474	Jennie B Bluejacket	3345
William T Jones	2501	William Little	3377
Sarah L. Martin	2502	Julia M A. Russell	3386
William J. Shoemaker	2506	Andrew J. Smith	3393
Maud Baldridge	2511	William N. Blakemore	3396
James L. Townsend	2513	Lizzie Denton	3417
George L. Morgan	2568	Belle Hudson	3435
Andrew A. Brown	2575	Thomas S. Heady	3437
Louis K. Fair	2623	William M. Roseborough	3444
James L. Mitchell	2644	Madison G. Hawkins	3467
Martha E. McNair	2659	Japhat F. Ellis	3491
Millard F. Eggleson	2668	Emma McAffrey	3543
Elisha M. Gray	2686	William T. Huitt	3570
Jessie M. Ballard	2694	Myra F. Chouteau	3580
Annie Mayes	2798	Phillip Donohoo	3581
Belle Sixkiller	2809	Fred L. Kelley	3593
James P. Riley	2825	Annie Herod	3594
William Broaddus	2854	Maggie V. Fields	3615
William A. Martin	2865	Lou Payne	3616
Joseph Q. Buchanan	2888	Frederick W. Strout	3692
Marcellus L. Baker	2905	Andrew L. McCamish	3713
Etta M. Hill	2915	Sarah Dirtthrower	3731
John R. Smith	2922	William P. Coble	3758
Ira W. Wallen	2926	Robert L. Madison	3761
John B. Laurence	2959	Mariah McDowell	3795
Lula O. Hitchcock	2961	Elizabeth R. Thornton	3811
Bell L. Muskrat	2975	Donithan A. Wilson	3841
Eliza O'Field	2977	Charles F. Covey	3868
Margaret Suagee	2993	Tamsey M. Williams	3886
Winfield S. Nance	3007	Mary J. Wolfe	3889
Benjamin F. Kelley	3010	Lathan Lumbard	3891
Mollie Daugherty	3039	Micajah P. Haynes	3897
Charles H. Leatherman	3043	Annie L Wingfield	3903
Alice A. Edwards	3100	Mary Fields	3907
Dorinda Adair	3106	William W. Dudley	3944
William R. Gray	3118	Minnie M. McLaughlin	3950
Dora B. Caulk	3143	Henry B. Lindsey	3978
Jesse M. Gallman	3161	Wilbert H. Parkison	3999
Martha E. Garrett	3162	Seth R. Hall	4011
Artie E. Large	3164	Wiley Hanna	4016
Andrew A. Kelley	3191	Martha M. Woods	4093
Anna B Ryne	3193	Lizzie Gray	4117
Eliza Henderson	3198	Nancy C. Carey	4131
David E. Jenkins	3212	Annie E. Kenney	4165
Lizzie Falling	3233	William H. Ward	4169
Robert L. Payne	3252	Nannie Brewer	4189

Nancy J Kinney	4225
Sydney E Bell	4232
Isaac H. Jordan	4235
Charles Parks	4241
Dora Frenchman	4262
James R Fugate	4275
Maud Adams	4277
Elizabeth Black	4281
Anna Thornton	4291
Robert T Morrison	4294
Perley Israel	4295
William A Long	4304
Mollie Swannock	4319
Frances Guess	4324
Allen H. Gibson	4327
John McFall Jr	4343
Albert W. Fitzsimmons	4360
George S. Ford	4386
Quinn Carr	4387
William A. Powell	4390
Austin Hasley	4400
Anna Bible	4414
Elizabeth Riley	4428
John P. Sudderth	4449
Anderson Keen	4450
Ida M. Adams	4451
Martha J Randall	4457
Mollie Conner	4477
Jane McGhee	4491
Jennie Riley	4525
Hannah Randall	4528
Charles W. Childers	4542
Nannie B. Riley	4543
John W. McDaniel	4544
Minnie Armstrong	4548
Ada Chouteau	4549
Mary Thompson	4571
Ota Armstrong	4593
Mary Spencer	4594
Clarkson F. Woody	4603
James M. McConnell	4604
Annie E. Coker	4605
Jennie Long	4606
Julia Gilstrap	4607
Laura E. Smith	4608
Annie Nicholas	4609
Minnie R. Taylor	4611
Mary E. Rogers	4614
Emma Downing	4615
William Steere	4619

Roxie J Ketchum	4623
Lazzie Love	4626
Robert K Wann	4632
Frederick Metzger	4633
John C Bratcher	4634
Pierrow L Jone	4641
Ada Bertholf	4642
Alice Robbins	4644
Jane Dougherty	4649
Samuel Francis	4650
Clemon C Peck	4652
Mont C Frazier	4653
Frank J Mayberry	4656
Charles W. Moore	4660
Jefferson D Edmondson	4661
Alonzo H Boone	4662
Thomas C. Mock	4668
Sallie Allison	4669
Elizabeth E Burgess	4671
LaFayette Breeden	4673
James M Boling	4676
Francis A Neilson	4681
John F Smith	4689
Rufus S Steward	4691
John I Haddock	4694
Maggie O Walkley	4695
George W Talbert	4698
Mary Miller	4700
Henry C White	4707
Mattie E Hill	4760
Alice A Bible	4772
Katie Coker	4785
John Creek	4801
Ruby R Bean	4804
William J. Dodson	4836
Blackburn Reed	4882
Viola Lowther	4891
William B Ritchson	4910
Henry D. McDonald	4950
Della McDaniel	4956
Dorothy Ratthinggourd	4991
Ida McCay	5093
Henry M Lyon	5100
Alice J. Wofford	5101
Nancy Morris	5137
Ella Sullivan	5140
Winfield Williams	5144
Bessie M Smith	5145
May Humphrey	5207
Donnie Burgess	5235

Nora B. Burgess	5236
John E. Etter	5239
Harriette Rogers	5240
Amanda Foreman	5244
William H Wells	5261
John T Gaylor	5266
Annie Sweeten	5269
Rosalee Hendricks	5278
Emma Chambers	5328
James H Thomas	5329
Melville B Baird	5332
James R. Goodall	5356
Charles Horton	5390
James W. Goddard	5417
Dora Cox	5425
Nannie G Alberty	5438
Sallie Ward	5455
William H Sutherlin	5484
Lizzie Hall	5487
Cyrus B Essex	5489
Eda Taylor	5493
Laura Taylor	5494
Elector D. Miller	5496
Emberson M Arnold	5498
Stella Henry	5499
William E Oneal	5506
John M Sharp	5509
John E Davis	5514
Sarah E. Downing	5518
Samantha C Glass	5524
Harry Jones	5525
Aggie Paris	5532
James W Hallford	5535
Phoebe Coker	5537
Anthony K. Douglas	5538
Joseph H. Johnson	5541
Harvey O Riggs	5547
Alice Glass	5553
Addison Reeves	5566
Alice Coats	5572
Julia Kidd	5575
William R. Greer	5576
Rosa M Sixkiller	5581
Nancy Inlow	5587
Daisey H Owen	5599
Annie R. C. Owen	5600
Jesse McKnight	5602
Cicero J. Strange	5610
Henry Westenhaver	5611
Emma H. Roach	5612
William A Polson	5613
Paulina P Pitcher	5614
Charley Headrick	5615
William N Stinson	5616
Lenora A Henry	5621
Effie M Adams	5622
John H Shimp	5624
Thomas B. Dickson	5625
Minnie Henry	5628
Thomas J. Simpson	5629
Cap L Lane	5630
Reuben E DeLozier	5631
John Heape	5640
Perry G Brock	5645
Mary J Newcomb	5650
George W. Seigel	5660
Martha A Parks	5666
Zelda C. Mills	5674
Lizzie Rogers	5675
Emma Pigeon	5676
Nellie Bluejacket	5677
Lucy Bacon	5679
Thomas B. Wood	5681
Asa W. Simerson	5683
William J. Kuhn	5686
Elsie Couch	5688
William H. Robinson	5692
Rachel Washington	5693
Isaiah B Blackwood	5700
John R Johnson	5701
Dennis W Smith	5702
William H. Chesnut	5705
William H. Durham	5707
Albert B. Buckmaster	5710
Maud Crutchfield	5730
Joseph S. Layne	5731
Lena Bell	5737
Juan N. Corn	5748
Robert N. Crafton	5750
Benjamin F. Coffee	5756
Frank McSpadden	5760
Charles D. Pendleton	5775
Harden H. Green	5776
Emma J. Ward	5778
Robert C. Fuller	5781
Henry F. Extine	5796
Ida Wyly	5802
Richard L Fite	5815
Edward Lutz	5816
John F Woodworth	5829

Horace H. Huddleston	5832
William R. Sartain	5837
Joseph A. Lawrence	5843
William H. Hinton	5846
Joseph Lehr	5851
Euin M. Young	5852
Mary C. Barnes	5853
Matilda Thompson	5861
William W. Young	5872
Earley F. Ellis	5874
Rosa B. Alberty	5877
Sarah Cannon	5879
Mamie Beck	5887
Jack H. Merchant	5888
John D. Merchant	5889
Sarah E. Ghormley	5894
Jerry Young	5906
James H. Brickey	5916
Mary Hicks	5919
George W. Weems	5922
Albert Crain	5923
James M. Jones	5932
Alfred W. Shelly	5935
John M. Stratton	5936
Waddie Hudson	5937
Robert C. Johnson	5939
Mary T. Thompson	5941
Edith A. Parris	5943
Addie Hubbard	5949
John A. Lowry	5962
John R. W. Brantley	5963
James T. Carroll	5964
Christopher F. Jordan	5965
Minerva E. Stover	5966
John W. Twilley	5967
Joseph W. Mounce	5970
Cornelius P. Potter	5971
Amanda C. Thompson	5972
John M. Rusk	5976
Harrison L. Hughes	5978
Silas B. Dildine	5983
Lewis M. Payne	5985
Nancy Beamer	5988
Sarah F. Selvidge	6002
Posy F. Buckner	6005
John A. Moreland	6010
Alice Welch	6015
Mary C. Thompson	6022
Ida Beck	6029
William R. Tittle	6030
George C. Duffield	6031
Archie Reece	6033
Alexander West	6036
John Footle	6037
Florence G. Lancley	6038
John T. Hain	6042
Mary L. Jordan	6048
John W. Bradshaw	6076
James L. Dean	6079
Amanda J. Thompson	6082
Malissa Hubbard	6089
Jane Benge	6111
John D. Ryals	6113
John C. DeLozier	6117
Jessie Willis	6118
Mary A. Clark	6124
Mary J. Tipton	6126
Leander Newton	6136
William A. Qualls	6138
Henderson B. Thomas	6144
Hugh T. Watkins	6163
Nancy Keys	6172
Berry Hutchins	6186
Eli Parker	6189
Sarah E. Shaw	6194
Julia Keys	6211
Boon J. Grey	6214
John Grubb	6216
William M. Costephens	6230
Jane Bean	6232
Lillie I. Taylor	6236
Abbie B. Adair	6239
Mack C. Watkins	6246
Robert W. Murray	6261
John G. Petty	6269
Lucinda Poorboy	6279
Sarah Mayes	6286
Henry W. Pyeatt	6300
Isaac A. Wilson	6308
John T. Hall	6310
Edward L. King	6315
Katie Still	6325
Emmer Carlile	6338
Bird Webster	6347
Fannie Morris	6353
Leonard Lee	6357
James R. Miller	6362
James Brackett	6370
Nora Allen	6371
John T. Washington	6373

James J. Snider	6375
William H. Winget	6376
Ida R. Wilkerson	6383
George A. McBride	6385
Matilda Cookson	6387
William A. Eck	6392
William O. Ames	6394
Thomas Wilkerson	6396
Alice C. Springston	6407
Fanny N. Witt	6413
Lillie M. Adair	6424
Mark F. Matheson	6428
Ida L. Wilson	6431
George E. Marrs	6441
Ulysses S. Reeves	6443
Daniel A. Smith	6447
Henry J. Dawson	6450
Sarah Adair	6452
Ida F. Wilson	6455
Mary E. Taylor	6459
Catherine Henson	6468
Charles C. Fitzsimmons	6471
Mary E. Campbell	6476
Columbus N. Long	6478
Mary Wilkerson	6480
Myrtle Ward	6484
Belle Manus	6499
Martha E. McLain	6508
Mary A. Brown	6517
Marion M. Ballew	6530
Mellie Mayfield	6540
Sarah Blevins	6541
Frank Powell	6542
Georgia Jackson	6546
Leonard S. Simpson	6549
Almira Ussrey	6560
James McInerney	6561
Fannie Carlile	6578
Sadie A. Mayfield	6580
Silas A. Bryan	6581
William S. Martin	6585
Emma J. Thompson	6589
Lydia McDaniel	6593
David W. Lamb	6595
Gus R. Hart	6603
Poca Phillips	6632
Lois E. Daniel	6678
William W. Turner	6689
Lillie B. Blackstone	6714
Mary Lillard	6715

Jane L. Lee	6717
Rosa Phillips	6723
Kate Brown	6735
Laura B. Barnett	6743
Elizabeth Sanders	6745
William I. Neff	6747
William R. Scott	6751
Laura Eich	6770
Maggie Ketcher	6779
Dora A. McDonald	6783
Rosa B. Willis	6785
Daniel Hubbard	6787
Mary R. Tadpole	6801
Magnus A. McSpadden	6811
Sarah F. Pathkiller	6824
Clora Twist	6845
Mattie M. Welch	6846
Cora Griffin	6850
John S. Hyatt	6853
Jefferson K. Tyner	6855
Flora R. Miller	6859
Lizzie Craig	6872
Jacob C. Johnson	6876
George W. Ware	6897
James B. Deatherage	6901
Lucinda C. Hartness	6943
Frances E. Tehee	6961
James M. Burt	6965
Rady Tipton	6975
Laura Hendricks	6976
Laura V. Smith	6979
Lorenzo C. Darnell	6988
Robert M. Mitchell	7004
William Henry Reeve	7005
James Pyle	7009
Willie Hilderbrand	7015
Alice M. Roberson	7031
Charles Morris	7043
Minerva J. Trent	7051
John H. Keith	7078
Katie E. Ratley	7080
Etta Patrick	7081
Nannie Martin	7090
Rosa B. Harris	7094
Samuel Brown	7100
William H. Turner	7101
Florence Mayes	7104
Maggie McCoy	7112
Mary Belle Cordry	7113
Benjamin Haner	7119

James Maher	7128
Terry A. Parkinson	7146
Cora L. Hank	7147
Otto J. Zulah	7149
Rufie M. Norman	7155
Mary E. Foreman	7158
Alma West	7159
James M. Contally	7161
Frances M. Crowell	7163
Lannie F. McClure	7171
Benjamin B. Graham	7176
Ada Pharess	7180
William L. Whisenhunt	7184
Frances B. Perry	7191
Philip Shultz	7210
Hester A. Miller	7212
Minnie B. Edmond	7213
Eliza Jordan	7217
William T. Ross	7218
Thoma M. Price	7225
James G. Wilson	7231
Frank Rhomar	7263
John W. Thompson	7267
Melissa Booth	7271
Solon L. Jackson	7273
Henry W. Coughran	7282
Sarah Ross	7291
Mary S. Smith	7322
John A. Martin	7323
Myrtle Robinson	7330
Allen L. Buckner	7331
James L. Goad	7350
Elijah Johnson	7351
Mary E. Kimbrough	7360
Jennie Burr	7367
Kiasay Sapsucker	7378
Sarah J. Johnson	7394
William I. Branan	7409
Wyatte T. Brady	7412
Lena O. Holderman	7413
Mary F. Hummingbird	7420
Bertha A. Allen	7425
Robert J. Tyner	7426
Fannie B. Martin	7434
Myrtle Wolfe	7435
Mary Blevins	7479
Sarah Ketcher	7488
Charles D. England	7512
May Cochran	7544
Rebecca Oglesby	7549

Robert B. Collin	[illegible]
Nancy E. Brown	[illegible]
Mary B. Walking [illegible]	[illegible]
Robert E. Kellean	[illegible]
Mollie Morton	[illegible]
Mattie Gritz	[illegible]
Mack Alfred	8006
Ida Harmon	[illegible]
Ida McCoy	8016
Rosie Foreman	8417
Anne Jackson	8903
Margaret T. Langley	9034
Ida M. Davis	9092
Nora Crapo	9266
Margaret Harmon	9289
Mary B. Langley	9378
Ella Gravitt	9438
William M. Wilson	9439
David O. Scott	9444
Harriett Forbes	9446
John Carver	9447
Thomas J. Davis	9449
Clara M. Boudinot	9451
Mary E. Keys	9453
John G. Ainsworth	9454
Mary J. Christy	9456
Malinda Seabolt	9460
Mary Cumpton	9462
Mollie P. Mulkey	9464
Andrew Brimmer	9465
James F. Flippin	9467
William Bird	9471
Mollie C. Forbes	9473
William H. Thomason	9476
Mollie Devine	9478
Mary P. Guthrie	9481
Detley N. Leerskov	9482
Nannie Cowart	9484
Leona Catcher	9485
Alexander B. Clapp	9489
Tennie Sanders	9502
Virgil A. Wiltshire	9503
Joshua K. Carr	9505
Herbert Kneeland	9510
Hugh E. Hope	9518
Thomas J. Ritter	9519
Martha Baldridge	9522
James R. Poindexter	9529
Maud Foreman	9535
Belle Bryant	9539
	9542

Joseph P. Smith	9550
George E. Watkins	9552
Florence Henry	9553
Jesse H. Johnson	9560
Lydia B. Barger	9561
Mary Jane Thomas	9562
James F. Petty	9563
Lauta McCrary	9566
Joel D. Smith	9568
William T. Cave	9572
William Bugher	9577
James M. Smith	9582
John F. Nazworthy	9583
Beverly L. Laton	9587
Robert L. Gentry	9590
John C. Barker	9591
John P. Greenwood	9593
Henry Hayes	9596
Ella Cornwell	9598
Ava A. Hedrick	9599
William C. M. Robinson	9600
Woodrow Hadley	9612
William T. Gregory	9613
Charles M. Keys	9616
Bate O. Reed	9618
Joseph E. Feland	9623
Florence C. Smith	9625
Charles M. Cox	9630
Otis S. Skidmore	9634
William H. Hundley	9635
Thomas A. McDonald	9636
Annie Sanders	9638
Mack H. Martin	9640
Mary Ward	9653
George Givens	9658
Pheney Poorboy	9660
Charley Kiper	9671
Andrew J. Snider	9672
William T. Barton	9684
Daniel Crail	9770
Mary M. Motte	9771
Lecia E. Herrin	9854
Garlen E. Carrick	9855
Rosa B. Barger	9857
Rachel Foreman	9858
Serepta C. Willis	9861
Virgie Seabolt	9864
Annie Cannon	9867
Isabella McCoy	9874
Robert E. Dry	9875

William G. Brown	9879
John B. Delay	9881
Pauline Thompson	9882
Guenther W. Werther	9883
Margaret Cruttenden	9884
Moses L. Morris	9889
Sarah L. Rogers	9891
Stephen Duncan	9892
Gideon D. Sleeper	9895
William A. Maddin	9896
John H. Horton	9904
Howe L. Rogers	9905
William Rush	9912
George W. Edens	9916
William H. Hall	9920
Edith B. Pheasant	9935
Carrie A. Collins	9936
Lucinda Spriggs	9937
Ella F. Hail	9939
John W. Harris	9949
Hannah Raper	9942
John J. Coughran	9945
Youra F. Waybourn	9946
Louisa J. Taylor	9947
William M. Evans	9948
William F. Pierce	9940
May F. Chambers	9950
Albert Stevenson	9954
Henry Kiefer	9955
Sarah Bean	9956
Zeno M. Cox	9964
Jerusha E. Blair	9965
Elias Kyle	9991
Ida Cushman	9992
James W. Fleming	9994
Samuel Holmes	9995
Walter H. Talley	9997
Hannah J. Miller	9998
Clara V. Ward	10002
Stephen W. Pittsenberger	10005
Mary E. Palmour	10008
William T. Partin	10011
Nellie Fields	10013
Sarah A. Dawes	10015
Willard E. Hutchins	10016
Jesse Talbert	10020
Julia E. Setser	10021
Amanda E. Howell	10022
Mamie J. Rogers	10023
Nannie Rogers	10024

James B. Bradshaw	10025	Millie A. Cone	10113
Ida L. White	10026	Lucy I. Rolland	10114
Addie B. Miller	10027	Edward H. Fitzgerald	10115
William R. Condry	10028	John F. Pickard	10117
James D. Canary	10029	Charles Ryan	10118
John Kelley	10031	Nancy Maxfield	10123
Kate Craig	10033	Anna B. Tittle	10124
John A. Butts	10034	Richard A. Clark	10126
John J. Dameron	10035	Emma B. Martin	10128
William Warner	10036	Walter L. Bate	10129
George A. Allen	10037	Nellie Brewer	10130
Watie Shetley	10038	William Heffernan	10131
John E. Carter	10039	Levi Ackley	10132
John M. Boyd	10043	Bessie Davis	10133
William Fister	10047	Eva Brackett	10135
Darius B. Troth	10049	Caleba Carnes	10136
Harry A. Kelley	10050	Jacksie M. Waybourn	10138
Mary E. Purcell	10051	Minnie Shutt	10139
Myron L. Bronson	10052	Charles L. McClure	10140
George W. Taylor	10053	William W. Russell	10141
Josie Lowther	10054	Delia Jenkins	10142
Fannie D. Perry	10055	John A. Hood	10143
Minnie B. Williams	10056	Oba Maxfield	10145
~~Solomon Copeland~~	~~10058~~	~~Mary L. Cloud~~	~~10146~~
Etha B. Wood	10059	Callie Inlow	10147
James Pace	10060	Everett M. Lowrence	10148
Wiley B. McElhaney	10062	Dora E. Hays	10150
Nancy Patrick	10063	Julia M. Schrimsher	10151
James R. Stout	10072	Parmelia E. Lyman	10153
George Parker	10073	Charles F. Trickey	10161
Laura Morton	10074	Louisa J. Palmour	10169
John D. Kelly	10075	George L. Walker	10170
Nettie Swift	10078	Annie Taylor	10171
Maggie Baldridge	10079	Josie Winters Hall	10174
David R. Stubblefield	10080	Alice Nichols	10181
Thomas J. C. Thompson	10081	Lizzie Dry	10182
Cora P. Harlan	10082	Emma Murray	10183
William L. Singleton	10083	Annie Winton	10187
Lester Evans	10084	Marian Evans	10188
Ellen Mayfield	10085	Elizabeth J. McClain	10192
Ella Bray	10087	Eliza J. Price	10199
David J. Matthews	10094	Rissie Still	10200
Thomas Brown	10100	Hannah E. Langley	10201
Houston J. Payne	10103	Alma Keith	10203
Malinda E. Scudder	10104	Flora A. Terrill	10204
Henry Odell	10105	Talesphora A. Paradee	10205
Fred Macy	10107	Samuel Shadix	10206
Mary Russell	10108	Mary E. Childers	10207
Thomas B. Brown	10109	Robert M. Hamilton	10208
Samuel L. Milligan	10111	Julia Billingslea	10209

Nannie Martin		10210	Joseph Reed	D	468
Sarah A. Field		10214	Adolphus J. Hallum	D	483
Susie Henderson		10216	Alexander Walker	D	490
Charles H. Rienhardt		10218	Albert J. Hugh	D	491
William H. Watkin		10221	America Maloy	D	501
Frank M. Rucker		10222	Moses L. Grazier	D	503
Henry C. Reed		10224	Myrtle Hall	D	509
Lauta B. Timberlake		10226	Wallace Thursday	D	511
George A. Brown		10228	Thomas W. Baker	D	546
Drucilla Lowrey		10232	Mattie E. Keys	D	550
Almira Mouse	D	9	William S. Edward	D	560
Lenora Prather	D	16	Susan L. Reed	D	572
Andrew M. Cooter	D	17	William H. Lyman	D	574
Martin L. Stokes	D	28	Gracia Davis	D	577
Peter Walters	D	44	Edward C. Bolen	D	582
Columbus M. Reeves	D	58	Dora Guthrie	D	585
Sarah Barnes	D	103	Samuel H. Hawkin	D	594
George T. Kiddy	D	108	Lula M. Purcell	D	600
Henry C. Agent	D	139	Ben Estes	D	603
Joseph Phipps	D	147	Thomas M. Reynolds	D	621
Henry Hilton	D	149	Arthur Dodge	D	622
David A. McGlamery	D	161	Carrie L. McNair	D	624
Maggie Doublehead	D	169	Constantine N. Walker	D	641
Annie Lovett	D	180	Joseph Davis	D	648
Nora Hood	D	184	Leander A. Keys	D	650
John A. Johnson	D	232	James J. Barndollar	D	655
Nathaniel G. Simpson	D	242	Nathan J. Brink	D	682
Oncico W. Head	D	244	William S. Miles	D	688
Etta Taylor	D	245	Emma Waybourn	D	698
Susan V. Sullivan	D	262	Dora E. Rogers	D	708
Levi H. Tackett	D	263	James W. Turley	D	709
William H. Connelley	D	264	Lizzie Ward	D	711
Julia A. Sullivan	D	284	Robert J. Holly	D	713
May Fields	D	297	Belle I. Quinton	D	728
Katie Hummingbird	D	308	Francis M. Boothe	D	734
William F. Sager	D	320	Amos W. Lord	D	746
Lovick P. Garrison	D	334	Agnes N. Childers	D	749
Henry Grubb	D	338	John E. Renfrow	D	752
Lucy F. Lacey	D	340	William Coon	D	759
Callie Blevins	D	341	Louis Bruere	D	779
James S. Alfrey	D	355	Georgia A. Waybourn	D	786
Shadrack C. Wallen	D	368	Eliza Fields	D	787
Ada Hall	D	376	William H. Brown	D	788
Jane M. Hicks	D	396	William A. Cox	D	793
Fannie L. Dupree	D	403	Charles A. Robison	D	799
Willis Battles, Jr.	D	404	Artha Williams	D	800
Joshua W. Ellis	D	413	Adam Gearhart	D	806
Nina B. Owen	D	450	Cicero F. Rogers	D	855
John M. Ridenour	D	458	Annie Garrett	D	856
Emery S. Thompson	D	464	George S. Yarborough	D	875

Rhoda A. Sanders	D	878	Ella [illegible]	D	1320
Manuel Spencer	D	884	Emma Wofford	D	1330
Benjamin H. Hulbert	D	891	[illegible]	D	1332
Mary Bracfield	D	[illegible]	[illegible]	D	1334
James L. Findle	D	944	[illegible]	D	1337
Sila G. Reneckar	D	966	[illegible] Wood	D	1342
Eliza Wofford	D	967	[illegible]	D	1352
Jasper L. Newton	D	971	[illegible]	D	1361
John N. Gunn	D	974	[illegible]	D	1363
Hannah Parson	D	989	[illegible]	D	1367
Nellie C. Helterbrand	D	1003	[illegible]	D	1369
Thomas J. Welch, Jr.	D	1006	[illegible]	D	1375
Lizzie Christian	D	1010	[illegible]	D	1433
George Hazlewood	D	1013	[illegible]	D	1434
James M. Jones	D	1022	[illegible]	D	1448
Reuben A. Evans	D	1032	[illegible]	D	1458
Carrie H. Cobb	D	1049	[illegible]	D	1474
John M. Burns	D	1069	[illegible]	D	1555
Sarah E. Henson	D	1083	[illegible]	D	1558
Laura D. Henson	D	1086	[illegible]	D	1567
Hettie E. Downing	D	1090	[illegible]	D	1581
Benjamin F. Crain	D	1099	[illegible]	D	1637
Benjamin Strickler	D	1129	[illegible]	D	1664
Nancy Spaniard	D	1130	[illegible]	D	1866
Annie Wilson	D	1131	[illegible]	D	1913
Ora H. Maxwell	D	1135	[illegible]	D	1964
Reuben W. Moore	D	1136	[illegible]	D	1991
Cora Childs	D	1146	Jennie Holland	D	2021
Janie Hughes	D	1179	Lou Sanders	D	2216
Francis B. Reid	D	1180	Caroline Barnes	D	2591
Martha Carey	D	1195	Lacey Crain	D	2592
Christina Johnson	D	1199	Daisy [illegible]	D	2595
Louvenia Ironside	D	1208	Hiram A. Landers	D	2599
Martha J. Henson	D	1218	Charles Neel	D	2603
David A. Martin	D	1228	Mattie Robinson	D	2605
Fred D. McEnery	D	1235	Jennie Rich	D	2606
Nathaniel R. Martin	D	1261	Alexander C. Russell	D	2607
James H. Requa	D	1266	Pricilla Ross	D	2608
Frank Carver	D	1267	Tom W. Reed	D	2609
Etta B. Payne	D	1270	Mary Smart	D	2612
Mary Garrett	D	1271	Rufus Tidmore	D	2613
Joe W. Goodman	D	1272	Jasper Turquitt	D	2614
Mathew J. Flanigan	D	1274	Mabel West	D	2618
Lizzie C. Holland	D	1285	Ophelia West	D	2619
Etta Downing	D	1291	Cora Whisonhunt	D	2620
William Caywood	D	1296	Katy Martin	D	2667
Clarence W. Turner	D	1307	Willis Butler	D	2686
Alfred Chaney	D	1313	Claud Barger	D	2687
Euphemia Sweetwater	D	1314	Dixie Conner	D	2698
Etta Russell	D	1319	John Culwell	D	2699

Herbert L. Couch	D	2700
Albert C. Dyke	D	2703
Debora Drew	D	2704
Frank L. Danderson	D	2705
Lone Gafford	D	2708
Mary L. Harlin	D	2715
Wilmie B. Lapo	D	2717
Bertha Lindsey	D	2718
Lil Mote	D	2722
John D. Mathes	D	2723
Mary McIntosh	D	2725
Bertha Nidiffer	D	2730
Richard Nichols	D	2731
William S. Ross	D	2738
Irene Riley	D	2739
William H. Rowley	D	2740
Columbus C. Scroggin	D	2741
Della Sumner	D	2743
William S. Sage	D	2744
Eliza Thoma	D	2748
John P. Thurman	D	2749
Mary E. Davis	D	2770
Jessie Frick	D	2774
Fanny Bullington	D	2788
Will Black	D	2789
Maggie E. Davis	D	2792
Thomas Dotts	D	2793
William Daws	D	2794
Nancy Dawson	D	2796
Lena Fields	D	2797
Effie Graylam	D	2798
Alice C. Hill	D	2799
Bertha H. Harlin	D	2800
Margrett C. Hudson	D	2801
Joseph A. Kelley	D	2803
Andrew O. Kepler	D	2804
Josephine King	D	2805
Sarah Jane Birdsong	D	2806
Marion Maddox	D	2807
John A. McKenzie	D	2808
Ione McGee	D	2809
Ollie Miller	D	2810
William A. Martin	D	2811
Jesse P. Morrow	D	2812
Oliver Mason	D	2813
Edna Whitehead	D	2814
Charley Nuckolls	D	2815
Etta M. Nidiffer	D	2817
Louizer Ossowee	D	2818
William H. Patterson	D	2820
Samuel A. Parkhurst	D	2821
Ellen Rogers	D	2822
Elijah Rolland	D	2827
Endora Steele	D	2828
William M. Stucker	D	2829
Sallie Taunneacie	D	2831
Mary Tassle	D	2832
John F. Wolf	D	2835
Ruth A. Ward	D	2840
Winnie Daugherty	D	2884
Mary Guthrie	D	2885
Lydia Long	D	2886
Edda Roberts	D	2887
Manda Ward	D	2889
Elmira J. Alberty	D	2905
Thomas C. Cordray	D	2906
Edward Fowler	D	2907
Dora Foreman	D	2908
Parker Holt	D	2909
John Haston	D	2910
Georgie Harlin	D	2911
Percillia Johnson	D	2913
Bettie Morton	D	2915
Samantha Spade	D	2917
Mariah Ward	D	2918
Ellen Watt	D	2919
Nota Morton	D	2920
Lizzie Anderson	D	2981
Francis Duval	D	2984
Wade S. Hayes	D	2987
James A. Hankins	D	2988
Joseph Hardee	D	2991
Tennie Horn	D	2992
Eveline Hall	D	2993
John E. Leftwich	D	2995
Mattie Henson	D	2994
John D. Colvard	D	2998
Charles W. Phillips	D	2999
Sarah Shanks	D	3000
Nettie Young	D	3009
Jerry P. Ables	D	3048
Almedie Ross	D	3052
John S. J. Fowler	D	3055
Leaner Hood	D	3056
James D. Jackson	D	3057
Emma G. Nelson	D	3058
Alice Simco	D	3059
George O. Wallace	D	3060
Fannie Clay	D	3078
Ellen Drew	D	3079

Lue Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Leha C Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anpach	R	241
Benjamin Laws	D	3088	Michael R Mizer	R	266
Martha Spade	D	3092	Belle A Powell	R	352
Juhan Wyrick	D	3093	Austin L Hill	R	420
Samuel Harlan	D	3157	Mary L Dudley	R	439
Lizzie Phariss	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A Payne	R	484
Sarah E. Davis	D	3176	Rebecca Benge	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E Thornton	D	3183	Dora Crane	R	628
Mamie Thompson	R	4	Andrew Sitrell	R	642
Jimmie G Thompson	R	5	John Sitrell	R	642
William T Kelly	R	10	Lillie May Wilson	R	643
Alice Tidwell	R	19	Ollie A. Barger	R	656
Rosenna McLaughlin	R	41	Ida Hawkins	R	671
Martha A Perdue	R	45	Lizzie Davis	R	761
Gabriel L Payne	R	61	Clara M. Emmons	R	803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875 The name of no one of said persons is identified on the Cherokee authenticated 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, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

.....

Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

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

C. R. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 25, 1902.

Mr. James L. Tindle,

Stilwell, Indian Territory,

Sir:-

You are hereby notified that the application of yourself

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

the 13 day of March, 1902.

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

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

Cherokee D-944
Register.

Yours truly,

~~Acting Chairman~~.

Commissioner in Charge.

Cher. D 944

Muskogee, Indian Territory, January 10, 1907.

James L. Tindle,

Stilwell, Indian Territory.

Dear sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. D

Commissioner.

Cherokee D944

Muskogee, Indian Territory, March 14, 1907.

James L. Tindle,

Stilwell, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 26, 1907.

Respectfully,

RPI

Commissioner.

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 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 January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

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

Respectfully,

Encl.C-100
MTM

Commissioner.

954

D

CHEROKEE

IN THE MATTER OF THE APPLICATION OF

James J. Hindle

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

Original testimony Dec 12 1900.

Stem o. of application Dec 12-1900

Marriage license and certificate & certificate of record.

Notice of final consideration 3/13/02

No. Cherokee Docket 6494

Cher D 945

REJECTED, as to Wife, Julia:
COURTESY, as to Wife's children:

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

In the matter of the application of Robert McPherson for the enrollment of himself, wife and children as citizens of the Cherokee Nation; said McPherson being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Robert McPherson.
Q How old are you? A 50.
Q What is your post office? A Braggs Station.
Q In what district do you live? A Illinois.
Q Who is it you want to enroll, yourself and family? A Yes, sir.
Q Have you a wife? A Yes, sir.
Q How many children? A Four.
Q These children are all under 21 are they? A Yes.
Q None of them married? A No, sir.
Q Are you a Cherokee by blood, full blood, aren't you? A Pretty near it.
Q Is your wife a Cherokee by blood? A No, sir, white woman.
Q Have you lived in the Cherokee Nation all your life? A Yes, sir.
Q Give me the name of your father? A Alick McPherson.
Q Is he dead? A Yes, sir.
Q Give me the name of your mother? A Jennie.
Q Is she dead? A Yes, sir.
Q Give me the name of your wife? A Julia.
Q How old is she? A About 45.
Q When did you marry her? A In '85.
Q Were you ever married except to her? A I married one before but she died.
Q Was this wife ever married except to you? A Yes,
Q How many times was she married before she married you? A I do not know, she had a boy by one of the Beeks when I married her.
Q Was her former husband dead when she married you? A I do not know, she can answer for herself.
JULIA McPHERSON, being sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give your full name? A Julia McPherson.
Q How old are you? A About 45.
Q Are you the wife of Robert McPherson here? A Yes, sir.
Q When were you married to him? A I forgit.
Q About how long ago? A 1885, I believe.
Q Were you ever married before you married him? A Yes, sir.
Q To whom were you married? A I was married to
Q How many times were you married before you married him? A Twice
Q To whom were you married? A To Ward and Beek.
Q What was Ward's full name? A Vann.
Q And afterwards married to Beek? A Dave Beek.
Q Is Vann Ward dead? A I could not tell you.
Q Did you ever get a divorce from him? A No, sir, he took an other woman.
Q And you never got any divorce from him? A No, sir.
Q And then you married Beek? A Yes, sir.
Q Is Beek dead? A I can't tell you, he was not the last account I had of him.
Q How long did you live with Beek? A I lived about two years and seven months I guess.
Q How long did you live with Ward? A Just seven months.
Q Who married you to Ward? A Jeff Cole in Delaware.
Q He was Clerk of the District was not he? A Yes, sir.
Q Who married you to Beek? A He lived at Vinita, he was a Justice of the Peace.
Q You did not get any divorce from Dave Beek? A No, sir.
Q Did you married you to your present husband, McPherson? A Pres-

Robert McPherson---2.

ther Dobson, Tahlequah district here.
Q Did Dave Beck leave you? A Yes, sir.
Q Or did you leave him? A Well, he left me. He made the commencing and then I went to my daddy.
Q Have you lived with McPherson ever since you married him in 1865? A Yes, sir.
ROBERT McPHERSON, The Applicant, further testified:
Q Give me the names of these children? A The oldest one is by my first wife, named Willis.
Q How old is he? A He will be 18 the 27th of this month.
Q Now the next child? A Mary.
Q By this wife, is she? A Yes, sir.
Q How old is she? A She is going on 15.
Q The next child? A Jennie.
Q How old is she? A She is 12 going on 13.
Q The next child? A Joanna.
Q How old is she? A She is going on 11.
Q These children are all living now are they? A Yes, sir.
Q These last three children are all by this wife? A Yes, sir, three girls.
Q Are you a full blood Cherokee? A I guess so that is what they call me.
Com'r:--The applicant files a certificate showing that he and his wife were married on August 2, 1868, by the Rev. Leonidas Dobson. This is placed with the papers in his case.
1880 Roll; page 308, #1302, Robt. McPherson, Illinois.
Q What was Willis' mother's name? A Ailsey Muskrat.
Q Is she on the roll of 1880 as a Muskrat? A I do not know whether she is or not.
Q You married her after 1880? A Yes, sir.
Q What was her name when you married her? A They called her Ailsey.
Q Was she a Full blood woman? A Yes, sir.
Q She died before you married this woman? A Yes, she died in Canadian.
1896 Roll, page 1214, #2242, Robert McPherson, Tahlequah.
Was Vann Ward a Cherokee by blood? A I think so.
1896 Roll; page 1286, #190, Julia McPherson, Tahlequah.
1896 Roll; page 1213, #2240, Willis McPherson, "
1896 Roll; page 1213, #2243, Mollie McPherson, "
1896 Roll; page 1213, #2244, Jennie McPherson, "
1896 Roll; page 1213, #2245, Joanna McPherson, "
Q Was Dave Beck a native Cherokee? A Yes, sir, I think he was.
Q How old is Vann Ward now, do you know? A I do not know.
Q Were you acquainted with Dave Beck? A No, sir.

APPLICANT'S WIFE EXAMINED:

Q Was your husband Beck a Cherokee by blood? A Yes, sir.
Q Was your husband Ward a Cherokee by blood? A Yes, sir.
Q When did you marry Ward? A I could not tell you.
Q Was Ward ever married before he married you? A I do not think he was.
Q He was your first husband was he? A Yes, Ward.
Q Is anybody living that knows that you and Ward were living together as husband and wife? A Yes, sir, Mrs. John Gladley, about eight miles out here.
Q Does anybody know that you and Beck lived together as husband and wife? A She does too.
Q How old would this man Ward be now if he were living? A He is pretty old if he was living he would be 69 or close to 70.
Q Did he have any middle name? A Not that I know of.
1880 Roll; page 434, #2843, Vann ". Ward, Delaware.

Robert McPherson--3.

Q How old would Peck be now if he were living A I think he was somewhere in 50 when we and him were married.
Q Did he have an "W" in his name, Dave W. Peck? A I think he did.
Q You have got a child named C. W. Peck? A Yes, sir.
Q Were you living with Peck in 1880, 20 years ago? A No, sir, I didn't guess I was.
Q This child, C. W. Peck, is not identified on the roll of 1880? A No, I was at my father's when that roll was made.
Q What name did you go by 20 years ago? A Peck.

Com'r Breckinridge:--The applicant applies for the enrollment of himself, his wife and four children: He is identified on the rolls of 1880 and 1896 as a native Cherokee. He has lived in the Cherokee Nation all his life and he will be listed for enrollment as a Cherokee by blood.

His wife is a white woman. She states that she was twice formerly married before she married her present husband in 1885. The present marriage in 1888 is established by the certificate filed herewith, but the applicant's wife never procured a divorce from either of her husband, who for all she is able to state, are living at this time. She is not considered, therefore, as qualified to have married her present husband and though she is identified on the roll of 1896 and has lived with her present husband ever since she married him, the application for her enrollment is rejected, she being classed as a Cherokee by adoption.

The applicant's oldest child, Willis McPherson, he states is by his first wife, who was a Cherokee woman. The child is identified on the roll of 1896. His mother is said to have been a full blood and the applicant does not know what her name was when he married her. He married her ~~xx~~ thereafter the roll of 1880 was made and she died shortly after their marriage. She cannot be identified but no doubt is entertained from the personal testimony that she was a Cherokee woman, and this child, Willis McPherson, will now be listed for enrollment as a Cherokee by blood.

As for the child children, Mary, Jennie and Joanna McPherson, of the present marriage: They are minors and are living. They are identified on the roll of 1896, and they will be listed for enrollment as Cherokees by blood, as a doubtful card, for the further consideration of their status, in this connection attention is especially called to Section 2[illegible] of the 1892 compilation of the laws of the Cherokee Nation.

---oooOOOooo---

J. O. Hobson, 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 Hobson

Subscribed and sworn to before me this 14th day of December, 1900.

Commissioner.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of [illegible] McPherson for the enrollment herself and sisters as citizens of the Cherokee Nation.

The applicant was sworn [illegible] testified [illegible] 1900, that [illegible] application for the enrollment [illegible] as citizens [illegible] the Commission [illegible] Commission [illegible] testimony [illegible] affecting [illegible] knowledge [illegible] 1900, [illegible] failing to record, it is deemed that [illegible] and same will be reported to the Commission for final [illegible] upon the evidence now of record.

[illegible] I hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings [illegible] and that the foregoing is a true and correct transcript of the [illegible] thereof.

Tom Hutchinson

R.

C. D-945.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 13, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Mary McPherson for the enrollmentof herself and sisters as citizens of the Cherokee Nation.

The applicant was notified by registered letter February 25, 1902, that her application for the enrollment of herself and sisters as citizens of the Cherokee Nation would be taken up for final consideration by the Commission atits offices in Muskogee, I. T., on the 13th day of March, 1902, and thaten said date she might 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. Receipt has been acknowledged of the Commission's letter, and the applicant having this day, to-wit the 13th day of March, 1902, been called, and failing to respond, it is deemedthat her case is completed, and same will be reportedto the Commission for final decision based upon the evidence now of record.

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

Wm Hutchinson

Cherokee D 945

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

In the matter of the application of Mary McPherson, Jennie McPherson and Joanna McPherson for enrollment as citizens by blood of the Cherokee Nation:

D E C I S I O N .

The record in this case shows that on December 12, 1900, Robert McPherson appeared before the Commission at Tahlequah, Indian Territory, and made personal application, among others, for Mary McPherson, Jennie McPherson and Joanna McPherson as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 13, 1902. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that Mary McPherson, aged 14 years, Jennie McPherson, aged 12 years, and Joanna McPherson, aged 10 years, are the minor children of Robert McPherson and Julia McPherson; that the said Mary McPherson, Jennie McPherson and Joanna McPherson were born and have always resided in the Cherokee Nation and were residing in said nation at the date of this application and are identified upon the 1896 census roll of the Cherokee Nation.

The evidence further shows that Robert McPherson is a recognized citizen by blood of the Cherokee Nation and that he was married to Julia Beck, a white woman, on August 2, 1885.

The evidence further shows that prior to the date of the marriage of the said Julia Beck to the said Robert McPherson the said Julia Beck had been married to one Dave Beck and also to one Vann Ward and that she had never been divorced from either the aforesaid Dave Beck or Vann Ward before said marriage to Robert McPherson on August 2, 1885.

Section 692 of the compiled laws of the Cherokee Nation (1892) is, as follows:

> "All marriages which are herein prohibited on account of consanguinity between the parties, or on account of either of them having a former husband or wife then living, shall be absolutely void in this Nation, without any judgment of divorce or other legal proceeding; provided, that the issue from such unlawful marriage shall nevertheless be legitimate."

It is, therefore, the opinion of this commission that Mary McPherson, Jennie McPherson and Joanna McPherson 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.

Muskogee, Indian Territory,
this AUG 19 1902

BFR

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
TOM B. KENNEDY
KANSAS

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 945.

Muskogee, Indian Territory, August 19, 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 19, 1902, granting the application of Robert McPherson for the enrollment of his children, Mary, Jennie and Joanna McPherson, 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,

Tams Bixby

Acting Chairman.

Enc. C. No. 3.

THE MATTER OF THE APPLICATION OF

Mary McPherson et al

Original testimony Dec 12-1900

Memo. of application Dec 12-1900

Notice of final consideration 2/13/02

Oc
to

See Cherokee Docket R. 400,
602

Cher D 946

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

In the matter of the application of Richard Riley for the enrollment of his wife and children; Jim Sam and Dave and the minister in attendance testified as follows:

Q Give me your full name? A Rich and Riley.
Q Are you a citizen? A Yes sir.
Q How old are you? A I was 60 years old 4th day of this month.
Q What is your post-office? A Vera.
Q In what district do you live? A Cooweescoowee.
Q If you want to enroll, yourself and wife? A I have no family but me and my old lady.
Q Are you a Cherokee by blood? A Yes sir.
Q Is your wife a Cherokee by blood? A Yes sir, she is part Cherokee.
Q How long have you lived in the Cherokee Nation? A My first trip to the Cherokee Nation was in December 1855.
Q How long have you been living in the N? A I came back here in 1873.
Q Have you been living in one place? A No sir, I came back here last winter; I was off on the trip.
Q How long had you been living in this country when you came back last winter? A About 5 or 6 years.
Q Where were you living that time? A I was on the trip and in Texas when we sold it.
Q Were you in case for the Shoshoni claim? A Yes sir.
Q How long were you gone on the trip? A I started in [illegible] and 10 months.
Q Right along? A Yes sir.
Q What part of that were you live? A I lived on Grand River.
Q Did you draw money in 1893? A Yes sir.
Q Did they deduct that you got on the trip, did they take that out? A Yes sir, they gave me [illegible] Yes sir, took 112 dollars out of me.
Q Did you vote at the last Cherokee election you voted? A No sir, I couldn't vote; there was one election there and I thought it was printed, and every man that didn't have been [illegible] to make out the vote couldn't vote, and that's the reason I didn't vote.
Q You tried to vote? A No sir, I didn't make no effort to vote.
Q You would have voted if you could have made out your ticket? A No, I don't know that I would; I had no right to vote there.
Q You said the reason you wouldn't vote was because you couldn't make out your ticket? A No, I had no right to vote; I told them so.
Q When did you and your wife marry? A August 16,1871.
Q What is your wife's name? A Polly Ann Simpkins, was her first name.
Q You have lived together ever since 1871? A Yes sir.
Q How old is your wife? A She is 65 years old 3rd day of last September.
1880 roll page 301 #1923 Richard Riley Tahlequah native
1880 roll page 301 #1924 Polly Riley Tahlequah adopted white
1896 roll examined for applicants and names not found
Q Were you omitted to enrollment in 1896? A My list was made up and sent here by J.W.Jordon, and never was attended to I understand.
1894 roll page page 15 #45 Richard Riley Reservator pay,$153.70

Ric ard Bilet et al

Cou'r Brook iriam: The applicant appl es for the enrollment of himself and his wife; he is identified on the rolls of 1880 and 1894 as a native Cherokee by blood; he is not identified on the roll of 1896, and on the 1894 roll he is identified as a resorv tor, and received a child's amount of the Cherokee Strip payment; he will be listed upon a doubtful card, and the decision will be made upon the question of residence in Oklahoma Territory as set forth in the testimony;

Ida Bilet is a white woman; she intermarried with him on the authorized roll of 1880; they have lived together ever since their marriage in 1861; she will now be listed for enrollment on a doubtful card as a Cherokee by adoption, to await the decision of the right of her husband; she is not identified on the roll of 1896.

I, D. C. Lane being first duly sworn, states that he is the person to the Commission to the Five Civilized Tribes who 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 December 13, 1900.

Commissioner.

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

R.

C. D-946.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 13, 1902.

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

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

RICHARD RILEY, being first duly sworn, and being examined, testified as follows:

BY MR. GIBSON OF MR. RILEY: State your name. A. Richard Riley.
Q. Where do you live? A. Cooweescoowee District.
Q. You are the principal applicant in this case, are you?
A. Yes sir.
Q. State whether or not you ever made any effort to vote in any election in Oklahoma during the time you lived there, subsequent to the opening of the Cherokee Strip. A. No sir, I never voted there.
Q. Ever try to vote? A. No sir.
Q. When did you first locate in the Strip? A. As well as I recollect, it was in 1890. In January or February, I don't recollect exactly which.
Q. State when you returned to the present Cherokee Nation from Oklahoma to live.
A. Along in this month, it is two years ago, I don't recollect exactly what date.
Q. March, 1900? A. Yes sir.
Q. During the time when you lived in the Strip, state whether or not you had any property in the Cherokee Nation of any kind.
A. No sir, I didn't, had no property in the Cherokee Nation at that time.
Q. You had a farm prior to going out there? A. I had a farm, but before I went I let another man have it.
Q. Did you retain the title to the place until it was paid for?
A. There was nothing said about that. I was to make a bill of sale for it when he paid for it.
Q. Has he ever paid for it? A. No sir.
Q. State whether or not he still is upon the place.
A. No sir, he sold it.

BY MR. HASTINGS: That strip was made a part of Oklahoma, was it not, in September, the 16th, 1893? A. September 16th, 1893, I think it was.
Q. You never tried to get this farm back from this fellow? The one that you sold it to? A. No sir. I came back and bought me a farm in the Nation.

MR? GIBSON: When did you buy the farm in the Cherokee Nation?
A. Two years ago, along about in this month.
Q. In what District is that located? A. Cooweescoowee.

Q. State whether or not you are residing on this farm at this time?
A. Yes sir.
Q. Is your wife residing there with you? A. Yes sir.

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

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

Wm Hutchinson

Cherokee D-946.

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

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

Q What is your name? A Polly A. Riley.
Q How old are you? A Sixty-six years old.
Q What is your postoffice? A Vera.
Q Are you a white woman? A Yes sir.
Q You are on the roll of 1880 as an adopted white citizen? A Yes sir.
Q What is your husband's name? A Richard Riley.
Q Was he your husband in 1880? A He was my husband and all the husband I ever have had.
Q Have you and your husband, Richard Riley, been living together in the Cherokee Nation since 1880? A We have lived together about forty-one years last August.
Q Have you ever been separated? A Never was, no sir.
Q Living together now? A Living together now and will be living together until we have to separate.
Q Have you and your husband been living in the Cherokee Nation all that time? A We lived out on the strip a while until they sold it.
Q How long had you been living on the strip? A We lived there ten years; we lived there until they sold it; it was Cherokee lands and we went on it.
Q Have you any children? A Four.
Q They are all grown up? A Grown and married.
Just two and my old man is all there is in the family.

Richard Riley, being sworn and examined by the Commission, testified as follows:
Q What is your name? A Richard Riley.
Q How old are you? A I was sixty-seven years old the fourth day of last December.
Q Are you the husband of Polly A. Riley who has just testified? A Yes sir.
Q I want to ask you, Mr. Riley, whether you have been living in the Cherokee Nation since 1880? A Yes sir, all only except the time I was out yonder.
Q When did you go out to Oklahoma or the Cherokee Strip? A We went out there I think it was about the year '90 or '91.
Q How long did you live out there? A Ten years.
Q Then you came back in 1900, two years ago? A Three years ago last March.
Q Your wife was with you all this time? A Yes sir.
Q Did you own any land out there? A Yes sir, I bought a piece of land, eighty acres.
Q Did you make your home out there? A I made it my home until it was sold.
Q You had no property back here in the Cherokee Nation? A Nothing only a claim.
Q All your household effects were out with you in the Cherokee strip? A Yes sir.
Q Did you ever vote out there? A No sir, never voted out there.
Q You didn't live in the Cherokee Nation from 1890 up until about three years ago? A Three years ago last March.
Q Is that the only time you have been out of the Cherokee Nation since 1880? A Yes sir, that is to stay any length of time.
Q Did you ever vote in the Cherokee Nation during that ten years you were out? A Yes sir, in the Cherokee Nation.

Q Did you come back to the Cherokee Nation? A Yes sir, that belonged to the Cherokee Nation; we were allowed to vote.
Q It didn't belong to the nation after '94? A I know that.
Q Did you vote in the Cherokee Nation between 1894 and the time you came back? A No sir.
Q Did you ever vote out there in Oklahoma? A No sir, I did not.
J. C. Starr: When did you say you went to the strip? A About the year '90 or '91, somewhere along there.
Q Took an allotment out there? A No sir.
Q Did you buy a place out there? A Yes sir.
Q When did you buy the place? A I bought it just before the payment of the strip.
Q Do you own that place yet? A No sir.
Q When did you sell it? A I sold it in about three years ago, just before I came back.
Q To who did you sell it to? A Taylor.
Q What Taylor? A Frank Taylor.
Q What is his postoffice? A Dixie, Oklahoma.
Q Is that place located near Dixie? A Yes sir.
Q Where were you living in the year 1898? A I was living on Grand River, Saline District.
Q When did you say you returned to the Cherokee Nation to live from the strip? A About three years ago last March.
Q Came back? A Yes sir.
Q Then you lived in Oklahoma from 1891 until 1899? A I think I lived, as well as I recollect, ten years; that is my recollection.
Q Then you were living in Oklahoma during the year 1898? A Yes.
Q You were mistaken about living on Grand River in 1898? A I thought you said 1880.
Q I said 1898? A I was in Oklahoma then.
Q Where were you on June 28, 1898? A I guess I was in Oklahoma, out in that strip country. I never left the Cherokee Nation at all; they sold it off.
Q You remained in the strip after it became a part of Oklahoma until March 1899, is that a fact? A Yes, I guess I did.
Commission: Was it your intention to make your home there? A No sir, not after they sold it. I only bought that piece of land because I had improvements on it; I didn't want to throw it away.
Q Was it your intention to go out there and leave the Cherokee Nation? A No sir, that belonged to the Cherokee Nation.
Q You lived there five years after it was sold; did you intend to make your home out there? A No sir, I was just trying to get rid of what I have; I couldn't throw it up and have to work for a living all the time.

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. Rothenburger

Subscribed and sworn to before me this 17th day of November, 1902.

[illegible]
Notary Public.

[illegible] I T I O N ,
[illegible] C L A I M S .

In the matter of the application of [illegible] for the enrollment of [illegible] and [illegible] as a Cherokee citizen.

Brief of Applicant.

The proof in this case shows that the claimant, Richard Riley is a Cherokee Indian by blood, and that his name appears upon the 1880 and 1896 rolls of the Cherokee Nation, and that while he was living in the part of the Cherokee Nation, now known as the Strip said land was sold by the Cherokee Nation to the United States.

The proof further shows that the claimants have since said sale removed to the Cherokee Nation from Oklahoma, and are now bona fide residents of that Nation. We respectfully submit that the provisions of the Cherokee constitution relative to the forfeiture of citizenship are not present in this case, and that the applicants cannot be shown to have removed with their effects from the Cherokee Nation, and to have become citizens of another government. If the claimant, Richard Riley ever voted in Oklahoma, it was without authority of law as not being a citizen of the United States, and no such act of his could be considered as making him a citizen of Oklahoma. The question of residence is not what determines citizenship. Richard Riley being a citizen by blood of the Cherokee Nation and having done nothing to forfeit his rights to citizenship in the Cherokee Nation could not become a citizen of the United States except by act of law or by naturalization. Neither of such acts is present in this case and consequently, regardless of whether he voted or not, he did not forfeit his right to citizenship in the Cherokee Nation.

The name of the applicant, Richard Riley also appearing upon the roll of 1880 his citizenship in the Cherokee Nation is confirmed and absolutely established by the act of June 10, 1896, June 7, 1897 and June 28, 1898, and he must be enrolled by this Commission under the

provisions of this act.

_____
Attorney for Applicants.

Service of a copy of the foregoing brief accepted this _____ day of March, 1902.

_____
Attorney for the Cherokee Nation

[illegible]

Commission to the Five Civilized Tribes

Muskogee, I. T. June [illegible] 1902.

In the matter of the application of Richard Riley [illegible] for enrollment as a citizen of the Cherokee Nation.

No. Cher. Doc. D 946.

Brief on part of the Cherokee Nation.

The testimony in this case shows that the applicant moved to that part of the Territory of Oklahoma commonly known as the Cherokee Strip in about the year 1890 and that the part upon which he resided was incorporated into and became a part of Oklahoma on the 16th day of September 1893 and that subsequent to that time he continued to reside in the Territory of Oklahoma until March 1900 during all of which time he had no effects of ~~[illegible]~~ any kind or character whatsoever within the limits of the Cherokee Nation. He evidently exercised all the rights of citizenship in the Territory of Oklahoma and gave as a reason why he did not vote that the tickets were printed and he could not read; but the evidence in the case of his son, Cherokee Doubtful Card Number 942, and all the other lives of this family show that every one of them that could read had voted and participated in the elections the same as any other citizens of the Territory of Oklahoma. It is quite clear that the applicant was not a resident of the Cherokee Nation on June 28th 1898 and we contend that under the following section of the Curtis Act which provides " No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship" that he is clearly not entitled to be enrolled as a citizen of the Cherokee Nation. Before March 2 1900 he lived in Oklahoma and had no property whatever in the Cherokee Nation and we contend that it was necessary for him to have been readmitted to citizenship upon his return to the Cherokee Nation and not having done this his application should be refused.

Respectfully submitted,

W W Hastings

Attorney for the Cherokee Nation.

[illegible]

[illegible]

[illegible] Polly A. Riley, [illegible] intermar-

[illegible]

[illegible] self

[illegible] Richard Riley is Cherokee [illegible] Indian, [illegible] over [illegible] of the 1.00 allotted [illegible] Richard Riley is identified [illegible] Reservation [illegible] Reservation.

[illegible] Richard Riley lived [illegible] until 1900; [illegible] 1900 he removed [illegible] on the Cherokee Outlet, [illegible] part of Okla- [illegible] Riley and his wife, Polly A. [illegible] Cherokee Outlet until 1906, when [illegible] now constituted, and have con- [illegible] Riley.

[illegible] Riley [illegible] Jerman, et al., vs. Cherokee [illegible] Application, [illegible] Five Civilized Tribes under an [illegible] et al.), for a decision [illegible] Cherokee Nation, which application was duly [illegible] rejected. Appeal was taken to the [illegible] District, Indian Territory, sit- [illegible] at Muskogee, [illegible] decision

[illegible] the [illegible] [illegible] [illegible] Daisy Lee Jordan to citizenship in [illegible] Nation.

In said case the question [illegible] to whether the [illegible] of Daisy Lee Jordan in the Choctaw Outlet on [illegible], deprived her of citizenship in the Cherokee Nation, was considered by the court, and among other things, the court held:

"This court is of the opinion that the residence of the parties [illegible] the Territory of Oklahoma, under the facts and circumstances [illegible], does not deprive them of citizenship in the Cherokee Nation. They took their [illegible] in the Territory by virtue of the treaty [illegible] the United States, and they were recognized by the treaty as Cherokees and entitled to receive [illegible] of the strip [illegible], [illegible] of the land which they took in [illegible] was deducted from their strip [illegible]. They have not left the Cherokee Nation or removed their property out of the Nation. The Nation has simply ceded to the United States that part of its [illegible] in which these persons were permitted to reside."

It is, therefore, the opinion of this Commission that [illegible] should be enrolled as citizens by blood of the Cherokee Nation, as that is [illegible], Tolly [illegible]. They, [illegible] [illegible] a citizen [illegible] Jordan Test [illegible] with the [illegible] of [illegible] [illegible] removed [illegible], [illegible] Stat., [illegible], [illegible] no [illegible].

[illegible] BY CITIZENSHIP COMMISSION.

[illegible]
Acting Chairman.

[illegible] Meadows.
Commissioner.

[illegible]
Commissioner.

Done at Muskogee, Ind. Territory,

this MAR 2 1903

Department of the Interior,

Commission to the Five Civilized Tribes,

[illegible] March [illegible] 1903.

In [illegible]

[illegible]

Chairman.

Department of the Interior.

Counsel for the Cherokee Nation [illegible] protest [illegible] the decision of the Commission rendered in the above case on March [illegible], 1903 and asks that same be forwarded to the Honorable Secretary of the Interior for review.

The decision in this case finds that Rachel Riley "in 1880 removed to that portion of the Cherokee Nation known as the Cherokee Outlet which was ceded to the United States in 1893 and became a part of Oklahoma Territory; that the said Richard Riley and his wife Polly A. Riley continued to reside in the Cherokee Outlet until 1900 when they returned to the Cherokee Nation as now constituted and have continuously resided therein since that time."

The Cherokee Nation contends [illegible] section 21 which says:

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

That the applicants are not entitled to be enrolled as citizens of the Cherokee Nation because they were not residents at that time and the Commission so finds that they were residents of the Territory of Oklahoma where they continued to reside until 1900.

[illegible] the recent decision in the case of Daisy L. Jordan who applied to the Commission to the Five Civilized Tribes under the act of June 10, 1898; was rejected by the Commission but appealed to the United States Court. There is a vital difference between that case and the one before us; that case was long before the passage of the Curtis Bill and was not affected by its provisions with reference to her residence; again the facts in the Daisy L. Jordan case were very different from the facts in this case; she did not become a citizen of the Territory of Oklahoma.

like the applicant and while the applicant does not remember himself of voting; yet it is shown in the testimony that all of the members of his family were entitled all political rights in the new Territory of Oklahoma, which [illegible] the date of the vote because he could not read his ballot [illegible].

Again the Cherokee Nation [illegible] by the Commission in its decision is willing to accept a precedent established in another case under a different state of facts established by the United States Court in a criminal case when in the case of Jane Stilley et al Cherokee 1 [illegible] where Jane Stilley and her children were rejected as citizens of the Cherokee Nation by Blood, by this same court, on a pull from the Commission, the Commission sets aside the judgment of the Court in the Jane Stilley case and says:

"Congress has enacted additional legislation, the act of Congress of June 10th 1896, directing this Commission to enroll all persons now living whose names are found on said roll and all descendants born since the date of said roll to persons whose names are found thereon"

Now in this case this same "additional legislation" was enacted by the same Congress and the same act directed this Commission:

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

Now the Commission in its decision finds "That said Richard Riley and his wife Polly A Riley continued to reside in the Cherokee Outlet until 1900 when they returned to the Cherokee Nation as now constituted.

It will be observed from that the applicants lived in the Territory of Oklahoma for more than ten years after the act of June 28, 1898 requiring them to remove to and in good faith settle in the Cherokee Nation.

The Commission has held in the Joseph Yeargain case Cherokee 1 [illegible] that one must have been a resident of the Cherokee Nation on June 4th 1889 in order to entitle him to be enrolled as a citizen of the Cherokee Nation.

In the Yeargain case there was no dispute but that he was on the 1880 roll; 1883 roll; 1886 roll; 1890 roll; 1894 roll; 1896 roll; and a member of the Cherokee Senate in 1897 and in addition to all of that, that he owned extensive improvements in the Cherokee Nation all of the time; but that since 1896 he had resided in South West City Missouri about one-fourth

[illegible] of the Cherokee Nation. The Department held that Youngblood was not [illegible] led [illegible]; if he was not [illegible] led we can not possibly [illegible] Lieutenant Richard Riley [illegible] the [illegible] testimony shows and the [illegible] the [illegible] residents [illegible] Old home until [illegible].

[illegible] Richard Riley [illegible] led [illegible]; if he [illegible] residence in the Territory until 1902 we contend [illegible] "constitutional legal term" [illegible] the Curtis Bill; that because [illegible] residence he is not entitled to be enrolled as a citizen [illegible] the Cherokee Nation as has decided by the Department in the case of William C. Trott [illegible] who was enrolled under the act of June 10 1896, who was denied by the Department and this [illegible] by the [illegible] Secretary of the Interior because he had not a residence [illegible] the Cherokee Nation [illegible] Richard Riley [illegible] citizen than William C. Trott at the [illegible] William C. Trott was enrolled in 1896 and was Richard Riley in [illegible] conclusion that [illegible] Youngblood was a member of the [illegible]; both of these [illegible] cases were decided by the Department [illegible] because they were not residents of the Cherokee Nation [illegible].

The desire [illegible] clear; we do not contend that Richard Riley [illegible] residence in the Cherokee Outlet prior to its annexation to Old Home on [illegible] affect his citizenship in the Cherokee Nation but we do contend that residence in the Territory of Oklahoma subsequent to June [illegible] was found to be [illegible] in the Cherokee Nation as was the [illegible] Youngblood in the case of Lieutenant [illegible] residence of Trott in the [illegible] of Illinois.

Under all of these decisions we can not see how [illegible] it can be held that [illegible] residence [illegible] of the Cherokee Nation.

Respectfully [illegible].

Attorney for the Cherokee Nation.

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. [illegible] . 94[illegible]

Muskogee, I. T., [illegible] 6, 190[illegible].

Post [illegible]ator,

[illegible], I. [illegible].

Dear Sir:

Please advise us if there is a man living there by the name of Richard Riley, and if not do you know where he is now living.

Yours truly,

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

Cherokee D-946

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 Richard Riley for the enrollment of himself as a citizen by blood, and for the enrollment of his wife, Polly A. Riley, as a citizen by intermarriage, of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you 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-173

Cherokee D 946.

Muskogee, Indian Territory, March 14, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that there has this day been transmitted to the Secretary of the Interior for review, the record of proceedings had in the matter of the application of Richard Riley for the enrollment of himself as a citizen by blood, and for the enrollment of his wife, Polly A. Riley, as a citizen by intermarriage of the Cherokee Nation, together with the Commission's decision, granting said application and the protest of the Cherokee Nation against said decision, dated March 9, 1903.

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

Respectfully,

Chairman.

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

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE COMMISSION

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

REFER IN REPLY TO THE FOLLOWING

Cherokee -946.

Muskogee, Indian Territory, October 8, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 2, 1903, granting the application of Richard Riley for the enrollment of himself as a citizen by blood, and for his wife, Polly A. Riley, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior as to Richard Riley on September 29, 1903.

The Department's letter states that, the right of Polly A. Riley for enrollment, will be determined after the Court of Claims has passed upon the question of the rights of persons intermarried with Cherokee citizens.

Respectfully,

Chairman.

D.C.52894-1906. (COPY) Y.P.

DEPARTMENT OF THE INTERIOR

WASHINGTON. FHE.

I.T.D. 6916-1903. November 28, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In letter of September 29, 1903, to the Commission to the Five Civilized Tribes, the Department, in the Cherokee enrolment case of Richard Riley, et al., advised the Commission that it would pass upon the claim of Riley's wife, Polly Ann Riley, to enrolment as an intermarried citizen of the Cherokee Nation, after the court had passed upon the question of the rights of persons intermarried in the Cherokee Nation.

The Supreme Court of the United States, on November 5, 1906, rendered a decision 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.

It is shown in the record in the case of Richard Riley et al, that Polly Ann Riley is a Choctaw Indian, and was married to Riley in 1861. Her name is found on the 1880 roll of the Cherokee Nation.

The Indian Office, in letter of September 24, 1903, recommended that the decision of the Commission of May 2, 1903, in favor of Polly Ann Riley, be affirmed.

Finding no reason to disturb the decision of the Commission, it is accordingly affirmed.

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 inc. for Ind. Of.

REFER IN REPLY TO THE FOLLOWING

Cherokee
D 946.

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

Muskogee, Indian Territory, December 12, 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 March 2, 1903, granting the application for the enrollment of Polly A. Riley as a citizen by intermarriage of the Cherokee Nation was affirmed by the Secretary of the Interior November 28, 1906.

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

Respectfully,

Commissioner.

Encl.W-200
S.W.

IN THE MATTER OF THE APPLICATION OF

Richard Riley [illegible]

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

(1) Original testimony Dec 12 1900

(2) Memo of application Dec 12-1900

(3) Notice of final consideration 3/1/[illegible]

Cher D 947

1997

THE FIVE CIVILIZED TRIBES

FILED

DEC 12 1900

ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
December, 18th, 1900, Tahlequah, I. T.

In the matter of the application of Josiah White for the enrollment of himself, wife and two children as Cherokee citizens ~~by~~ He being swor before Commissioner Needles, testified as follows-

Q What is your name? A. Josiah White.
Q What is your age? A. 38.
Q What is your post office address? A. Fairland.
Q What district do you live in? A. Deleware.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
Q By blood or inter-marriage? A. By blood.
Q Who do you apply for? A. Myself, wife and two kids.
Q What is your wifes name? A. Ida.
Q Is she a Cherokee by blood? A. No sir.
Q Have you a certificate of marriage? A. Yes sir.

Applicant presents a duly authenticated marriage license and certificate certifying that on the 18th of January 1900, he was married to Miss Ida Hampton, a non-citizen according to the laws of the United States.

Q What is the age of your wife? A. 23.
Q What are the names of your children? A. Bertha.
Q How old? A. 2 years.
~~Q Next child? A. Donovan~~
Q How old? A. One year on the 9th of Febry.
Q Is Ida the mother of these children? A. Yes sir.
Q Were they born before your marriage to her? A. One ofthem was.
Q You do not seem to be on the roll of 1880? A. We were admitted.

1896 roll, page 551, No 3850, Josiah White, Deleware dist.

The applicant presents a certificate of admission to Cherokee citizenship issued from the office of the Commission on citizenship, dated 30th day of June, 1888, signed by J. T. Adair Chairman, attested by Connell Rogers, Clerk, approved and endorsed by J. B. Mayes, Principal Chief under the great seal of the Cherokee Nation, certifying that on the 27th of September, 1887 one Josiah White was admitted to Cherokee citizenship.

Q Are you the identical Josiah White mentioned in this certificate of admission? A. Yes sir.
Q Have you lived in the Cherokee Nation continuously since your admission in 1887? A. Yes sir.
Q You and your wife Ida were married in 1900? A. Yes sir.
Q Have you any proof as to the birth of these two children? A. Yes sir

The applicant presents proof of birth as to Bertha, his child, certifying that she was born on the 25th day of May 1898, now two years of age, and also one as to the birth of a younger child, Donovan, bor on the 19th day of Febry. 1900.

The testimony shows that his alleged daughter was born on the 25th day of May 1898, two years before the marriage of himself and

his wife, and that the youngest child was born on the 9th day of Febry. 1900, about three weeks after the date of his marriage to his wife. The name of Joshah White is identified on the roll of 1896 and he makes satisfactory proof as to his admission to Cherokee citizenship as well as to his residence, consequently he will be listed for enrollment as a Cherokee citizen by blood. He applies for the enrollment of his wife, a white woman, to whom he was married in 1900, too late under the Cherokee law of 1896 to give her any property rights as an inter-married citizen, consequently the application for her enrollment is rejected. He also applies for the enrollment of two children, Bertha and Donovan White. The said Bertha was born two years before the marriage of himself to his wife, and the child Donovan was born about three weeks after his marriage to his wife. He swore that he is the father of said children, but because of the question of their birth the said children as set forth in the testimony, the final decision of the Commission as to their enrollment will be suspended and they will be placed on a doubtful card as Cherokees by blood.

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

Chas von Weise

Subscribed and sworn to before me this the 13th of December, 1900.

Commissioner.

Muskogee, I. T., March [illegible] 1902.

[illegible] the application of [illegible] Thomas for the enrollment of his two children as citizens of the Cherokee Nation.

[illegible] filed herein February 25, 1902, [illegible] of his two children as [illegible] for final consideration [illegible] the 15th day of [illegible] before the Commission, [illegible] opportunity [illegible] testimony affecting [illegible] the 15th day, to-wit: the 15th [illegible] it is deemed [illegible] upon the Commission [illegible] the evidence on file of record.

[illegible] that as stenographer to the [illegible] Commission, [illegible] Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

[illegible]

R.

C. D-947.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 13, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Josiah White for the enrollmentof his two children as citizens of the Cherokee Nation.

The applicant was notifiedby registered letter February 25, 1902, thathis application for the enrollment of his two children as citizens of the Cherokee Nation, would be taken up for final consideration by the Commission atits offices in Muskogee, I. T., on the 13th dg of March, 1902, and thaton 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 his applicaton. The applicant having this day, to-wit: the 13th dg of March, 1902, been called, and filing to respond, it is deemed thathis case is completed, and sme will be reported to the Commission for final decision based upon the evidencenow of record.

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

Wm Hutchinson

Cherokee D 947

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

In the matter of the application of Bertha White and Donavan White for enrollment as citizens by blood of the Cherokee Nation:

D E C I S I O N .

The record in this case shows that on December 12, 1900, Josiah White appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment, among others, of his two minor children, Bertha White and Donavan White, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 13, 1902. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that Bertha White, born May 25, 1898, and Donavan White, born February 9, 1900, are the minor children of Josiah White and Ida White, and are duly identified by birth affidavits on file with the Commission; that they were born and have always resided in the Cherokee Nation, and were residing in said nation at the date of this application.

The evidence further shows that Josiah White was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said nation on June 30, 1888, and that since that time he has continuously resided in said Cherokee Nation and was residing therein at the date of this application, and is duly identified upon the 1896 census roll of said nation.

The evidence further shows that said Josiah White and Ida White were lawfully married on January 18, 1900, two years after the date of birth of said Bertha White and three weeks prior to the date of birth of said Donavan White.

Section 692, of the Compiled Laws of the Cherokee Nation (1892), is, as follows:

> "All marriages which are herein prohibited on account of consanguinity between the parties, or on account of either of them having a former husband or wife then living, shall be absolutely void in this Nation, without any judgment of divorce or other legal proceeding; provided, that the issue from such unlawful marriage shall nevertheless be legitimate; provided, also, when a man, having by a woman one or more children, shall afterwards intermarry with such woman, such child or children, if recognized by him, or proven to be his, shall thereby be legitimate."

Cherokee D 947

It is, therefore the opinion of this Commission that the said Bertha White and Donavan White 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.

Muskogee, Indian Territory,
this SEP 20 1902

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

ALLISON T. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 947.

Muskogee, Indian Territory, September 26, 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 Josiah White for the enrollment of his two minor children, Bertha and Donavan White, 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.

Respectfully,

Acting Chairman.

Enc. C. No. 23.

Cher D 948

905

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T. December, 13th 1900.

In the matter of the application of John Ross Hayfield for the enrollment of an orphan child named CLIFFORD SHARP, as a Cherokee citizen he being sworn before Commissioner Needles, testified as follows:-

Q What is your name? A. Clifford Sharp
Q Is he an orphan child? A. Yes sir.
Q How old is he? A. 5 years old.
Q What is the name of his father? A. W. L. Sharp
Q Is he living? A. Yes sir.
Q What is the name of this childs mother? A. Annie Mills.
Q Was she a Cherokee by blood? A. Yes sir.
Q She is dead is she? A. Yes sir.
Q How old would she be now? A. 25.
Q Is Clifford Sharp the child of Annie Mills? A. Yes sir.
Q Do you know it ~~thxxxxx~~ as the child of Annie Mills? A. Yes sir, that is I have seen her with it; I was not present when it was born.

1880 roll, page 781 No 1368, Anna Mills, Tahlequah dist.

BY CHEROKEE REPRESENTATIVE W. W. HASTINGS-

Q How old was this child when you saw it? A. Quite a small thing.
Q Was it nursing yet? A. I did not see her nursing it, but saw it in her lap at Muscogee.
Q Did she always claim it as her child? A. Yes sir.
Q Have you the custody of this child? A. No sir.

The name of Anna Mills, the reputed mother of Clifford Sharp, is identified on the authenticated roll of 1880, she now being deceased. The name of the child Clifford Sharp is not found on the census roll of 1896, and the testimony is not positive as to the parentage of said Clifford Sharp. By reason of which, the final enrollment of said Clifford Sharp will be suspended and he will be placed on a doubtful card, as a Cherokee by blood.

Chas. von Wesie ~~ling~~ 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 Wesie

Subscribed and sworn to before me this the 17th of December, 1900.

Commissioner.

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

FILED
JAN 31 1901

ACTING CHAIRMAN

S U P P L E M E N T A L T E S T I M O N Y .

D. #940.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JANUARY 29th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Clifford Chanj as a citizen of the Cherokee Nation:

MRS. WILLIAM NORRIS, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q. Give your full name? A. My name is Sarah William Norris.
Q. How old are you? A. 45.
Q. What is your post office? A. Muskogee, I. T.
Q. Do you live in the Cherokee Nation? A. I live right here.
Q. What is your business? A. I don't follow any particular trade now, I have a husband that makes my living.
Q. You are a midwife are you? A. Yes, sir.
Q. Sometimes you do business of that kind? A. Yes, sir. I have for about 20 years.
Q. Do you know a woman by the name of Annie Wills? A. Yes, sir.
Q. Where did this woman live? A. When I got acquainted with her she lived here.
Q. Do you know whether or not she is dead or alive? A. Yes, sir.
Q. Did you one attend upon her at the birth of a child? A. Yes, sir.
Q. Was the child a boy or girl? A. Boy.
Q. About how long since that? A. Well I should judge about six years.
Q. Where was the child born? A. It was born at Caesar's boarding house.
Q. In this town? A. Yes, sir.
Q. Did you ever see the child after that? A. Yes, sir, several times after that.
Q. What name did the mother give that child? A. I don't remember the child's name, I haven't seen it for about three years.
Q. Was it named Clifford? A. Clifford, that's right.
Q. What is the name of the child's father? A. I never knew his father.
Q. Was Annie Wills married? A. She were not at the time the child was born.
Q. To whom was she married as far as you know? A. I do not know, I did not know the woman was married.
Q. How old was the woman when you attended on her? A. Somewheres about 25 from her looks.
Q. You never knew her except when you were attending on her? A. That is all.

ISABELLE RUSH, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q. Give me your full name please? A. Isabelle Rush.
Q. How old are you? A. 51.
Q. What is your post office? A. Muskogee, I live here.
Q. You live here in Muskogee? A. Yes, sir.
Q. How long have you lived here? A. About four years.

Q. Where did you live before that? A. Vian.
Q. In the Cherokee Nation? A. Yes, sir.
Q. How long did you live in the Cherokee Nation? A. All my life.
Q. Did you ever know a man named Annie Wills? A. Yes, sir.
Q. Is she dead or alive? A. She is dead.
Q. How long has she been dead? A. About four years.
Q. Was she ever married? A. She was married.
Q. She left a child? A. Yes, sir.
Q. Do you know who the father of that child was? A. Mr. Will Sharp.
Q. W. W. Sharp? A. Yes, sir.
Q. Were you personally acquainted with Annie Wills? A. Yes, sir.
Q. What was the name of her father? A. I do not know as I could tell her father's name.
Q. Did you know her mother? A. No, sir, she was raised at Tahlequah.
Q. Did she live in the Cherokee Nation all her life? A. Yes, sir, she was very near a full blood.
Q. What name did she give this child? A. Clifford Sharp.
Q. How old would that child be now? A. Clifford would be somewhere about four years old.
Q. He is living now is he? A. Yes, sir.

Col. Breckinridge:--This testimony will be additional in the case of Clifford Sharp, D. 9946, and it seems to show in a satisfactory manner the right of this child to enrollment as a Cherokee by blood, and a note will be made upon the card calling attention to the additional testimony.

---o-O-o---

J. O. Benson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony of the above named witnesses, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Benson

Subscribed and sworn to before me this 30th day of January, 1901.

[signature]

Commissioner.

Supl.-C.D.#948.

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

SUPPLEMENTAL in the matter of the enrollment of CLIFFORD SHARP as a citizen of the Cherokee Nation:

The applicant's guardian, John R. Mayfield, was notified by registered letter on March 1st, 1902, that his application for the enrollment of Clifford Sharp as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 20th day of March, 1902. Receipt has been acknowledged of Commission's letter. The applicant has this day, to-wit: the 20th day of March, 1902, been called and appears by his Agent, I. P. Bledsoe:

Commission or Mr. Bledsoe: Is there any statement you desire to make relative to the case?

Mr. Bledsoe: No, sir; just submit the case.

Commission: The agent 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.

---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 the foregoing is a true and complete transcript of my stenographic notes thereof.

J O Rosson

Cherokee D 948

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

In the matter of the application of Clifford Sharp 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 December 12, 1900, John Ross Mayfield appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment of Clifford Sharp as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on January 29, 1901; also further proceedings were had at Muskogee, Indian Territory, March 20, 1902.

The evidence shows that Clifford Sharp is a minor child of Anna Mills, deceased, who is identified as a native Cherokee upon the 1880 authenticated roll of the Cherokee Nation.

The evidence further shows that the said Clifford Sharp was five years of age at the date of this application and that he was born and has always resided in the Cherokee Nation and was residing in said nation at the date of this application.

It is, therefore, the opinion of this Commission that Clifford Sharp 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.

Acting Chairman.

Commissioner.

C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,
this AUG 11 1902

COMMISSIONERS
HENRY L. DOWES
TAMS BIXBY,
THOMAS B. NEWLIN
R. BRECKINRIDGE

ATTORNEY AND WRITER
[illegible]

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 948.

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 Clifford Sharp 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 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. 56.

D 948

IN THE MATTER OF THE APPLICATION OF

Clifford Sharpe

FOR ENROLMENT AS

CHEROKEE CITIZEN

Cher D 949

BURTON, [illegible], Tillie Caroline.

[illegible]

[illegible] Bill [illegible] Parker [illegible].

[illegible]

[illegible] further evidence of marriage, and to determine the question as to what [illegible] is entitled to enrollment under the conditions stated.

[illegible] Green, being first duly sworn as the official stenographer to the Commission to the Five Civilized Tribes, do correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of the stenographic notes thereof.

[illegible]

Subscribed and sworn to before me this December [illegible] 14, 1909.

[illegible]

Commissioner.

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

FILED

JAN ... 1901

ACTING CHAIRMAN.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. January, 26th 1901.

SUPPLEMENTAL testimony in the matter of the application of MILLIA C. COLLINS for enrollment as a Cherokee citizen. D. 949.

CHARLES HARRIS, being first duly sworn before Commissioner T. B. Needles testified as follows-

Q What is your name? A. Charles Harris.
Q What is your age? A. 58.
Q What is your post office address? A. Muskogee.
Q Do you know John P. Collins? A. Yes sir.
Q How long have you known him? A. You might say all his life.
Q Do you know his wife? A. Millie? A. Yes sir.
Q Do you know anything in regard to their marriage? A. ~~He xtxxl~~ never saw them married, but heard of it and knew of it as having happened.
Q When was it? A. I don't know the exact date, but it was long prior to the late war.
Q Is she living? A. Yes sir.
Q And they have been living together as man and wife? A. Yes sir.
Q Are they recognized in the community where they reside, as man and wife? A. Yes sir.

§ § § § § § § § § § § § § § § § § § §

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

Chas von Weiss

Subscribed and sworn to before me this the 26th. of January, 1901.

T B Needles

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 27 1902

ACTING CHAIRMAN

Supl.-C.D.#949.

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

SUPPLEMENTAL in the matter of the enrollment of MILLIE C. DOLLINS as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 25, 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 13th day of March, 1902. Receipt was acknowledged of Commission's letter, and on said date the case was continued until the 20th inst. The applicant being this day, to-wit: the 20th day of March, 1902, called, and fails to respond either in person or by attorney. The record in this case is now deemed 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 that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J O Rosson

JOB.
Cher. D-949.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., October 28, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of MILLIE C. COLLINS as a citizen by intermarriage of the Cherokee Nation.

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

MILLIE C. COLLINS, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Millie C. Collins.
Q How old are you? A Going on sixty-three.
Q What is your postoffice address? A Moody.
Q Are you a white woman? A No sir, I am not exactly a white woman, my grand father was a half breed.
Q Has application been made to this Commission for your enrollment as a citizen by intermarriage of the Cherokee Nation? A Yes sir.
Q What is the name of your husband? A John Parker Collins.
Q Is he living? A Yes sir.
~~Q Is he a Cherokee by blood? A Yes sir.~~
Q Do you claim your right to enrollment by reason of your marriage to him? A Yes sir.
Q When were you and he married? A Been married forty-three years the 29th day of January next.
Q Where were you married? A Married in Milton County, Georgia.
Q Were you ever married before you married your present husband?
A No sir.
Q Was he ever married before he married you? A No sir.
Q You arehis first wife and he is your first husband? A Yes sir.
Q Have you and he lived together continuously since your marriage?
A Always. We have only been separated when he would have to go away from hime on a trip and come,home, and that is the only separation.
Q Were you living together on the 1st day of September, 1902?
A Yes sir.
Q Living together now and never been separated? A Never been.
Q How long have you resided in the Cherokee Nation? A About thirteen years.
Q Was your husband admitted to citizenship in the Cherokee Nation?
A Yes sir.
Q What year? A 1880, as near as I can remember, he got his citizenship. The Dawes Commission has it, when we enrolled they kept it and he never did get it back.
Q Do you remember the year? A I think it was in 1880, as well as I remember.
Q In the year of 1880? A In 1880 as well as I remember. I would not be positive.
Q Were you and your husband residing in the Cherokee Nation when he was admitted to citizenship? A Yes sir.
Q Have you continued to reside here since? A Ever since, right in twelve miles, the further we have been. When we first came here we came near Muskogee, and moved up here close by, twelve miles from here.
Q Have either of you been outside the Cherokee Nation within the past five years? A No sir.
Q You were married before your husband was admitted to citizenship?
A Of course we were, we were married a good many years.

Q Were you remarried after you came here? A No sir, didn't know we had to be.
Q Have you filed with the Commission your marriage license and certificate? A We havn't got it. The certificate got burnt up, and the marriage license got burnt up, but we had a copy of the certificate in the Bible, and we brought it,--my brother brought it here, and showed it to them, and testified to that Bible. He saw it.
Q Have you any further evidence you desire to introduce relative to your marriage to your husband? A No sir, I haven't got anybody else here in this country.
Q You have no minor children? A No sir. I have got a grand-child, a minor, that I raised from two weeks old.
Q Is that child living now? A Yes sir, I raised it from two weeks old. He is now going on seventeen years old.

This testimony will be filed with and made a part of the record in the matter of the application for the enrollment of Millie C. Collins as a citizen by intermarriage of the Cherokee Nation, Cherokee doubt ful card field No. 949.

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

Wm Hutchinson

Subscribed and sworn to before me this 14th day of November, 1902.

B O Jones
Notary Public.

Cherokee D 949

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

In the matter of the application of Millie C. Collins 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 December 12, 1900, John Parker Collins appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment, among others, of his wife, Millie C. Collins, 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; also further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 13, 1902. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that the said Millie C. Collins was lawfully married in 1856 to John Parker Collins, who was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on February 1, 1888.

The Cherokee Supreme Court, in the case of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson, held that a white woman, married to a Cherokee Indian at the time of his admission to citizenship, acquires thereby the rights of Cherokee citizenship. The said Millie C. Collins is identified upon the Cherokee census roll of 1896.

The evidence further shows that the said Millie C. Collins has lived with her husband, John Parker Collins, in the Cherokee Nation since his admission to citizenship 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 Millie C. Collins 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

Acting Chairman.

Commissioner.

C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,
this AUG 11 1902

E C M

Cherokee 9880.

OC

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

In the matter of the application for the enrollment of MOLLIE C. COLLINS 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 Tahlequah, Indian Territory, December 12, 1900 application was received by the Commission to the Five Civilized Tribes for the enrollment of Mollie C. Collins 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, March 20, 1902 and at Tahlequah, Indian Territory, August 15, 1902 and October 28, 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 by intermarriage of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Mollie C. Collins, 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 in accordance with the law of the State of Georgia, to one John Parker Collins January 29, 1899. It is further shown that the said John Parker Collins was not at the time of said marriage a recognized citizen by blood of the Cherokee Nation and did not become a citizen of said Nation until his admission to citizenship therein by the duly constituted authorities of said Nation on February 1, 1888. Said applicant did not, therefore, marry a citizen by blood of the Cherokee Nation prior to November 1, 1875.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That the decision rendered by the Commission to the Five Civilized Tribes August 11, 1902, granting the application for the enrollment of Mollie C. Collins as a citizen by intermarriage of the Cherokee Nation, be rescinded, set aside and held for naught, and 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, Mollie C. Collins is not entitled, under the provisions of Section Twenty-one 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.

SIGNED: [illegible]

Commissioner.

dated at Muskogee, Indian Territory

this 22 1907.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee D 949.

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 Millie C. Collins 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. 29.

REFER IN REPLY TO THE FOLLOWING:
Cherokee 9880

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

Muskogee, Indian Territory, February 23, 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 23, 1907, rejecting the application for the enrollment of Mollie C. Collins as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the matter, 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.H-105
JMH

Cher D 950

DOUBTFUL AS TO APPLICANT'S WIFE.

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

IN THE MATTER OF THE APPLICATION OF Alexander Adams Spriggs 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 Give me your full name? A Alexander Adams Spriggs.
Q How old are you? A Forty one now.
Q What is your Postoffice? A Wagoner.
Q In what district do you live? A Cooweescoowee.
Q Who is it you want to enroll; yourself and family? A Yes sir.
Q Have you a wife? A Yes sir.
Q How many children? A Six.
Q All under twenty one? A Yes sir.
Q And unmarried? A Yes sir.
Q Are you a Cherokee by blood? A Yes sir.
Q Is your wife a Cherokee by blood? A No sir.
Q A white woman? A Yes sir.
Q How long have you lived in the Cherokee Nation?
A Since 1886.
Q Were you admitted by the Cherokee Commission or Council?
A Yes sir.
Q Let me see your certificate? (Applicant hands paper to ~~xxxxxx~~ Commissioner)

Com'r. C. R. Breckinridge: The applicant presents a duly authenticated certificate of admission to Cherokee Citizenship, showing that on April 26th, 1887, he was admitted to citizenship, his name being given in full; his age at that time given as twenty eight years. This is filed herewith.

Q You have lived here since 1886? A Yes sir.
Q Give me the name of your wife? A Lucinda.
Q How old is she? A She is thirty four.
Q When did you marry her? A In 1883.
Q Where did you marry her? A In Polk County, Tennessee.

Com'r. C. R. Breckinridge: The applicant presents an official statement from the Clerk of the County Court of Polk County, Tennessee, stating that he is unable to furnish the applicant with an official copy of his marriage record, by reason of all the records for the year 1883, at which time applicant states he married his present wife in that county, were destroyed by fire. This certificate is filed herewith.

Q Were you ever married except to this wife? A No sir.
Q Was she ever married except to you? A No sir.
Q Did she come here with you in 1886? A Yes sir.
Q Has she lived here with you ever since? A Yes sir.
Q Give me the names of your children? A John R.
Q How old is that child? A He is fifteen.
Q Next child? A Annie R.
Q How old is that child? A Twelve.
Q Next child? A Mary P.
Q How old is that child? A She is ten.
Q Next child? A Henry A.
Q How old is that child? A Eight.
Q Next child? A Judge Leo.
Q How old is that child? A He is five years old.
Q Next child? A Seabrum P.
Q How old is that child? A Two years old.

Com'r. C. R. Breckinridge: The name of John B. Spriggs appears in the certificate of admission just cited, age at that time two years.

All these other children were born since you and your wife came here? A Yes sir.
Q Have you some one here who knows that you and your wife are living together as husband and wife? A I do not know.
Q You were never remarried to your wife after you were admitted? A No sir.

(1896 Roll, Page 246, #4189, Alex A. Spriggs, Cooweescoowee District)
(1896 Roll, Page 246, #4190, John B. Spriggs, Cooweescoowee)
(1896 Roll, Page 248, #4191, Annie B. Spriggs, Cooweescoowee)
(1896 Roll, Page 248, #4192, Mamie P. Spriggs, Cooweescoowee)
(1896 Roll, Page 248, #4193, Henry A. Spriggs, Cooweescoowee)
(1896 Roll, Page 248, #4194, Budge Leo Spriggs, Cooweescoowee)

Q These children are all living now, are they? A Yes sir.

Com'r. C. R. Breckinridge: The applicant applies for the enrollment of himself, his wife and six children: He is shown to have been admitted to Cherokee citizenship by the Cherokee Commission on ~~Citizenship in 1887; He states that he has lived in the Cherokee~~ Nation since 1886; He is identified on the roll of 1896, and he will be listed now for enrollment as a Cherokee by blood.

His wife is identified with him on the roll of 1896; He states that he married her in 1888, and files a certificate from the Clerk of Polk County, Tennessee, showing that the marriage records of that period have been destroyed by fire,; that the applicant had applied for an official copy of his marriage record.

Neither he nor his wife were previously married; she has lived with him ever since they were married; she was not remarried to him after his admission to Cherokee citizenship: She is identified with her husband and children on the roll of 1896, and she will now be listed for enrollment as a Cherokee by adoption upon a doubtful card.

Their oldest child, John B. Spriggs is identified in the certificate of admission cited in the testimony: He is a minor; is living now; is identified on the roll of 1896, and he will be listed now for enrollment as a Cherokee by blood.

The children, Annie B., Mamie P., Henry A., and Budge Leo Spriggs are all identified with their parents on the roll of 1896; they are living now, and will be listed for enrollment as Cherokees by blood.

When a certificate of birth of the youngest child, Seabrun P. Spriggs is filed with the Commission, this 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. [illegible]

Subscribed and sworn to before me this 17th day of December, 1900.

C. R. Breckinridge COMMISSIONER.

1950

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAR 27 1902

R.

C. D-950.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 13, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Lucinda Spriggs for the enrollment of herself as a citizen of the Cherokee Nation.

The applicant's husband, Alexander A. Spriggs, was notified by registered letter February 25, 1902, that his application for the enrollment of his wife as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 13th day of March, 1902. The applicant this date, to-wit: the 13th day of March, 1902, appears ~~in person~~ by her agent, J. R. Sequichie, and by her husband, Alexander A. Spriggs.

BY COMMISSION TO MR. SEQUICHIE: Is there any statement you desire to make relative to this application? A. No sir.
Q. You submit the case to the Commission for final decision?
A. Yes sir.

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

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

Wm. Hutchinson

Cherokee D 950

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

In the matter of the application of Lucinda Spriggs 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 December 12, 1900, Alexander Adams Spriggs appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment, among others, of his wife, Lucinda Spriggs, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 13, 1902. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that the said Lucinda Spriggs was lawfully married in 1883 to Alexander Adams Spriggs, who was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said nation on April 26, 1887.

The Cherokee Supreme Court, in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson, held that a white woman, married to a Cherokee Indian at the time of his admission to citizenship, acquires thereby the rights of Cherokee citizenship. The said Lucinda Spriggs is identified on the Cherokee census roll of 1896.

The evidence further shows that the said Lucinda Spriggs has lived with her husband in the Cherokee Nation since his admission to citizenship 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 Lucinda Spriggs 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.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this AUG 11 1902

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 9th, 1902.

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

Supplemental to D-950.

LUCINDA SPRIGGS, being duly sworn, testified as follows:
Examination by the Commission.

Q. Your full name is Lucinda Spriggs? A. Yes, sir.
Q. How old are you? A. 36.
Q. What is your post office? A. Wagoner.
Q. Are you a white woman? A. Yes, sir.
Q. What is your husband's name? A. His full name is Alexander Adams Spriggs.
Q. Is he a Cherokee by blood? A. Yes, sir.
Q. How long has he lived in the Cherokee Nation? A. 16 years.
Q. For the past 16 years? A. Yes, sir.
Q. Never made his home outside of the Cherokee Nation during that time? A. No, sir; ever since he come here.
Q. When were you married to him? A. '83.
Q. Is he your first husband? A. Yes, sir.
Q. Are you his first wife? A. Yes, sir.
Q. Have you lived together in the Cherokee Nation ever since 1883?
A. No, sir; not since '83. We stayed in Tennessee pretty near three years before we come out here.
Q. You were married in Tennessee? A. Yes, sir.
Q. When did you come out here? A. We been here 16 years.
Q. Your husband was admitted? A. Yes, sir.
Q. Do you know how soon he came to this country after he was admitted? A. I don't know much about it.
Q. How soon after you were married? A. We stayed there a little over three years.
Q. Then you came here in 1886? A. Yes, sir.
Q. Have you been living in the Cherokee Nation ever since?
A. Yes, sir.
Q. You have never been out to live? A. No, sir.
Q. Have you got a family of children? A. Yes, sir.
Q. Have any children died within the last two years?
A. No, sir.
Q. All living at home with you? A. We have one dead; been dead about 8 or 9 years. I don't recollect just when it did die.
Q. Your husband is living, is he? 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.

B O Jones
Notary Public.

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

ALFRESON T. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 950.

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 Lucinda Spriggs for the enrollment of herself as a citizen by intermarriageof 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. 23.

Cher D 951

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

IN THE MATTER OF THE APPLICATION OF William G. Patsol for the enrollment of himself and children as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q Give me your full name? A William Patsol.
Q How old are you? A About forty eight.
Q Any middle name? A Yes sir, William G.
Q What is your Postoffice? A Locust Grove.
Q In what district do you live? A Saline.
Q Do you want to enroll yourself and family? A Yes sir.
Q Have you a wife? A Yes sir.
Q How many children have you? A I can not claim but two.
Q You just apply for two children? A Yes sir.
Q Are you a Cherokee by blood? A No sir.
Q Is your wife a Cherokee by blood? A She is a Cherokee.
Q Let me see your marriage license and certificate?
(Applicant hands paper to Commissioner)

Com'r. C. R. Breckinridge: The applicant presents an official copy of the records of Delaware District, showing that on the 24th of March, 1879, William Pätsold was united in marriage under a Cherokee license to Miss Eugenia Davidson, a Cherokee, the ceremony being performed by the Reverend J. H. Morrison. This is filed herewith.

Q How long did you live with you wife: Are you still living with her? A No sir.
Q How long did you live with her? A A About twenty years.
Q Did she die? A No sir.
Q You and she then separated? A Yes sir, I guess we separated.
Q Did you get a divorce from her? A No sir.
Q You have been separated from her then about a year?
A No sir, I guess about seven or eight years.
Q You did not live with her twenty years then?
A Well, I do not know.
Q You have been separated some seven or eight years?
A Yes sir.
Q You have no divorce? A No sir.
Q Have you ever married since you separated from her? A No sir.
Q Did she leave you or did you leave her? A She left me.
Q Why did she leave you? A I do not know.
Q Where were you living when she left you? A In Delaware District
Q Is this the wife that you are applying for now? A No sir.
Q You have applied for a wife? A No sir; two children, I said.
Q You do not make any application then for your wife? A ~~No sir~~ I do not how whether I can or not: She has left me.
Q How old is your wife? A I do not know exactly: I guess she must be about thirty.
Q You think she is in the neighborhood of thirty years?
A Yes sir.
Q That would have made her about nine years old when you married her? You must be a little off in your reckoning, are you not?
A I guess so.
Q Has she lived in the Cherokee Nation all her life? A Yes sir.
Q Give me the name of her father? A His name was Davidson.
Q What is his full name? A I do not know.
Q Do you know her mother's name? A Yes sir.
Q What? A Mary Vann.
Q Is her father dead? A Yes sir.
Q Is her mother dead? A Yes sir.
Q Give me the names of these children? A Rollie Patsol.

Q How old is that child? A Twenty years old.
Q The next child? A I think she is sixteen.
Q What is her name? A Vinna.
Q With whom are these children living? A One of them is living with me.
Q Which one is living with you? A The boy.
Q Has thay child Winna an "M" in her name? A No sir, there is no M in her name.
Q Your wife in her testimony, Case 4013, says the name of her mother was Ira and that her present name is Ira Williams.
Q Her mother was married a second time.
Q You said her mother's name was Mary?
A Her mother's name was Mary before she married Williams, her third man: His name was Ira Williams: She married Davidson, then Williams.

(1880 Roll, Page 155, #2215, Wm. Partsel, Cooweescoowee "Rehter, (now)".

Q Did you apply for enrollment in 1896? A I do not remember.
Q Where were you four years ago? A I was in jail.
Q What were you in jail for? A Here's what she says - hands paper to Commissioner)
Q This is in 1888? A I was in jail then.

Com'r. C. R. Breckinridge: This is a document from Chief Mayes, dated June 27th, 1888, addressed to Jesse B. Mayes, High Sheriff of the Cherokee Nation, dated Tahlequah: "Having this day considered the petition for the pardon of William Patzol, convicted on a charge of manslaughter and sentenced to one years imprisonment and labor in the National jail, I have by the authority of law and by and with the consent and advice of the Executive Council pardoned the said William Patzol, and by these presents do remove all the disabilities consequent upon said charge and sentence, and do restore him to all the rights and privileges of a Cherokee citizen" .. Then he goes on to say: "You will release him from confinement and let him go free and unmolested".

(1896 Roll, Page 1034, #26, William Patzoldt, Saline D'st)

Q What were you in jail for four years ago; in 1896?
A I was not in jail.
Q It was just that one time you were in jail? A Yes sir.
Q Your wife, it seems, has remarried? A Yes sir.
Q And under United States law, and it would appear that if she was remarried, she got a divorce from you? A No sir, she got no divorce.

By Mr. J. L. Baugh, Cherokee Represenative:
Q Did you live with a woman while you were running that shingle mill the other side of Chouteau? A No sir.
Q Did you not have a woman there? A That was my cousin.
Q When you separated from your wife, did you and she own a place?
A Yes sir.
Q What became of that place? A She is living on it.
Q You left her on the place the time you went off, did you not?
A Yes sir. I left her on the place.
Q Then, in other words, you left your wife first? A No sir, I was away at work on Big Creek, and she ran off.
Com'r. C. R. Breckinridge:
Q Where did she go? A She ran around up at Chetoka, Kansas.
Q How comes it that you did not go back and take possession of the place, and continue to live at your home: You had children?

A She took the children off with her.
Q Have you never lived on that place since? A No sir.
Q You had gone off at the time she went away?
A Yes sir, I was at work at the time and she went off.

Com'r. C. R. Breckinridge: The applicant applies for the enrollment of himself, his wife and two children: It is shown in the case of Eugenia McFall, the present name of his wife, Case #4013, that his wife and two children, whose names he gives, have already been enrolled, and only the application for himself was proceeded with.

He states that he and his wife married in 1873, but separated some seven years ago: He is identified on the rolls of 1880 and 1896: He states that he has never remarried since he and his wife separated, and that there has been no divorce between them.

The testimony is not entirely satisfactory that he did not abandon his wife, as set forth in detail in the evidence, and consequently, it is not seen that he was properly enrolled in 1896: For the further consideration of this case, he will now be listed as a Cherokee by intermarriage on a Doubtful Card, and the final decision of the Commission will be made known to him at his 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.

P. R. Brookins

Subscribed and sworn to before me this 17th day of December, 1900.

C. H. Mann

COMMISSIONER.

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

FILED
DEC 12 1900

ACTING CHAIRMAN.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 12 1900.

(18) Name William H. Patzel Locust Grove, I.T.

District Coweta Year 1880 Page 155 No. 2215

Citizen by blood Mother's citizenship

Intermarried citizen No

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

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

Denied

On 1880 roll as Wm Partsell

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 27 1902

CHAIRMAN

R.

C. D-951.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 13, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of William G. Patzel for the enrollment of himself as a citizen of the Cherokee Nation.

The applicant was notifiedby registered letter February 25, 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, I. T., on the 13th 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 his application. He was further notified that the representatives of the Cherokee Nation would also on said date be afforded an opportunity to introduce testimony tending to disprove his right to enrollment, but that said representatives would first be required to notify him of their intention to introduce such testimony before the same would be accepted by the Commission. The applicant has this day been called, and fails to respond either in person or by attorney. Receipt of the Commission's letter hasnot been acknowledged.

J. C. STARR, being first duly sworn, and being examined, testified as follows:

BY MR. HASTINGS: What is your name? A. J. C. Starr, age 31, post office Vinita, Indian Territory.
Q. Are you stenographer for the Cherokee Nation? A. Yes sir.
Q. I will ask you if you made an attempt to get service upon this applicant William Patzel? A. Yes sir.
Q. What effort did you make? A. I sent a registered letter to him at Locust Grove, Indian Territory, thatbeing the post office given by him in his original application before this Commission. The letter was returned for the reason that the party addressed was not there. I received a letter from the Post Master at Locust Grove saying that William G. Patzel was not there.

MR. HASTINGS: Comes now the representative of the Cherokee Nation, and moves that he be permitted to introduce testimony in this case without further notice, it having been shown that they attempted to get service upon the applicant and was unable to do so, because he did not live at the postoffice address given by him when he made his original application.

BY COMMISSION: In view of the fact stated, the testimony will be received.

~~MR HASTINGS~~

EUGENIA MCFALL, being first duly sworn, and being examined, testified as follows:

MR HASTINGS: Whatis your name? A. Eugenia McFall.
Q. What is your postoffice address? A. Wasson, Indian Territory.
Q. What was your maiden name? A. My maiden name was Davidson.
Q. Were you ever married to the applicant William Patzel?
A. Yes sir.
Q. Is that your first marriage? A. Yes sir.

Q. Was it his first marriage, so far as you knew? A. Yes sir.
Q. He testifies you were married in March, 1879? Is that correct?
A. Yes sir.
Q. How long did you live with him? A. Five years.
Q. He swore in his testimony that he lived here about twenty years.
A. It is a mistake.
Q. You lived together about five years? A. Yes sir. Our eldest boy is twenty-two years old.
Q. Were you separated from him? A. Yes sir, separated from him.
Q. Did he leave you, or did you leave him? A. He left me.
Q. Where did he go? A. Went down to the Grand River.
Q. Where did he go?A. He stayed around in the timber a while, about six miles from where I,lived, scouting around, and then left and went down on Grad River.
Q. What was he scouting from? What for? A. For selling wood, I believe, contrary to law.
Q. Had he been convicted? A. Yes sir, sentenced for a year, and broke prison.
Q. Then he was an escaped convict? A. Yes sir.
Q. He left your place to evade the officers? A. Yes sir.
Q. After he left did you hear from him? A. No sir, never even heard from him.
Q. Did you go to curt to get a divorce? A. Yes sir.
Q. Did you get the divorce? A. It was supposed that I did, that I got one through Mr. Everett. He said the papers was all right He said he would send them to me, but he failed to do xx it. I never get them.
Q. You were at the court? A. Yes sir, he did not appear against me.
Q. That was in the Delaware District? A. Yes sir.
Q. That was before you were married to your second husband?
A. Yes sir.
Q. You went and got married under that representation? A. Yes sir
Q. Did you have any children by your first husband? A. Xxx Yes. The eldest girl is twenty-two.The boy stayed with me most of the time He took him when he was four years old, but he has stayed with me most of the time. He is at Pryor Creek now, left the house about a week ago.
Q. Did you stay in theplace when he left you? A. Yes sir .
Q. What kind of a place did you have? A. A small house, and a claim, that is all.
Q. A claim on the public domain? A. Yes sir.
Q. He left you in that condition? A. Yes sir. There was not a furrow broke.
Q. Did you sy you lived together about five years? A. Yes sir.
Q. What was the cause of this separation?
A. Cruelty and non-support. He just scouted around all the time and did not support me.
Q. Did he leave you before the time he was arrested for selling timber out of the Nation? A. Yes sir, nearly a year.
Q. Were not you living together when he was arrested? A. Yes sir
Q. You had never been separated prior to that time? Up to the time he was arrested? A. No sir.
Q. After that time you never did live together? A. Xx xxx. Yes.
Q. He was arrested and convicted and sentenced? A. Yes sir.
Q. Had you ever been separated up until the time he was arrsted?
A. No sir.
Q. After that you never did reside together? A. Yes sir, he came back and stayed around over a year.
Q. Did you live with him as man and wife. A. Yes sir.
Q. What was the cause of the separation? A. He would not support me and mistreated me.
Q. He was still evading the officers of the law? A. Yes sir.

Q. Isn't it a fact that the first separation was caused by his arrest? A. Yes sir.
Q. He didn't abandoned you at all? A. He did not support me. I had to write to my step-father to come for me. He did not support me a cent.
Q. You lived together? A. Until he was arrested, yes sir.
Q. Do you know where he is now? A. No sir I don not.
Q. Have you ever seen him since you separatedthe last time?
A. Only once, and that was about sixteen years ago, when he tried to get my little girl away.
Q. The second separation, that is the one I am talking about, that is the time you left him, he was evading the officers of the law at that time? A. Yes sir, that is when.

The applicant having this day been called, and failing to respond, it is deemed that his case is completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

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

Wm Hutchinson

Docket for t e May Term Cir. Court in 1885 page 120

15 Case Jennie Patzol

vs. | For Divorce.

William Patzol

Docket for the September term Circuit Court Del. Dist. page 193

16 case. Jenie Patzol

vs. | For divorce.

~~Xxxxxxx~~William Patzol

The above case is withdrawn from the docket by the plaintiff.

Executive Department, Cherokee Nation.

I hereby certify that the above is a true copy as shown by the Circuit Court Docket, Civil Cases, Delaware District, which record is now on file in this office and in my legal custody.

Given from under my hand and seal of office on this the 14th., day of July 1902.

J. T. P.

Executive Secretary.

Cherokee -D- 951.

R.

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

In the matter of the application of William G. Patzol for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

Supplemental to D-951.

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

WILLIAM G. PATZOL, being duly sworn, testified as follows:
Examination by the Commission.

Q. State your full name? A. W. G. Patzol.
Q. William G., is it? A. Yes, sir.
Q. How old are you? A. I am about 52.
Q. What is your post office? A. Locust Grove.
Q. You are a white man? A. Yes, sir.
Q. Are you the same William G. Patzol that made application to this Commission on December 12th, 1900, to be enrolled as a citizen of the Cherokee Nation by intermarriage? A. Yes, sir.
Q. What is the name of the wife through whom you claim?
A. Eugenia Davidson was her name.
Q. Is she a Cherokee? A. Yes, sir.
Q. Is she your first wife? A. Yes, sir.
Q. Are you her first husband? A. Yes, sir.
Q. Neither of you been married before? A. No, sir.
Q. Has your wife lived in the Cherokee Nation all her life?
A. Yes, sir.
Q. When were you married to her? A. Sometime in about eighty. I don't just recollect the date.
Q. You are on the eighty roll? A. Yes, sir.
Q. Have you and your wife lived together in the Cherokee Nation since 1880? A. Not all the time.
Q. Where have you been? A. I been in the Cherokee Nation all the time.
Q. Since 1880? A. Yes, sir.
Q. Never been out of the Cherokee Nation? A. Not to stay more than a day or so.
Q. Have you and your wife been living together during that time?
A. Not all the time. She run off and left me.
Q. When was that? A. About 10 years ago.
Q. How long did she stay? A. Well, she come back. She stayed away about a year and come back again. Been doing that for the last 10 years.
Q. How many separations have you had? A. Well, she just comes and goes. I am living on the place.
Q. How long did she stay on the place? A. Well, we lived there eight years together.
Q. The last eight years? A. No, sir; first eight years.
Q. The first eight years you lived together and had no trouble?
A. No, sir.
Q. Then she left you? A. Yes, sir.
Q. How long did she stay the first time? A. Pretty near two years.
Q. How long did she live with you that time? A. About 2 years.
Q. Then she left you again? A. Yes, sir.
Q. How long did she stay that time? A. Been away from me ever since that.
Q. That is about 8 years ago, is it? A. About that, I believe.

Q. You have been separated for eight years? A. Yes, I guess you would call it that.
Q. Never divorced, was you? A. No, sir.
Q. Can you tell the cause of the separation? A. They arrested me and put me in jail and she run off with another man.
Q. Was she ever married to that man? A. No, sir.
Q. Isn't she married to him? A. I don't know. She is living on the place.
Q. Whose place? A. My place.
Q. How far from you? A. About 60 miles.
Q. What place are you living on? A. I don't live on any place; I just run saw mills around in the hills.
Q. What place if your home? A. I am up there by Locust Grove, running a mill over there.
Q. Have you any children? A. Yes, sir.
Q. Who have they been living with? A. Been living with me most of the time; the last year the girl she is married--last February. The boy, he is knocking around.
Q. The children never lived with your wife? A. The girl stayed with her sometime, the boy always stayed with me and knocked around.
Q. Where were you living when you and your wife separated the first time? A. Living down in Goingsnake district.
Q. On the farm? A. I had a place there; running a mill.
Q. Had a place of your own there? A. Yes, sir.
Q. Had a mill there? A. Yes, sir.
Q. Is that the place she is living on now? A. No, sir; I made a place up near the Kansas line. She is living on that.
Q. You say you haven't been living together for eight years?
A. No, sir.
Q. You haven't married since you separated from your wife?
A. No, sir; I haven't.
Q. You are sure you didn't leave her? A. No, sir; I tried to keep her.
Q. Do you contribute to her support? A. Oh, yes; she is living on my place.
Q. What was the cause of your having to go to jail? A. Selling timber accross the line and selling whiskey.
Q. After you were arrested and sentenced your wife left you?
A. Yes, sir.
Q. Did she say that was the reason? A. No.
Q. Ever come back? A. No. I tried to have her.

Examination by Mr. Starr.

Q. Where was your wife living when you came back from jail?
A. Living in Chetopa.
Q. Chetopa, Kansas? A. Yes, sir.
Q. Who was this man she run off with? A. I can't remember his name.
Q. Where did he live? A. He lived there in Cooweescoowee.
Q. Near what town? A. Chetopa, Kansas.
Q. Did this occur whil you was gone? Did she runm off with this man before you went to jail? A. No, sir.
Q. After you come back? A. Yes, sir.
Q. Did you go to see if she would come back and try to get her to live with you? A. I did for a fact.
Q. What did she say? A. She wouldn't come back.
Q. Where did you see her? A. Chetopa.
Q. Where is she living now? A. Living on my place.
Q. What is her post office? A. Wasson, I believe, that it the switch there.
Q. Where have you been living since that time? A. Been living around the hills.
Q. Been with the saw mills? A. Yes, sir; that has been my business all my life.

Q. Where were you living when this separation took place?
A. When the first separation took place I was running a mill at Siloam Springs.
Q. Living in the states? A. Oh, no sir. Living just along the line.
Q. Then you went to living together again and separated just before you went off to jail? Yes, sir; she came back to me and stayed about two years and then she went off again.
Q. Where does this man live that she went off with? A. He is living in the place now, I believe.
Q. Living on the place near Wassen? A. Yes, sir.
Q. You don't know his name? A. I can't think of his name.
Q. Were you convicted on this whiskey charge? A. No, sir.
Q. Were you tried for it? A. Yes, I was tried for it and I got 30 days in jail.
Q. For the whiskey charge? A. Yes, sir.
Q. You plead guilty, then? A. Yes, I plead guilty.

Examination by the Commission.

Q. Has your wife ever been a witness here before the Commission in the matter of your application, do you know? A. I don't know.
Q. You don't know whether she testified or not? A. I don't know.
Q. What is your wife's name? A. Eugenia Davidson before I-----
Q. What is her name now? A. That is what I am trying to think.

Examination by Mr. Starr.

Q. Does she go by your name? A. No, sir. I can't think of the name.
Q. Is she married again? A. I don't know. We never have been divorced.
Q. What you know of. A. No, I know we never have been divorced.
Q. What does she say about the separation? A. Well, I don't know.
Q. Never heard her say, did you? A. No. Never heard her say. I will tell you what his name is-----I can't tell.

By the Commission.

Q. McFall? A. Yes, sir.
Q. She is married to that man, isn't she? A. I don't know. She has never been divorced from me.

By Mr. Starr:

Q. Is McFall a white man? A. Yes, sir.

By the Commission:

Mr. Paizol, you are notified that the Cherokee Nation will introduce evidence in thematter of your application for enrollment on October 21th next, at Muskogee here, and you can appear and introduce any evidence that you may think proper in the case.

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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 19th day of November, 1902.

T. B. Jones
Notary Public.

A.A.D.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 20th, 1902.

In the matter of the application of William G. Patzol for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

Supplemental to D-951.

Cherokee Nation appears by J. C. Starr.

WILLIAM G. PATZOL, being duly sworn, testified as follows:
Examination by the Commission.

Q. William G. Patzol, is that your name? A. Yes, sir.
Q. You appeared before this Commission on the 7th of this month and gave some testimony, did you not? A. Yes, sir.
Q. When you were before the Commission on the 7th I believe the question was raised as to whether you had abandoned your wife Eugenia. A. I don't think it was.
Q. But there was a question about that? A. Yes, sir.
Q. You are here to-day with witnesses to show that your wife abandoned you? A. Yes, sir.
Q. What witnesses have you? A. Ashley Norton.

ASHLEY NORTON, being duly sworn, testified as follows:
Examination by the Commission.

Q. What is your name? A. Ashley Norton.
Q. How old are you? A. 51.
Q. What is your post office? A. Cherokee City.
Q. Are you a recognized citizen of the Cherokee Nation?
A. Yes, sir.
Q. Do you know William G. Patzol? A. Yes, sir.
Q. Do you know his wife Euginia? A. Yes, sir.
Q. How long have you known them? A. Why, I have known them about, oh, '86 or 7.
Q. Were they living together when you first became acquainted with them? A. Yes, sir.
Q. How long did they live together after you got acquainted with them? A. I don't know exactly about how long. Probably 4 or 5 years.
Q. Are they separated now? A. Yes, sir.
Q. When did they separate? A. I don't know exactly when they did separate.
Q. Do you know the cause of that separation? A. I don't know any cause for it. I didn't see any cause for it.
Q. You don't know the cause? A. No, sir. I know he always treated her right.
Q. How do you know? A. Well, when I was there.
Q. How often were you there? A. About a dozen times, I guess.
Q. A dozen times in the course of how many years? A. 16 or 17. I don't know. I never kept any track. I never saw any reason for her to leave him.

Examination by Mr. Starr.

Q. You are an applicant before this Commission yourself.
A. Yes, sir.
Q. Were you at the home of Mr. Patzol the last time they separated? A. No, sir.
Q. You don't know anything about the separation? A. No, s ir; not the last time.

JAMES T. VANN, being duly sworn, testified as follows:--

Examination by the Commission.

Q. What is your name? A. James T. Vann.
Q. How old are you? A. 41, I think.
Q. What is your post office? A. Prior Creek, Indian Territory.
Q. Are you a recognized citizen of the Cherokee Nation? A. Yes, sir.
Q. Do you know William G. Patzol? A. Yes, sir.
Q. Do you know his wife Eugenia? A. Yes, sir.
Q. How long have you known them? A. I have known her all her life. She is a first counsin of mine.
Q. Did you know her before she was married? A. Yes, sir.
Q. When were they married? A. I don't know just exactly when they was married. Why, they was married sometime in '7o, it seems to me.
Q. How long did they live together? A. 5 or 6 years.
Q. They they separated? A. Yes, sir.
Q. Do you know the cause of that separation? A. Why, no; I don't know the immediate cause. She deserted him was always my understanding. She went off with a show man I think the first time.
Q. When was that? A. I don't remember what year. It has been 12 or 14 years ago since they separated.
Q. When she left him she went away with a show man? A. Yes, sir; I think the first time they separated.
Q. Do you know what their relations were during the time they were living together; pleasant or otherwise? A. Pleasant so far as I know. I was around there right smart.
Q. Do you know if Mr. Patzol made any efforts to get his wife to come back? A. Yes, sir.
Q. Do you know that of your own knowledge? A. Yes, sir. He come to my father's house and said they had separated. I know he was considerably worked up about it and tried to get her back.
Q. Do you know where his wife is now? A. Yes, sir.
Q. Where is she? A. She is living on Russell creek close to Chetopa.
Q. Is she married? A. Yes, sir.
Q. Do you know how long she has been married? A. She has been married about 6 or 8 years.
Q. Did she have any divorce from Mr. Patzol? A. Not that I know of.
Q. You don't know of your own knowledge of any reason why she should have quit him? A. No, sir; I don't.

Examination by Mr. Starr.

Q. Where were you living when this separation took place?
A. Why, I believe they was living over close to Siloam Spring the last time they separated.
Q. Where were you living? A. I was living at Prior Creek.
Q. How far is that from Siloam Springs? A. That is about 60 miles.

Q. Were you present when they separated? A. No, sir.
Q. How do you know they separated then? A. Well, I know that they were parted and she married another man sometime after that. I saw him off and on and he would be at my father's house and around Prior Creek. He was living there part of the time. He kept his little boy.
Q. How do you know she deserted him? A. I don't know why she left him but that was the general talk among all the connection. I know he tried to get her back. She wouldn't go back.
Q. How many times did he try to get her back? A. Why, I don't know how many times.
Q. Were you present at any time when he come to talk to her?
A. No, sir; I never was present when he talked with her but he stayed to my father's house part of the time. I know he talked with the connection and tried to get her back in that way.
Q. Do you know whether he said anything to her? A. No, I never heard him say anything to her.
Q. Did you know about the separation, the cause of it, or is it just what you heard people say around there? You wasn't present?
A. No, I wasn't present.
Q. What is the name of this show man? A. I don't know.
Q. Did you see her go off with the show man? A. No, sir.
Q. How do you know she went? A. I just heard it around the connection. She was my first cousin. I was at her mother's once in a while.
Q. All you know about this case is what you have heard?
A. Yes, sir.
Q. The whole thing is hearsay? A. Yes, sir.

WILLIAM G. PATZOL, being recalled, testified as follows:
Examination by the Commission.

Q. Have you been residing in the Cherokee Nation since 1880?
A. Yes, sir.
Q. Never lived any where else? A. No, sir.
Q. You were at one time in prison? A. Yes, sir; I was in prison in the national jail.
Q. You were pardoned by the Cherokee chief? A. Yes, sir.
Q. Have you got it with you? A. They took it all down when I enrolled. The jail record will show.
Q. Where is the pardon issued to you by the Chief? A. It burned up.

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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 16th day of December, 1902.

B. O. Jones
Notary Public.

Cherokee D 951.

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

In the matter of the application of William G. Patzol for enrollment as a citizen by intermarriage of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

The Cherokee Nation makes proof of service of notice upon the applicant, William G. Patzol, that the testimony will be offered by the Cherokee Nation on November 3rd, tending to disprove his right to enrollment as an intermarried citizen of the Cherokee Nation. Said notice is filed herewith.

EUGENIA McFALL, being sworn, testified as follows:

By Mr. Starr,

Q What is your name? A Eugenia McFall.
Q What is your age? A I am forty-two, forty-two last October.
Q What is your postoffice? A Wasson, Indian Territory.
Q Are you acquainted with William G. Patzol? A Yes, sir.
Q How long have you known him? A Well, what time I knew him when I was living with him, I might say five years, while I was with him. Of course, I knew him a while before I was married, but I don't know anything about him since.
Q You were married to him at one time, were you? A Yes, sir.
Q How long did you and he live together? A Five years.
Q Then did you separate? A Yes, sir.
Q Where were you living when the separation took place? A We lived at Russell Creek Switch, now Wasson P. O.
Q When did the separation take place? A '84.
Q 1884? A Yes, sir, 1884.
Q What were the causes of the separation? A Well, it was just a quarrel started up, a dispute.
Q Well, did you leave him or did he leave you? A He left me, I stayed there.
Q Where did he go? A He went from there to Timber Hill, stayed there a while and from there to Grand River.
Q Did he ever come back any more? A No, sir.
Q Has he ever contributed anything to your support since that?
A No, sir, not a cent.
Q Ever contributed anything to the support of your children?
A No, sir.
Q Where have you been living since then? A At the same place, right there.
Q The same place you were living when the separation took place?
A Yes, sir.
Q Well, Mr. Patzol in his testimony said you went away with a showman when the separation took place? A That's a mistake.
Q You never went away with anyone? A No, sir, I don't think I could when I am living at the same place now.

By the Commission,

Q When did you say you were married to William Patzol? A In '79.
Q '79? A Yes, sir.
Q And you and he lived together up until about '84? A Yes, sir, '84; until March, 11th of March, '84.

Q Where were you livin when you separated, on a farm or in town?
Q We was living right there where I am living now. Just a house and a claim. It is a farm now.
Q It had not been put in cultivation? A No, sir.
Q You and he, you say, had a racket before he left? A Yes, sir.
Q Pretty serious? A Yes, sir.
Q You were mad and so was he at the time you had the dispute?
A He was mad, of course, and so was I , and he got up and left.
Q And did he take his things with him, right then? A Yes, sir, we divided up everything and he taken the cattle. We had a few cattle and he said he was goin to have either part of the place or blood; that's what he said, his very words. It did not scare me so very bad but I told him to take either and I give him the cattle for his part of the place and a kit of tools, and he went to the Hill. He was scouting then and when my cousin was put in office, he give himself up but was turned loose. He released him.
Q Before he left, the time when you had your quarrel, you and he agreed to separate right there? A Afterwards he drawed up a contract at my mother's. When he left he stayed a day or two at my mother's, and drawed up a contract, he did, and this here Jim Payton heard the contract, and I sent the contract to Jesse Alex to have it put on record, and I did not get it afterward. He was to pay half the divorce and he was to give me one cow for the support of the children and he was to take the rest of the cattle and never come around to bother any more; that was in the contract.
Q That was in the contract? A Yes, sir.
Q And the contract was drawn up in writing? Did he write that about the time you separated? A Yes, sir, it was drawn up after we separated.
Q But it was understood between you and him at the time what kind of a contract you would make? A No, he drew it up after he left.
Q But you had decided on the contract before he left? A Yes, sir
Q Who did he tell he was going to have part of the place or have blood? A He told me he was going to have part of the place or blood.
Q That was the time you separated? A That was the morning he went away and then after he went down in there he drew up this contract at my mother's.
Q And he stipulated in that agreement that he was not to come back and bother you any more? A Yes, sir.
Q And he was not to fight any divorce suit you made? A No, sir.
Q And you did sue for divorce after that? A Yes, sir, I sued for divorce and Jesse Alex said that they called for him and they said he was scouting. That was after we separated, and they could not prosecute him and he told us to come on home and he would send the papers to us and he got killed and after I got a letter from him and he said after that the papers were all right and he would send them to us, but he was killed and I never got them.
Q You don't know whether you are divorced or not? A I never got the papers. He was killed and I never got them.
Q Did you ever make any search of the records in the Court?
A We heard the books were burned when the court house was burned.
Q What District was that in? A In Delaware District.
Q Well, you have married since, Havn't you? A Yes, sir.
Q Has Mr. Patzol married since? A No, sir, not that I know of he has not.
Q He lived up to his agreement, didn't he? A Sir?
Q He lived up to the agreement he made with you, didn't he?
A That he would not bother me?

Q Yes. A No, I don't know that he has altogether. He has been writing back and forth to my daughter, and raising a disturbance that way; he has never come around me.
Q He has never come to bother you; he has been writing to his daughter, that's his child, too? A Yes, sir. I had two children.
Q And your daughter, you say, he has been writing to? It is his child, too? A Yes, sir.
Q And he did not abandon the children, not to keep up any communication with them in that agreement? A He never supported the children any, never sent nothing to the children.
Q Never sent anything to the children? A No, indeed, he did not.
Q He has written to his daughter once in a while since you and he separated to find how she was getting along? A Yes, sir, whenever he wanted any assistance he writes to her. He wroteto her the other day to try to get her to swear to something that was not true.
Q Your daughter is married, is she not? A Yes, grown and married. Here's her picture.
Q And the old man is trying to get her to help take care of him, is he? A No, he wants her to swear that I was the one that left him, and she was only two years old and he wants her to swear that she had heard me say I had left him, and then he could get his rights through.
Q That's why he has been writing to her? A Yes, sir. That's her last letter.
Q Well, that's only been in the last two years that this question of his rights come up. A That was within the last week.
Q But, I say there has never been anything said about his rights until the within the last two years. Did he write to her before that time? A Not more than once or twice a year, hardly.
Q How many letters has your daughter got within the last year?
A Three or four, something like that, when he got in trouble down here he wrote her a letter. When the officers had him he wrote to her.
Q He writes to her when he's in trouble, when he wants some help?
A Yes, sir.
Q What did you and he fall out about? A Do you want me to tell you?
Q Yes. A Well, it was a dispute over cooking. My cousin, Joe Mays, built a house and there was an Indian girl there named Amina, and she cooked some fresh meat in a pot. We had some fresh meat and I said to him,"Don't you want me to cook some meat like Amina cooked at cousin Joe's?" and he said, "What Indian girl?" and he said he never knew any Indian girl by the name of Amina, and he called me a harsh name, and it went on from that. It was in March, a real pretty day, and he was moving the heater out of the room and he just began breaking it all up and that morning he left.
Q And he never came back? A He never came back to live. He came back once after that and drove the wagon for ma and Pauline Payton. He came back and drove the wagon for them that day and he never even come in and eat his dinner at all, so he never come back any more after that , I told him I never would stand his abuse that day.
Q He never did abuse you any before that, did he? A Yes, he always was mean.
Q But you never had left him because of that? A No, sir, I never left him.
Q You never wrote to him to come back? A No, sir, I never wrote to him at all.

Q Never did tell him how the children were or anythin of that kind?
A What is it?
Q You never did tell him how the children were? A He come up there to Chetopa once to try to steal the little girl. The boy, he kept the boy a while. I sent the boy to him and after the boy got twelve years old he run off and come back to me and then he would run back to him. Just back and forth. He's twenty-two years old.
Q The boy is older than the girl? A Yes, he will be twenty-three years old in January.
Q He don't write to the boy when he gets in trouble? A No, sir, he don't write to the boy at all. If you would see a letter he wrote you would see where he said he didn't never want to see him at all.

By Mr. Starr,

Q Did you leave him? A No, sir, he left me.
Q How long did he continue to treat you in this abusive and rough way before you separated? A Well, now, he was abusive all the time. He was cross, at any little thing he would get angry. He was cross. He was a Dutchman and I think all Dutchmen are alike.
Q Where has Mr. Patzol been living since this separation took place?
A Locust Grove, I think, Mr. Starr, living around a saw mill. He wrote to my daughter the last time he wrote that he had a place down there at Locust Grove and he wanted her and her husband to come down there and he would give it to them. I suppose he thought he would get his rights through.
Q What was he scouting for? What was the trouble? A He was selling wood out of the Nation at Siloam Springs and was sentenced for a year and he broke jail.

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 4th day of November, 1902.

B O Jones
Notary Public.

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, November 17th, 1902.

In the matter of the application of William G. Patzol for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

Supplemental to D-951.

Appearances:

Applicant appears by his attorney Ed Hastain.
Cherokee Nation by J. C. Starr.

The Cherokee Nation makes satisfactory proof of service of notice that it would on the 17th day of November, 1902, at the office of the Commission to the Five Civilized Tribes, introduce testimony tending to disprove the applicant's right to be enrolled as a citizen of the Cherokee Nation.
The applicant fails to appear.

Z. C. PAYTON, being duly sworn, testified as follows:
Examination by Mr. Starr.

Q. What is your name? A. Z. C. Payton.
Q. What is your age? A. 78 years.
Q. What is your post office? A. Welch, Indian Territory, now. It was box 94.
Q. Are you acquainted with William G. Patzol, the applicant in this case? A. Yes, I know him. Yes, I am acquainted with him. Not very much acquainted with him.
Q. Are you acquainted with his wife, now Eugenia McFall? A. Yes, better acquainted with her than with him.
Q. How long have you known her? A. Well, 20 years.
Q. Were you acquainted with them during the time they lived together as husband and wife? A. Yes, sir. Patzol was at our house once in a while.
Q. Did you live in the same neighborhood? A. Yes, sir; about a mile, I think.
Q. Do you remember about the time their separation took place? A. Yes, I remember about the time. I couldn't say exactly about the time, but about the time.
Q. Where were they living then? A. Well, they were living then about, I reckon--It was near that Wasson switch.
Q. Who left home at that time? A. Well, the woman was left there. She come to my house and wanted to leave a couple of children until she went to her mothers and get $25 her mother owed her and go to Ontopa and get some provisions for her and the children.
Q. Where did he go? A. I don't know. He went south.
Q. What was the cause of this separation? A. That is more than I can tell.
Q. Did Patzol provide for his family well? A. Well, the report was he did not. I didn't visit them very much. I don't know as I was ever in the house.
Q. Are you acquainted with Mrs. Patzol's reputation in the community as to good character? A. I never heard anything bad about her. She come to my house--she come there several times--

stopped on the way going to Sunday school. I never heard anybody say anything bad about her.
Q. You have known her for 20 years? A. Yes, sir; I have knowed her.
Q. She still continues to live up in that vicinity? A. Yes, sir. Well, then they lived on the north end of the hill and now they live on the south and west.
Q. What became of Patzol? A. I couldn't tell you.
Q. He just left? A. He went south.
Q. Didn't hear of him any more? A. No, sir.
Q. You know of your own knowledge that Eugenia didn't go off and leave Patzol? A. The report was that she went off with a show man. I took an interest myself and asked the show man and he said it was false.

BY MR. HASTAIN:
I object to anything the show man may have told this witness.
Testimony taken subject to the objection.

BY MR. STARR:
Q. When this separation took place that time, this woman came to your house? A. Yes, sir; said she was going to get some money that her mother owed her to get some provisions for her and the children.
Q. How long was she gone? A. She wasn't gone long. Went and got the money and went to Chetopa and got the stuff all the same day.
Q. Go to Chetopa the same day? A. Yes, sir. It is only three miles to Chetopa. Well, I say three, it is nearly four.
Q. She didn't go off with the show man? A. No, sir; she come and got her children and took them home.

Examination by Mr. Hastain.
Q. Where was Patzol when it was reported that she went off with this show man? A. Why, I couldn't tell you exactly but I suppose he was living there then.
Q. He was there? A. He was there with her, yes. I can't recollect. The show wintered there in '83 and '84, and '84 and '85. What time this happened I couldn't tell you at all, and I don't believe she ever went off with a show man. I never seen her.
Q. How near did you live to them at that time? A. About a mile.
Q. It was just at the time this show was wintering there., that Patzol was at home and that she was reported to have gone off with one of these show men? A. Yes, sir; that is the way I understand. The show man told me it was all a lie.
Q. Certainly that is what he would most likely say? A. Yes, sir.
Q. Don't you know it to be a fact that at the time Mrs. Patzol left that Patzol himself as building a barn for a man who lived not a great ways from home? A. No, sir; I don't.
Q. You don't know about that? A. No, sir; I don't recollect anything about that. I didn't know he was a carpenter at all.
Q. You didn't know that? A. No, sir. If he was building any barns for anybody I didn't know it at all.
Q. All you know about Patzol leaving his wife and about his not providing for her is what she told you? A. Well, she told me and then I heard it in the neighborhood. It was mind of a neighborhood talk. So far as I am concerned myself I never was in his house. I sold Patzol a hog, I sold him an old kidney wormed hog and helped him drive it home. That is the nearest I was ever there. I remember an expression he made. He said it looked like the last rose of summer.

Q. You know nothing of your own personal knowledge relative to his leaving home? A. No, sir; I wasn't there when he left. I don't know of any trouble they had or what the trouble was.

Examination by Mr. Starr.

Q. You know that the neighbors themselves, right in the vicinity said, that he went away? A. I know he went and I know that she had hard work to support her and the children.

Examination by Mr. Hastain.

Q. I will ask you if it isn't a fact that while he was away from home one time his wife came back after she had gone and left him and sold all the stock? A. No, sir. I tell you I don't believe she could sell much because they didn't have much.
Q. You never heard anything about it? A. No, sir.

F. H. WASSON, being duly sworn, testified as follows:

Examination by Mr. Starr.

Q. What is your name? A. F. H. Wasson.
Q. What is your age? A. 66.
Q. What is your post office? A. My post office now is at Welch.
Q. Are you acquainted with William G. Patzol, the applicant in this case? A. Yes, sir; a little acquainted with him.
Q. Are you acquainted with his former wife, Eugenia? A. Yes, sir.
Q. Do you remember about their separation? A. I remember of him going off.
Q. Where were they living at the time the separation took place?
A. Living on Elm creek.
Q. How far from you? A. About a mile from where I live.
Q. Did Patzol leave his wife or did she leave him? A. Why, he left her.
Q. Where did he go? A. I don't know where he went. He went south.
Q. Did he ever come back any more? A. I never saw him afterwards.
Q. Did she continue to live on the place after Patzol left?
A. Yes, sir; as long as she could.
Q. Who took care of the children after Patzol left? A. Their mother.
Q. She is living up in that vicinity? A. Yes, sir.
Q. Has lived up in that vicinity ever since? A. Yes, sir.
Q. How long did she continue to live on that place after Patzol left? A. I don't remember. I know she lived there. She has lived there off and on ever since.
Q. Well, does she have control of that place yet? A. Yes, sir; her and her husband.
Q. She and her last husband? A. Yes, sir.
Q. She gets the benefit of the proceedsm of the place.
A. Yes, sir.
Q. She has had control of the children ever since then?
A. Yes, sir
Q. Do you know anything about this report that she run off with a show man? A. Never heard about that.
Q. You know that she didn't go off with the show man at the time of this separation? A. I never missed her.
Q. Never have missed her, have you? A. No, sir.

Examination by Mr. Hastain.

Q. How far do you live from her? A. About a mile.
Q. How long have you lived that distance from her? A. Lived there several years.
Q. About how long? A. 7 or 8 years.

Q. Do you know about the time they lived over near Siloam Springs?
A. Why---Patzol?
Q. Yes. A. No, sir; I don't know anything about that.
Q. Did you ever heard about her leaving him over there?
A. No, sir.
Q. How do you know that he went off and left her? A. I don't know only just reports. She told me he did.
Q. What is what she told you? A. Yes, sir.
Q. Was you ever at their house? A. Yes, sir; I been there to their house once or twice.
Q. Did you ever see any abuse or mistreatment from him?
A. Not when I was there.
Q. Do you know the cause of the separation? A. No, sir.
Q. You say you never heard until to-day this report about her having gone off with one of the show men that were wintering up there? A. I never heard it reported at all.
Q. Until you come here to-day? A. Well, to-day and the last year or two.
Q. You say that she has cared for the children? A. Yes, sir; she has cared for the children.
Q. You don't know how much he has given towards their support since then, do you? A. No, sir.
Q. Did you know that he had been supporting one of the boys?
A. No, sir. I know that the boy had been off down there to go to see his father.
Q. When you said she supported the children you had forgotten about the boy being-----
A. Well, she did the best she could. He would go off and be gone a month or two, probably a year, then I would see him there.
Q. Yet you say that his mother supported him? A. Well, she supported him all she could when he was there.
Q. When he was there? A. Yes, sir.

BY MR. STARR:
Q. Patzol never did come back up in that country? A. No, sir; I never have seen him up there since.
Q. She has continued to live there ever since? A. Yes, sir.

BY MR. HASTAIN:
Q. Did you ever hear anything about her selling off some stock once when she come back after having been away from home?
A. Never heard about it. If she did I didn't know it.
Q. Do you know where he was when he was away from home? A. No, sir; I don't. Only what I heard. Down in the nation somewhere.

BY MR. STARR:
Q. What did Patzol do for a living when he was up in that country?
A. He done a little of everything. He worked around at anything he could do. Stirred around right smart but never was successful at anything.
Q. Jack of all trades? A. Yes, sir.

BY MR. HASTAIN:
Q. Always worked, didn't he? A. Always when he could get a chance, I guess.

Case continued by agreement until December 2nd, 1902.

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.

R. B. Jones.

Notary Public.

Cherokee D-951.

Cherokee Nation, Del Dist.

I hereby certify that license was issued to William Pitezold a citizen of the United States on the 22nd day of March A. D. 1879 to marry Miss Eugenia Davidson a Cherokee female.

The license was returned executed on the 24th day of March 1879, by Elder J. M. Morrison.

E. C. C. L.

This the 8th day of April 1879.

R. T. Carey, Clerk Del. Dist.C.N.

Executive Office Cherokee Nation,
Tahlequah I. T.

I, B. W. Alberty, assistant Executive secretary of the Cherokee Nation, hereby certify that the foregoing is a true copy taken from the marriage record of Delaware 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 12th day of December 1900.

(SEAL) (Signed) B. W. Alberty
Assistant Executive secretary,
Cherokee Nation.

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

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of said Division.

Chief Clerk Cherokee Division.

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

Notary Public.

Cher
Supp'l to D 951

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

In the matter of the application of WILLIAM G. PATZOL, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation:

Appearances:
Applicant appears by N. A. Gibson, and
Ed Hastain, of Muskogee, I. T.
Cherokee Nation, by W. W. Hastings:

PRESTON KEITH, being duly sworn by the Commission, and examined, testified as follows.

Examined by W. W. Hastings:

Q What is your name ? A Preston Keith.
Q Where do you live ? A Chetopa, Kansas.
Q How old are you ? A I will soon be sixty one.
Q Do you know William G. Patzol ?
A I did about seventeen years ago. I haven't seen him for seventeen years.
Q Did you know his wife ? A Yes sir.
Q What was his wife's name ? A Jennie.
Q When did he and his wife separate ? A About 17 years ago. Somewheres along about there.
Q Where were they living when they separated ?
A They was living about a mile and three-quarters right south of the Kansas line, in the Cherokee Nation.
Q Did he leave her or did she leave him ? A He left her.
Q Where did he leave her ? A On the place there where they had built a kind of a little house.
Q Did she continue to reside there ? A Yes sir.
Q What became of him ? A I never knowed what become of him; I heard he come away down in this country somewhere.
Q Did he leave that neighborhood ? A He left that neighborhood entirely, and I have never seen him there since.
Q Did you continue to reside there ? A I stayed there for fourteen years.
Q Did she continue to reside there ? A Yes sir continued to stay there only when she had the place rented out.
Q She resided in the neighborhood ? A Yes sir, she was in the neighborhood.
Q She continued to own this place ?
A Yes sir, and owns it yet.
Q She lives there yet ? A They made a cropt there, I aint certain whether they moved to town to school the children. They generally move to town to school the children.
Mr. Patzol testified that she went off and left him for a show man, is that true ? A I don't know anything about it.
Q Did you ever hear of it ? A I never heard of it. He left her with nothing to eat, and she had to go to her mother's.
Q How far did her mother live from there ?
A About six or seven miles.
Q She didn't go away until he left ? A No sir.
Q She still retains the place ? A Yes sir, she took the childrento her mother's house.

By Mr. Gibson:

Q Where does she live now ? A Mrs. Patzol ?
Q Yes. A Last summer she lived on the place there right south of the Kansas line.

Q Who is she living with now ? A A man by the name of McFall. Lon McFall.
Q Is he a Cherokee citizen ? A No sir.
Q You don't know where Patzol lives ? A No sir.
Q You don't know anything about him ? A I haven't seen him for seventeen years.
Q You say he abandoned her, do you ? A Yes sir.
Q How do you know that ? A She was left there. I lived in less than a half a mile, and I know some folks that she got to come down there and stay with her of a night.
Q What was his occupation at that time; wasn't he a carpenter ?
A I don't know; I never saw none of his carpenter work.
Q You knew he was reputed to be a carpenter ?
A Some said he was a carpenter. The last work of his that I knowed of he made posts for me.
Q You heard of his being reported as a carpenter ? A Yes sir.
Q Why didn't you want to tell it ? A Because I didn't know for certain that he was a carpenter. I don't know whether he was a carpenter or a cobbler.
Q How long was he gone away from her at the time you say he abandoned her ? A How long was he gone away from her ?
Q Yes. A I suppose it's been close to seventeen years.
Q He never did come back ? A He never did that I ever heard of or seen.
Q Has she lived in the same house ? A Oh no, they have moved around, and they have built a gin there.
Q Did you know a man named Albert Morris who used to live there ?
A No sir.

Q Don't you know it to be a fact that this man simply went down on Big Creek to do a job of carpenter work, and was gone a few days and when he came back she had packed everything and gone to her mother's ? A I don't know anything about that; as far as my recollection goes she never took her things out of the house, because after she was gone the things was in the house. I passed up by there one day with my wife, after she had gone away, and we looked in and saw the things in there yet.
Q About all you know about the whole thing is that he left about seventeen years ago and never came back ? A Yes sir.
Q All you know is that he hasn't lived at the place, and you know she left the place too ? A No, I don't know whether she left the place just about that time or not, because it's been so long ago. When they left the Moore's had a little girl and that little girl stayed with them. After that she fetched the children to our house.
Q Don 't you know she went to Chetopa and lived with a show man for a long time as his wife, and then the show man quit her, and she commenced living with another man ?
A I don't know anything about that.
Q Did you ever hear of her living with any other man except this man she is now living with, since she and her husband separated ?
A No sir, I don't know as I have, not as man and wife. No I never heard of her living with any man. It wasn't more than two or three years until she married.
Q You never knew of her getting a divorce did you ?
A No sir, I didn't.
Q Did you ever know of any showman wintering there in Chetopa about the time of this separation ? A No sir. I heard of a circus wintering there.
Q That's what I meant. That was about the time of this separation wasn't it ? A I can't tell you, it was not very far from that time; there's other men here though that could tell you, I expect; but I don't know. That was a man by the name of Billington.

Q You know that a fellow named Billington wintered there with this circus ? A Yes sir, I knowed him then and know him now.
Q Did you know his brother ? A No sir.
Q Don't you know it to be a fact that this woman lived with some man connected with Billington's show there in Chetopa the winter that she and her husband separated ? A No sir, I don't.
Q You never heard anything about that ? A No sir.
Q Do you know Joe Vann, the uncle of this woman ? A No sir.
Q Who used to live here at Pryor Creek ? A No sir.

Examined by Mr. Hastings:

Q What did this man Patzel do before he left there ?
A He had a little patch out there and set out a few trees.
Q Was he a hard working man ? A He worked sometimes.
Q What did he do at other times ? A I will be dogged if I know, from the looks of hog skins around there, he skinned hogs.
Q Was that his reputation ? A That was a kind of a bad reputation.
Q Was that his reputation ? A Yes sir, that was his reputation.
Q You never knew of any bad conduct on the part of this woman at the time of this separation ?
A No sir, I never knowed of any.
Q You lived within about a half a mile of them at the time of the separation ? A Yes sir.
Q And for how long afterwards ? A Well, I lived there for fifteen years.
Q You never knew of his coming back after the separation ?
A No sir, I never knowed of him a coming back.
Q Did she continue to reside on that place and maintain it ?
A Yes sir.

The Commission: This case is continued by agreement until December 16, 1902, and either party, upon that date, will be permitted to introduce testimony.

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 5, 1902.

B. H. Jones

Notary Public.

Cherokee 1-111.

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

In the matter of the application of William C. Patsol for enrollment as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on December 17, 1900, William C. Patsol made application to the Commission at Muskogee, Indian Territory, for enrollment as a citizen by intermarriage of the Cherokee Nation. Upon the proceedings in the matter of said application, which took place at Muskogee, Indian Territory, on March 12, 13, 14, October 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, November 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, December 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 1901, and on the 24, 1901, on which date it was decided that the applicant was entitled to a marriage license in accordance with the laws of the Cherokee Nation, to one, Lucy A. Davidson, a citizen by blood of the Cherokee Nation. It appears that the applicant is a citizen of the Cherokee Nation, to one, Lucy A. Davidson, a citizen by blood of the Cherokee Nation. It appears that the applicant is a citizen of the Cherokee Nation by intermarriage of the Cherokee roll and on the 1896 Cherokee census roll.

The evidence further shows that the applicant lived with his said wife for six years and then abandoned her.

Section twenty-one of the act of Congress approved June 28, 1898 (30 Stat., 495), providing for the enrollment of Cherokee citizens, "with the intermarried white citizens who may be entitled to citizenship under Cherokee laws."

Section 667 of the Revised Laws of the Cherokee Nation (1892), reads as follows:

"Every person who shall lawfully marry under the provisions of this act, and afterwards abandon his wife, shall thereby forfeit forever the privilege of citizenship of this Nation."

It is, therefore, the opinion of this Commission that the application for the enrollment of William C. Patsol 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,

FEB - 2 1903

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 refer the letter with your reply or mention this Number C. D. 951

Muskogee, I. T., Jan. 29, 1902.

Mrs. Eugenia McFall,

Wasson, I. T.

Dear Madam:

I see by the records that you were once the wife of William Patsell, whose present postoffice ~~adxx~~ address is Locust Grove, I. T. He has applied for enrollment as a citizen by intermarriage and it is very much desired that we have advice as to the exact cause of your separation; whether or not he abandoned you, or you left him, and any fact that you may know that might effect his right to enrollment as a citizen by intermarriage. ~~He claims to have one ~~ of the children and says~~ you have the other.

Yours very truly,

Attorney for the Cherokee Nation.

Stoddard. Nil cuthe, ole

plaid cuear

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

Muskogee, Indian Territory, February 25, 1902.

Mr. William G. Patzol,

Locust Grove, Indian Territory,

Sir:-

You are hereby notified that the application of yourself

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

the 13 day of March, 1902.

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

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

Cherokee D-951
Register.

Yours truly,

~~Acting Chairman.~~

Commissioner in Charge.

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. [illegible] Ofl. [illegible], I. T., [illegible], I. T.

[illegible] Hall,

[illegible], I. T.

Dear [illegible]:

[illegible] for [illegible] date before the Dawes Commission at [illegible], I. T. [illegible] service of the subpoena by sign in the blank space [illegible] at the bottom, [illegible] return to us by first mail, and also advise us if you will [illegible] at that time.

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,
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 . . . . . .
for enrollment as Cherokee citizen
Case No. D

To . . . . . :

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on . . . . . or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this . . . . . .

. . . . . N. W. Harris . . . . . .

. . . . . .

Attorneys for the Cherokee Nation.

MARSHAL'S RETURN.

INDIAN TERRITORY,
CHEROKEE NATION.

I Hereby Certify That I received the within summon 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

SUBPOENA.

INDIAN TERRITORY, [illegible] TO [illegible] HALE FOR THE CHEROKEE NATION

Cherokee Nation, [illegible]

[illegible] Attorneys for 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

to be and appear before the United States Commission at , I. T.,

on the day of , 1901, then and there to give evidence

in such contested citizenship cases as the Attorneys for the Cherokee Nation may desire.

Given from under hand this the day of 1901.

I, hereby [illegible]

[illegible]

day of [illegible]

W. W. Hastings

Attorneys for the Cherokee Nation

Cottage Farm

Minnie 1902

My dear Mr Stern

Mr Hodgson

Dear Sir

This is unexpected to me I hope to come the first leaves Cheltenham at 9 that I S. Hate the 13th or shall I wait until the 12th plans suite me so I can make arrangements:

Virginia McGraw

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. 951

Muskogee, I. T. March, 10, 1902.

The Postmaster,

Locust Grove, I. T.

Dear Sir:-

Enclosed herewith please find notice, which please have some one go and serve on William G. Patzol, and have the party serving this swear to his return before a Notary Public, and send it to us at Muskogee. This case is set for trial on March, 13, and we will have to have that paper back here by that date. If this man lives in the country, get some man to go and serve it on him at once, and send it to us with his bill.

Yours very truly,

J. C. Starr

Wm G. Patzol was in Muskee I.T. Mch 6th
Ask John Walton, about him
3/12/02

Issue J. M. Bryan Poy
J. Baker

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 William G. Patzel,
for enrollment as Cherokee citizen
Case No. D.C. N. 951
To W. G. Patzel, Locust Grove, 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, 13, 1902. **at 8 o'clock A. M.** or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this March, 10, 1902.

W. W. Hastings

Attorneys for the Cherokee Nation.

NO 2 [illegible] 1

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT,

I do solemnly swear that I delivered a true copy of the within notice to

on the day of , A D 190

Subscribed and sworn to before me this

Notary Public.

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

I the undersigned agent for the within named applicant, hereby accept service of the within notice on this the day of 190

Agent for Applicant.

1902

NOTICE.

In the Matter of the application of

for enrollment as Cherokee citizens:

To

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes, Cherokee Enrollment Division, in the town of Muskogee, Indian Territory, on , A. D. 1902, at 8 o'clock a. m., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands at Muskogee, Indian Territory, this

No. 7.

Attorneys for the Cherokee Nation.

NO. D 951

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT, } ss

I do solemnly swear that I delivered a true copy of the within notice to

William G. Vaizel

on the 10 day of Nov, A. D. 190 2

D C Clark

Subscribed and sworn to before me this

Nov 5, 1902

B C Jones
Notary Public

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.

I the undersigned agent for the within named applicant, hereby accept service of the within notice on this the day of 190

Agent for Applicant.

NOTICE.

In the Matter of the application of William G. Patzol
for enrollment as Cherokee citizens:

To William G. Patzol

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes, Cherokee Enrollment Division, in the town of Muskogee, Indian Territory, on Nov. 17th, A. D. 1902, at 8 o'clock a. m., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands at Muskogee, Indian Territory, this Nov 15th 1902.

W W Hastings

No.

Attorneys for the Cherokee Nation.

[illegible]

[illegible]

My [illegible]

[illegible]

[illegible] your letter [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

the [illegible]. The witnesses

[illegible] subpoenaed [illegible] to

appear [illegible] on Monday

[illegible]

[illegible]

I will stop them [illegible]

these parties want to know

if their expenses will be

paid [illegible] them [illegible]

[illegible] them

[illegible]

Cherokee D-951

Muskogee, Indian Territory, December 10, 1902.

Messrs. N. A. Gibson & Ed Hastain,

Attorneys for William G. Patzol,

Muskogee, Indian Territory.

Gentlemen:-

There are enclosed you herewith copies of all testimony heretofore taken before the Commission, in the matter of the application of William G. Patzol for enrollment as a citizen of the Cherokee Nation.

You appear of record as attorneys for the applicant in this case. Please sign and return to the Commission your receipt for this testimony.

Respectfully,

Acting Chairman.

Enc. M-180

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

Cherokee D-951

Muskogee, Indian Territory, February 3, 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, rejecting the application of William G. Patzol for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

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

Respectfully,

Acting Chairman.

Enc. M-2182

Cherokee D-951

Muskogee, Indian Territory, February 3, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of William G. Patzol for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision, dated February 2, 1903, rejecting said application.

Respectfully,

Tams Bixby.

Acting Chairman.

Enc. M-3182

Through the

Commissioner of Indian Affairs.

Cherokee D-951

Muskogee, Indian Territory, February 3, 1903.

N. A. Gibson and E. Hastain,

Attorneys for William Patzol,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the record of supplementary proceedings had in the matter of the application of William G. Patzol for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, together with a copy of the Commission's decision, dated February 2, 1903, rejecting said application. There has heretofore been furnished you a copy of the record of proceedings had in the original application.

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

Respectfully,

Acting Chairman.

Enc. M-182

Register.

Cherokee D-951

Muskogee, Indian Territory, February 3, 1903.

William G. Patzol,

Locust Grove, 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, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

There has heretofore been furnished your attorneys, N. A. Gibson and E. Hastain, Muskogee, Indian Territory, a copy of the record of proceedings had in the original application, and there has this day been forwarded to them a copy of the record of supplementary proceedings, together with a copy of the Commission's decision.

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

Respectfully,

Tams Bixby.

Acting Chairman.

Enc. M-181

Register.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

Land
9329-1903.

OFFICE OF INDIAN AFFAIRS,

(COPY) WASHINGTON. December 8, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report of Mr. Bixby, former chairman of the Commission to the Five Civilized Tribes, dated February 3, 1903, transmitting record in the matter of the application of William G. Patsol for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision dated February 2, 1903, rejecting the application.

The applicant, a white man, claims the right to enrollment as a Cherokee citizen by reason of his marriage to Eugenia Davidson, a citizen by blood of the Cherokee Nation, on March 24, 1879, in accordance with the laws of the Cherokee Nation. It appears that the applicant is identified on the 1880 authenticated roll and on the 1896 Cherokee census roll.

Under the decision of the Supreme Court of the United States in the case of Daniel Bird, et al. versus the United States, the applicant is not entitled to enrollment, and it is recommended that his application be denied and the decision of the Commission adverse to him be approved.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

AJW--SD

(C O P Y) Y.P.

D.C.768-1907.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

I.T.D.24834-1906. December 28, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

February 3, 1903, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of William G. Patzol as a citizen by intermarriage of the Cherokee Nation, including its decision dated February 2, 1903, adverse to the applicant.

Reporting December 8, 1906 (Land 9329-1903), the Indian Office recommended that the decision of the Commission be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and the decision of the Commission is hereby affirmed.

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.

1 inc.and 5 to Ind. Of.

Cherokee
D 951.

Muskogee, Indian Territory, January 12, 1907.

N. A. Gibson,

Attorney for William G. Patzol,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, rejecting the application of William G. Patzol for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, December 28, 1906.

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

Respectfully,

Encl.H-142
JMH

Commissioner.

REFER IN REPLY TO THE FOLLOWING:
Cherokee
E 981.

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

Muskogee, Indian Territory, January 12, 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 February 2, 1903, rejecting the application of William G. Patzol for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, December 28, 1906.

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

Respectfully,

Commissioner.

Encl.H-143
JYMH

REFER IN REPLY TO THE FOLLOWING:
Cherokee
D 951.

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

Muskogee, Indian Territory, January 12, 1907.

William G. Patzel,

Locust Grove, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, December 28, 1906.

Respectfully,

JMH

Commissioner.

Cherokee
D 951

Muskogee, Indian Territory, February 7, 1907

William Petzolt,

Pryor Creek, Indian Territory.

Dear Sir:

As requested by your letter of January 25, 1907, the certificate as to your marriage is returned herewith, a copy of same being retained in this office.

Respectfully,

L M B

Commissioner

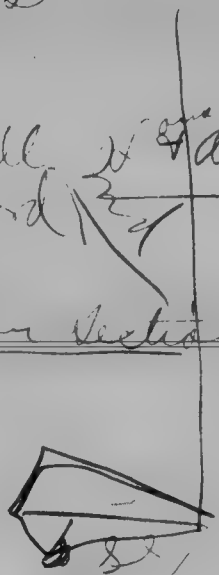
D539

1. Jacob Maxwell

Bangor –

Mulchell & Hatch
Bedford

Bottom section –



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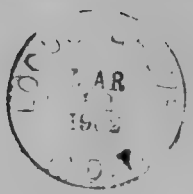
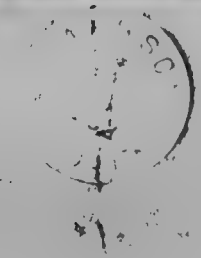
No

J. C. Porter
A. N. Wooster



To J. C. Starr
W W Hastings
Muskogee
I.T.



M. W. Hastings

Muskogee, I. T.

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

LOCAL RECEIVED
MAR
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FEB
25
1902
MUSKOGEE, IND.

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Return to

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2591

~~Mr. William H. Tatum,~~

~~Forest Grove, Indian Territory.~~

J. C. [illegible]

Muskogee, I. T.

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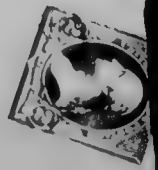
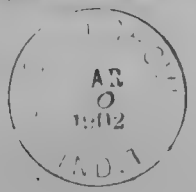
Return to writer

Party addressed was in Muskogee last heard of him —





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REGISTERED.
MAR
MUSKOGEE, IND. TER.

LOCKE
MAR
IND.

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

William C. Patzol,

Locust Grove, Indian Territory.

PRAYOR REC'D
JAN 15 6 PM 1901
PRAYOR REC'D
JAN 16 6 PM 1901
PRAYOR REC'D
JAN 15 6 PM 1901

951

...TER OF THE APPLI

William P. Salzer

FOR ...

Cher D 952

[illegible]

[illegible] Needles, [illegible]

[illegible]

[illegible] your age?

[illegible] your post office address.

[illegible] did not do you live on [illegible]

[illegible] you recognized citizen of the [illegible]

[illegible]

[illegible] have any proof of [illegible]

[illegible] have any marriage license [illegible]

did not have any blanks and [illegible] give me any [illegible] died before I got it from him. I [illegible] claim.

[illegible] any proof [illegible]

[illegible] the name of your wife? A Hattie.

[illegible] citizen by blood? A [illegible], sir.

[illegible] name before [illegible] married her [illegible]

[illegible]

[illegible] did you marry [illegible]

What is the name of your children? A Daisy

[illegible] old is Daisy? A [illegible]

[illegible] the name of the [illegible]

[illegible] of is Bertha? A Four.

[illegible] child? A Elmer.

[illegible] Elmer? A [illegible]

[illegible] have any proof of [illegible] (Census paper to [illegible].)

A [illegible]:--I [illegible] roll.

Q You have got no [illegible] Delaware at all, you have got no [illegible] (No response.)

Q How long have you lived in the Cherokee Nation? A I have lived in the Cherokee Nation ten years.

Q Where did you live before that? A I [illegible] Missouri until I was 15, then I went out west.

Q You never come to the Cherokee Nation until about ten years ago? A No, sir.

BY W. W. HASTINGS, Cherokee Representative:

Q You are now about 36 years of age? A Yes, sir.

Q Have you lived here since the 16th day of February, 1891? A Yes, sir.

Q All the time? A Yes, sir.

1896 Roll; page 374, #376, John T. Ketcher, Commissioner.
1896 Roll; page 312, #355, Hattie Ketcher, "
1896 Roll; page 374, #380, Daisy Ketcher, "
1896 Roll; page 374, #381, Bertha Ketcher, "

BY COMMISSIONER NEEDLES:

Q You say you have got no documentary proof of your marriage, no certificate or anything of the kind? A No, sir.

Q Why did not you get that? A Preacher Haden did not have any blanks when he married us and he died before he filled them out.

Q Anybody here that saw you married? A No, sir.

Com'r Needles:--The name of John T. Ketchum appears upon the census roll of 1896, and he avers that he is a Delaware by blood. The name of his wife, Hattie, appears upon the census roll of 1896. He avers that he was married to her, she being a white person, in the year 1892, but presents no proof of his marriage. The names of his children, Daisy and Bertha, appears upon the census roll of 1896,

and he presents satisfactory proof as to the birth of Elmer, a child born since the census roll of 1896 was compiled.

Applicant presents a certificate of W. H. Mayes, Asst. Executive Secretary of the Cherokee Nation under the seal of the Cherokee Nation, certifying that his name appears upon the census roll of 1893 as an adopted Delaware citizen of the Cherokee Nation. He also presents a copy of a letter from the Commission on of Indian Affairs at Washington, certifying that said John F. Ketchum is entitled to enrollment as a Delaware Indian.

By reason of the fact that no satisfactory proof is presented as to the Cherokee Nation ever admitting the said John F. Ketchum, he having already removed to the Cherokee Nation in 1890, final judgment as to the enrollment of himself as a Cherokee citizen will be suspended and his name will be placed upon a doubtful card, as well as the names of his wife, Hattie, and his two children, Daisy and Bertha, awaiting satisfactory proof as to citizenship and satisfactory proof as to marriage.

---oooOOOooo---

SUPPLEMENTAL TESTIMONY: The Applicant further testified:

INTERROGATORIES BY W. W. HASTINGS, Cherokee Representative:

Q Did your wife apply to the Dawes Commission in 1896? A No, sir, her father was a claimant.
Q She was not included? A I do not know whether she was included or not.
Q Did you authorize the inclusion of her name? (No response.)
Q Did you help pay any expenses? A No, sir.
Q Did you authorize anyone to employ an attorney? A No, sir, I never had anything to do with it.
Q Did you authorize any one to use the name of your wife? A No, sir.
Q Did you draw Delaware money in 1894? A Yes, sir, I have drawn every payment since '90.

---oooOOOooo---

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

J. G. Fosson

Subscribed and sworn to before me this 15th day of December, 1900.

Commissioner.

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

FILED
DEC 13 1900

A. ... HARMAN.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 13 1900 1900.

Name Allison [illegible]

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Nallie Kelchum

District COOWEESCOOWEE. Year 1896 Page 212 No. 365

Citizen by blood No Mother's citizenship

Intermarried citizen No

Married under what law Date of marriage

License Certificate

Names of Children:

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

Marriage certificate or proof thereof of the marriage of the applicant and her husband John R. Kilch[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. January,31st, 1901.

SUPPLEMENTAL TESTIMONY to be filed in case D-#953.

Stephen W. Pittsenberger, having been previously sworn before Commissioner T. B. Needles, testified as follows-

Examined by Mr. W. W. Hastings, Cherokee Representative-

Q What is your name? A. Stephen W. Pittsenberger.
Q What is your age? A. 37.
Q What is your post office address? A. Allowee.
Q Do you know Hattie Ketchum, wife of John Ketchum? A. Yes sir.
Q What was her maiden name? A. Pittsenberger.
Q What was her father's name? A. Henry.
Q Do you know whether her name was embraced in the application of Louisa E. Trotter and Henry Pittsenberger, in case number 3674, on page 34, Record "A", Court number 63 ? A. I suppose it was----all of same family.

By Mr. Hastings:-

* The Representative of the Cherokee Nation calls the attention of the Commission to the fact that he has examined the records in said case and that this name is contained therein.

§ # § # § # § # § # § # § # § # § # § # § # §

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

Subscribed and sworn to before me this the 1st day of February, 1901

Commissioner.

P.

E. D-21. and D-952.

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

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of John R. Ketchum for the enrollment of himself and children as Delaware Cherokees, and also in the matter of the application of Hattie Ketchum for enrollment of citizen of the Cherokee Nation.

Appearances:
E. B. Lawson, attorney for applicants.
W. W. Hastings, attorney for the Cherokee Nation.

The applicants in this case were notified by registered letter February 25, 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, I. T., on the 13th day of March, 1902. On said date the applicants appeared by their attorney E. B. Lawson, and by agreement the case was continued until the 22nd day of March, 1902. The same being this day called, on to-wit: the 22nd day of March, 1902, the applicants appear by their attorney, E. B. Lawson.

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

BY MR. LAWSON: State your name? A John Redman Ketchum.
Q Where do you live? A Up in the Cherokee Nation.
Q How old are you? A I am thirty-five.
Q You are married? A Yes sir.
Q What is your wife's name? A Hattie.
Q Have you any children? A Yes sir.
Q How long have you been living in the Cherokee Nation?
A I have been living there--I came in 1889, the latter part of December.
Q Have you been living here ever since? A Yes sir.
Q What was your father's name? A Jonas Ketchum.
Q Was he an Indian? A Yes sir.
Q What kind of an Indian? Cherokee, Delaware, Shawnee?
A Delaware.
Q Where were you born? A Born in Kansas.
Q What place in Kansas?
A Up on the Indian Reservation there, Leavenworth.
Q Is your mother living? A Yes sir.
Q Is she present here today? A Yes sir.
Q Is she an Indian or a white woman? A She is a white woman.
Q At the time the Delawares came to the Cherokee Nation in 1868, were you brought along with them? A No sir.
Q Did your mother come with your father?
A No, she was out on a visit here about six years ago and stayed a month and went back to her home. Her home is in Missouri.
Q. Did you know Lahom Ketchum? A Yes sir.
Q Where did he live when you knew him?
A Up there on the place I am occupying now.
Q What relation was he of yours? A Uncle.
Q Did you know your father, Jonas,
A No sir, I was too small. I don't remember anything about him.

Q When you came to the Cherokee Nation in 1889 or 1890, was your father living? A Ye sir.
Q Was your uncle, Lahom Ketchum living? A Yes sir.
Q How do claim citizenship in the Cherokee Nation?
A By adoption, adopted Delaware.
Q Is your name on that list of the Delawares that came to the Cherokee Nation in 1869, made by the Delaware Agent, Dr. Pratt?
A Yes, it is on that list. Right under my father's name as John Redman.
Q What was your father's name? A Jonas Ketchum.
Q When you came down to the Cherokee Nation in 1889 or 1890, what did did you do to get your rights?
A I made application to Chief Journeycake first.
Q Who was he?
A xxxx He was the Chief of the Delawares, and I went to him and he told me how to proceed.
Q Did the Delawares adopt you?

MR. HASTINGS: I submit that that would not be evidence of citizenship in the ~~Xxxxxxx~~ Cherokee Nation if the Delawares did adopt him. Do you contend that that would give him any standing in the Cherokee Nation if they did adopt him? The very question itself is not admissible in itself. I cannot see that it is admissible on any ground.

MR. LAWSON: Did the Delawares adopt you? A Yes sir.

MR. HASTINGS: Was there any record of that.

MR. LAWSON: I have certified copies of it here.

MR. HASTINGS: Their adoption must be a matter of record, and the record is the best testimony.

MR. LAWSON: Go ahead and tell what you did?
A They held a council and admitted me, and then sent it to the Agent, and he sent it to the Commissioner of Indian Affairs.

MR. LAWSON: Now I desire to introduce in evidence certified copies of the acts of the head men of the Delaware Tribe, viz: Charles Journeycake, Chief of the Delawares, Captain Curleyhead, Silas H. Conner, the head men of the Delaware tribe, adopting, or rather, recommending the adoption of John Redman Ketchum as a Delaware Indian. They recommended his adopition on the ground that he is the son of Jonas Ketchum, a Delaware Indian, who came to the Cherokee Nation in 1868 with the remainder of the Delawares.

The said Acts of the Head men are as follows:

Al-lu-we Ind. Ter.,

Nov. 12th, 1890.

We the undersigned, Chiefs, Counsellors and Headmen of the late Delaware tribe of Indians hereby certify that John Redmond Ketchum has been duly recognized and acknowledged as a member of the late Delaware tribe of Indians and entitled to participate in the annuities, and all the rights, privileges and immunities of said tribe. That he is the son of Jonas Ketchum and Mrs. Jane Cornet who is a white woman who were married in Kansas, who separated when the child John Redmond Ketchum was three years of age, the mother taking the child. That the names of both Jonas Ketchum and John Redmond Ketchum appear on the rolls of the Delaware tribe as incorporated

ith the Cherokee Nation, that the Cherokee Nation received payment for both Jonas Ketchum and John Redmond Ketchum. That during his long absence with his mother the name of John Redmond Ketchum was dropped from the rolls. We hereby direct that his name be restored to the rolls and that he be paid his share of the Annuity payment made by Lee. E. Bennett U. S. Indian Agent Union Agency, I. T., this 12th day of November 1890, and all succeeding payments be made, and otherwise enjoy all rights and privileges as a member of the late Delaware tribe of Indians.

Charles Journey cake (Witness)
Captain Curleyhead his x mark. Fred. Morris.

I the undersigned, one of the Headmen of the late Delaware tribe of Indians hereby certify that I am not acquainted with the facts as above set forth, relative to the identity of John Redmond Ketchum, but ~~I have no objection to acknowledging the rights of the said John Redmond Ketchum and receiving him into the said tribe of Delawares, and enjoying all the rights and privileges of said tribe.~~

I further certify that whenever the claimant identifies himself to me as the son of Jonas Ketchum who was a member of the late Delaware tribe of Indians as above set forth, I will be willing to acknowledge the said John Redmond Ketchum as a member of the said Delaware tribe of Indians and entitled to participate in the annuities and other rights, privileges and immunities of such citizenship.

Silas H. Conner.

(Seal)

MR. LAWSON: I also desire to introduce certified copies of the affidavits of W. P. Youngblood, Jane Sullivan and Rise Miller in support of the application of John Redman Ketchum for membership in the Delaware tribe of Indians.

The affidavit of W. P. Youngblood is as follows:

State of Arkansas)
)
County of Carroll.)

W. P. Youngblood being duly sworn deposes and says that I am well acquainted with John Redmond Kitchum that he is a half brother of mine that I have known him since his birth twenty five years, I am a son of Ew. Youngblood that my father and mother separated and that my Mother and Jonas Ketchum afterwards married and that John Redmond Kitchum marred was the fruits of said marriage that he is the only son and heir of Jonas Kitchum that John Redmond Kitchum is now a resident of Allewee Indian Territory.

Attest Len Numally,
W. C. Charles.

his
W. x P. Youngblood.
mark

(Seal)

Sworn and subscribed to before me this Oct. 23" 1890.

Len Numally Clerk
Carroll Circuit Court.

(Seal)

State of Arkansas,)
)
County of Carroll.)

Jane Sullivan being duly sworn deposes and says she is the wife of Roger Sullivan and the Mother of John Redmund Kitchum who is a resident of Alluwan Indian Territory that the said John Redmund Kitchum is the son of Jonas Kitchum who was my husband of a former marriage that John Redmund Kitchum was born Sept. 12" 1865, on the Delaware Reservation near Leavenworth Kansas, and that he is the only son and heir of Jonas Kitchum.

Attest Len Numally

W. C. Charles.

her
Janex Sullivan.
mark

(Seal)

Subscribed and sworn to before me this Oct. 23rd, 1890.

Len Numally Clerk

(Seal)

Carroll Circuit Court.

Alleowe, Ind. Ter.

Jany. 15th, 1891.

Personally appeared before me J. E. Campbell a U. S. Commissioner for the Western Dkstrict of Arkansas Suse Miller who states under oath as follows: That he is a member of the Delaware tribe of Indians, thathis name appears upon the original roll of the Delawares who elected to remove from their former reservation in Northern Kansas to the Cherokee Nation and that he is 53 yrs. of age, that about the year 1860 he became acquainted with Jonas Ketcham a Delaware Indian and member of the Delaware Tribe of Indians, that during the year 1865 said Jonas Ketcham and Jane Cornett were living together as man and wife, that in the year 1867 there was born to them a son who was named John Ketcham, that about six months afterhis birth the parents were separated, that the mother kept the child, that he was sent by Jonas Ketcham to get the child from its mother, that he made under instructions of Jonas Ketcham two trips for that purpose but the mother refused to give him up, yet stated that it was Jonas Ketchams child and that if he would come himself he could have him, that he had not seen John Ketcham since his infancy until about one year ago, that he fully believes that the John Redmun Ketcham who now claims to be the son of Jonas Ketcham is the identical John Ketcham that he knew in his infancy and that he is a bonefide Delaware Indian and as such is entitled to all the rights of a member of the Delaware tribe, that he recognizes in him a strong resemblance to Jonas Ketchum and Jonas Ketchums family, that he is not related to any of the parties and has no interest in the matter involved.

Attest
J. E. Campbell

Suse Miller his x mark

Sworn to and subscribed before me on this the 15th day of Jany. A. D. 1891.

(Seal)

J. E. Campbell,
U. S. Commissioner.

The foregoing affidavtits bear the following endorsement:

Filed
in case of
John R. Ketchum, Plaintiff,
James Mehlin,
Henry Armstrong, Defendant.
this the 3rd day of June, 1895.
Joe T. Lahay, Clerk.

Department of the Interior.
Commission to the Five Civilized Tribes.
F I L E D
Dec. 13, 1900.
Tams Bixby,
Acting Chairman.

There is also introduced in evidence certificate from the Secretary of the Interior, showing that the said affidavits, letters and Acts of the Delaware Council heretofore referred to are on file in theofficeof the Department of the Interior, which certified affidavits and Acts of the Delaware Council are now in the possession of the Commission to the Five Civilized Tribes.

The Certificate is as follows:

Department of the Interior.
Office of Indian Affairs.
Washington, May 20th, 1895.

I, Thomas P. Smith, Acting Commissioner of Indian Affairs, do hereby certify that the papers hereto attached are true copies of the originals as the same appear of recordin this office.

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

(SEAL)

THOS. P. SMITH,
Acting Commissioner.

MR. HASTINGS: The Cherokee Nation most strenuously objects to the introduction of this evidence, for two reasons. First, the action of the Delaware could not have any force or effect on the Cherokee Nation. The Delawares, under the law, have no authority to admit a man to citizenship in the Cherokee Nation. While under their rules and regulations they may have a right to admit a man to be a Delaware, yet they have no authority to make him a Delaware citizen of the Cherokee Nation.
Second, The Cherokee Nation strenuously objects to the introduction of this evidence, these affidavits, which have never yetbeen received by this Commission. These are affidavits in their own interest, and the witnesses are living and obtainable, and should be brought here to be cross examined by the Cherokee Nation. The Nation contends that a certified copy of an affidavit cannot be any better than the affidavit itself, and if the original should not, certainly a certified copy should not be received.

MR. LAWSON OF WITNESS: When did you first learn who your father was and that you were entitled to citizenship rights here in the Cherokee Nation?

MR HASTINGS: The Nation objects to the question, because it is entirely irrelevant and immaterial. This man's right must do end upon himself. He stated that he never came to this country until 1889. His rights are not descendible from his father, but he must stand upon his own rights.

WITNESS: It was about 1881 or 1882. I came down here in 1882 and stopped a little while at Claremore and made inquiries, but could not find any of my people, and then I went on West.
Q Who do you mean by your people?
A My father, thatis all the people I knew I had at that time.
Q Did you find your uncle at that time? A No sir.
Q When did you find him? A In 1889.

MR. HASTINGS: Is your mother yet living? A Yes sir.
Q She was alive in 1881 and 1882, when you was down here looking for your relatives? A Yes sir.
Q You have livedwith her--
A No sir, not since 1882.
Q Up until 1882? A Yes sir.

MRS. JANE SULLIVAN, being first duly sworn, and being examined, testified as follows:

MR. LAWSON: State your name. A Jane Sullivan.
Q How old are you, Mrs. Sullivan. A Seventy on the 3rd day of March.
Q Where do you live? A Live in Stone County, Missouri.
Q Do you know John Redman Ketchum? A Yes sir.
Q What relation is he of yours? A He is my son.
Q Did you know thefather of John Redman Ketchum? A Yes sir.
Q What was his name? A Jonas Ketchum.
Q What relation, if any, did hem bear to you? A My husband.
Q Where did he marry you? A I can hardly tell, it is so long ago. Between Wyandotte and Kansas City, in that country there.
Q How long did you live with Jonas Ketchum as his wife?
A Pretty near two years.
Q Was John Redman Ketchum born while you and Jonas Ketchum were living together as man and wife? A Yes sir.
Q Where was John Redman Ketchum born? A I cannot think, ithas been so long.I think we were living on his place there between Wyandotte and Kansas City.
Q On the Delaware Indian reservation? A Yessir.
Q Was Jonas Ketchum, your husband, an Indian? A Yes sir.
Q What kind of an Indian washe, what blood? A Delaware.
Q When did you and Jonas Ketchum separate? A I can hardly remember
Q What is your best recollection?
A It hasbeen so long ago, and I amso old.
Q Was it after John Redman was born? A Yes sir.
Q About how long after John Redman was born did you and your husband separate?
Q I asked you, Mrs. Sullivan, how long after John Redman was born that you and your husband separated. How old was he at the time you and your husband separated?
A He was not quite a year old, I don't think. Maybe he was a yearold
Q What is your recollection as to when John Redman was born?
A I can hardly recollect, it is such a long time.
Q What month was he born in? A September, the 12th.
Q Did you know Dr. Pratt, the Indian Agent?
A Yes, I was down to his house many a time.
Q Where did you know him. A In the Delaware territory.
Q In Kansas? A Yes sir.

Q Were you prese t when Jonas Ketchum enrolled himself on the 1867 roll, wh Dr. Pratt? A Yes sir.
Q Was your son, John Redman Ketchum enrolled at that time? A Yessir.
Q Where was he enrolled? A At Pratt's house, thatis where we went
Q Who enrolledhim? Who gave his name in to Dr. Pratt?
A I believe his pa did. I can hardly remember, it is so far back.
Q What did Jonas Ketchum call his son? A Johnnie Redman Ketchum.
Q Did Jonas Ketchum come to the Cherokee Nation with the remainder of the Delawares in 1868? A I don't recollect.
Q Did he come d wn here with the Delawares in 1868
A Yes, he came w th them.
Q Did John Redman come with them? A No sir.
Q Had you and Jonas Ketchum separated when he came do n here?
A Yes, wehad.
Q Why didn't Jonas bring the little boy along with him?
A Because I hadhim away from him
Q Did he try to get him? A Yes sir.
Q When did you first tell John Redman who his father was?
A I don't think I told him until he was about twelve years old, or thirteen.
Q After he got up to be a right smart boy? A Yes sir.

MR. HASTINGS: How old are you? A Seventy on the 3rd day of March.
Q Who was your first husband? A William Youngblood.
Q You and him separat ed? A Yes sir.
Q Where did he go to? A He lived back there when I did. He is dead.
Q When did he die? A It ha been over two years ago.
Q You never were divorced from him? A Yes sir.
Q Have you got a copy of that divorce? A No sir, I have not, but it has been years ago.
Q Where were you divorced from him? A IN Carroll County.
Q What state? A I don't recollect.
Q In the State of Maine, A I think so, I don't recollect.
Q Was it in Kansas? A No sir, in Carroll County.
Q What state were you living in, Missouri, Ohio or where?
A It must have been Arkansas.
Q What was your next husband's name? A Sullivan.
Q Were you married to Sullivan by a preacher? A Yes sir.
Q Where, A Itis hard to recollect.
Q Before the war? A After the war.
Q Sullivan was your second husband?
A No sir, I am too fast. I married a man by the name of Cornick.
Q When did you marry him? A Before the war.
Q What became of him? A He is dead.
Q When did he die? A Just as the war began to break up.
Q After the war was over did he come home?
A Yes sir, he came home and died.
Q Do you rememberthe year he died? A No sir, I can't remember.
Q About how long a ter the war? A About a year, pretty near a year
Q Did he die in thespring of 1866? A Must have been.
Q How long after Cornick d ed that you married Sullivan.
A Two or three years.
Q You are positive he was your next husband? A Yes sir.
Q You have been living with him ever since? A Yes sir, until he died.
Q When did he die? A About twelve years ago.
Q You never was married to Jonas Ketchum?
A Yes sir, I married Jonas Ketchum.
Q Who marri ed you? A I don't remember, but I think it was a minister. It has been so long.
Q Did you have any license? A Yes sir.
Q In what county did you marry? A Married right there on his place
Q What county? A I don't know the name of the place.

Q Do you know what time of the year it was when you married him?
A I hardly remember, I think it was in the fall. It seems to me like it was in the fall.
Q Do you know now how long after the war that was? A No sir.
Q You don't know? A No.
Q You, of course, went over there to him enroll, and he put your name down, and your husband's and your child's? A Yes sir.
Q You are positive of that? A Yes sir.
Q You was there and saw it? A Yes sir.
Q What was your name then? A Cornick.
Q You had your name put down as Cornick? A That was my name.
Q After you was married to Jonas Ketchum? A Went by the name of Ketchum.
Q I am talking about the time you went over to enroll, if you remember about it. I want to know if you enrolledyour name there with your husband's and your child's. A I don't remember whether my name was enrolled or not.
Q Why do you remember the child?
A I remember holding him up, and my name was enrolled too.
Q What was he enrolled as, Ketchum? A Yes sir.
Q What was his first name. A John.
Q Then you enrolled yourself, your husband and this boy? Why didn't you enroll it as John Redman Ketchum. A I din't recollect.
Q You don't remember 35 years back, just how that boy was enrolled, do you? A No sir, I don't. I can't remember everything. Some things I can remember, and some things I can't. It is a long time.

MR. LAWSON: Who was your fist husband? A William Youngblood.
Q Then whom did you marry? A Cornick.
Q Then whom? A Jonas Ketchum.
Q Then whom? A Sullivan.
Q You have been married four times? A Yes sir, but they are all dead.
Q You are a white woman? A Yes sir.
Q You state that you were lawfully married to this man Jonas Ketchum. A Yes sir.
Q You state that you were present when this boy was enrolled,
A Yes sir.
Q You know that your son John Redman's name was put on there?
A Yes sir, I know that they put it on.
Q Do you know whether John Redman drew any money before you and Jonas separated? A Yes sir. One time with the Delawares.

MR. HASTINGS: You know that your name was put on there with theirs.
A I can't tell.
Q You know it just the same as thathis name is put there?
A I know I was to have had it put there.
Q You went there to have the child's name put there? A Yes sir.
Q You know it was enrolled just like your own?
A I know it was.
A How? A Because I heard them read it there.
Q Cornick was your second husband, was he? A Yes sir.
Q Who married you to Cornick? A Jim Myers.
Q ~~What~~ Who married you to Jonas Ketchum? A I can't recollect.

Q Why is it you can recollect who married you to everyone else except this one time. A I just can't remember.
Q You don't know the state county or place? A It has been so long.
Q It has been longer since you married Cornick? A Yes.
Q It is longer back to your first husband.
A So me things I can recollect.
Q You can't give us any information as to where to send for that divorce from your first husband. A No, for the man is dead. You can find out back here in Arkansas.
Q Back here in Arkansas, Carroll County? A Yes sir.

WILLIAM YOUNGBLOOD, being first duly sworn, and being examined, testified as follows:

MR. LAWROW: State your name? A William Youngblood.
Q Where do you live? A Stone County, Missouri.
Q How old are you? A Born in 1854.
Q Are you acquainted with Mrs. Sullivan? A Yes sir, I ought to be.
Q What relation, if any, is she to you? A She is my mother.
Q Do you know John Redman Ketchum? A Yes sir.
Q How long have you known him? A I have known him all his life.
Q What relation, if any, is he to you? A Half brother of mine.
Q Did you know John Redman Ketchum's father? A Yes sir.
Q What was his name? A Jonas Ketchum.
Q How old were you when Jonas Ketchum and your mother, Mrs. Sullivan, were married? A I expect I was 11 or 12 years old.
Q Where were they married? A Married in Kansas in the Delaware Nation.
Q Near what place? A It is about fifteen miles from Wyandotte, North, up the river.
Q Were Jonas Ketchum and his wife living together when John Redman was born? A Yes sir.
Q Where were they living? A Living within the Delaware Nation, on Jonas' place.
Q How old was John Redman when your mother and Jonas Ketchum separated.
A He must have been right close to a year old, eight months or a year old.
Q Where were they living when they separated?
A On the Delaware Nation, on the old ~~[illegible]~~ man's place.
Q What old man? A Jonas Ketchum.
Q Was Jonas Ketchum a Delaware? A Yes sir.
Q Do you know whether or not John Redman Ketchum drew any money before his father and mother separated?
A I know before that they went to a certain place and drew money, and they said that he made one drawing, but of course I never went. He made one drawing to the best of my recollection.
Q What did Jonas Ketchum call his son? A John Redman.
Q Where were you living when your mother and your father Youngblood separated? A We were living in Arkansas.
Q What County? A Boone County.
Q Boone County, Arkansas? A Yes sir.
Q Do you know where your mother got a divorce from Youngblood?
A At Galena, I think. Galena, Missouri.
Q Were you living there then? A I guess we were I don't recollect. I was quite small.
Q You don't know where she got the divorce?
A Not for certain, but I have heard her say, I think.
Q Youngblood and his wife, Mrs. Sullivan now, were not living together when she married Jonas Ketchum? A No sir.

MR. HASTINGS: She married Cornick after Youngblood and she separated? A Yes sir.
Q How long did she and Cornick live together?
A I don't recollect exactly how long.
Q Did they separate before he died? A No sir, he died.
Q Do you remember when he died? A I don't remember exactly the year.
Q Was it after the war? A It seems to me right about the commencement of the war.
Q Who married your mother to Jonas Ketchum?
A I don't know the man's name.
Q About how old was John Redman Ketchum, the applicant, when Jonas Ketchum separated from your mother?
A He must have eight months or a year old.
Q What did his father call him, John Redman Ketchum?
A That is what he called him.

Q You remember of his selling an eight months old child, about 35 years ago, John Redman? A Yes sir.
Q You are absolutely certain of that proposition? A Yessir.

JESSE MILLER, being first duly sworn, and being examined, testified as follows:

MR. LAWSON: State your name? A Jesse Miller.
Q Where do you live? A Live at Watova.
Q Indian Territory? A Yes sir.
Q How long have you lived in the Cherokee Nation? A Thirty-four years.
Q How old are you? A I am sixty-five.
Q Did you know Jonas Ketchum? A Yes sir.
Q Did you know his wife, Mrs. Sullivan now? A Yes sir.
Q Where did they live when you knew them? A In Kansas.
Q What place in Kansas? A Between Leavenworth and Lawrence.
Q On the Delaware Reservation? A Yes sir.
Q Do you know John Redman Ketchum. A Yes sir.
Q Whatis the name of his father? A Jonas Ketchum.
Q Was he a Delaware? A Yes sir.
Q Where were Jonas Ketchum and his wife living when John Redman Ketchum was born? ?
A Living in thesame place where he was living.
Q Where was that? A Between Lawrence and Leavenworth.
Q In the Delaware Indian Reservation? A Yes sir.
Q Do you know the time that the Delawares came to the Cherokee Nation, in 1868? A Yes sir.
Q Did John Redman Ketchum come along at that time? A No sir.
Q Do you know why Jonas Ketchum did not bring John Redman along?
A Yes sir.

MR. HASTINGS: The question is objected to by the representative of the Cherokee Nation because the same is irrelevant. This man did not come in, did not come until kxxx after he arrived of age some three or four years.

WITNESS: I went after the babe when he was about a year old.
Q What babe? You mean John Redman? A Yes sir. And the old lady told me to go back, because that man did not come with me. That is the last I saw of it.
Q How close did you live to Jonas Ketchum and his wife?
A About half a mile.
Q Were you living there when John Redman was born? A Yes sir.
Q Do you know whether John Redman drew any money, any Delaware money, beforehis father and mother separated.
A No, I don't know.
Q How old was John Redman when Jonas Ketchum and his wife separated?
A One year old, or a little over

MR. HASTINGS: What was John Redman Ketchum's mother's name when Jonas Ketchum married her? A I don't know.
Q Don't you know her. A I don't know the name.
Q How many times had she been married before? A I don't know.
Q What year was John born? A In 1866
Q What time of the year? A In the fall, I don't know what month.
Q What time did you leave there to come down here?
A It was in the winter, after New Year, in 1868.
Q When did you go over there after John? A Before that.
Q How long A Just about--I think it was in the summer.
Q Of 1867? A Yes sir
Q How do you pretend to tell this Commission that you went up there to take a nursing babe away from its mother's breat?
A They sent me.

Q It was nursing, wasn't it, at that time?
A Yes sir, it was one year old.

MR. LAWSON: Who sent you up to try and get the babe?
A Old Man Ketchum.
Q Jonas Ketchum, the father of the child? A Yes sir.

There appears on the Registry, Allotment, Valuation, &c., Delaware Diminished Reserve, Treaty July 4th, 1866, on page 66, number 743, the name of Jonas Ketchum, and on the same page, number 744, the name of John Redman. The name of John Ketchum does not appear of record on said page.

John F. Ketchum recalled.

MR. LAWSON: Mr. Ketchum, when did your father die?
A In the year 1870.
Q In the Cherokee Nation? A Yes sir.
Q That is your information? A Yes sir.

MR. HASTINGS: I want to introduce the original record in Court No. 63, the same being the number of the case of Louisa E. Trotter, appeal from the Dawes Commission, in 1896.

MR. LAWSON: We object to the introduction, for the reason that the record in that case is incompetent testimony in the application of John F. Ketchum, and for the further reason that same is immaterial.

This record is introduced for the purpose of showing that his wife applied to the Dawes Commission in 1896, and was rejected.

The record is as follows:

2674. Louisa E. Trotter, Christopher Pittsenbarger, Henry Pittsenbarger, Francis M. Pittsenbarger, Mary A. Reed, Chas. M. Laucher, Lewis M. Harm, Thomas Jefferson Pittsenbarger, Francis A. Crosswhite, et al.,	Filed Sept. 5-1896. Answer filed. Application denied.
vs.	Judgement sustained. Court No. 63.
Cherokee Nation.	Robert J. Downing, Vinita, I.T.
Appealed.	

Louisa E. Trotter, et al
vs. No. 63.
Cherokee Nation.

Mr. Edgar Smith, Special Master to whom this case was referred, submits the feleving report:

IN THE UNITED STATES COURT OF THE INDIAN TERRITORY.

NORTHERN DISTRICT, AT MUSKOGEE.

Louisa E. Tretter, et al., vs. Nos 63. 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:-

-I-

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,
Flora Belle Miller,
John F. Tretter,
Carl Tretter,
Maggie V. Fields,
Pexey R. Tretter,
Ruby C. Tretter,
George A. Huntsinger,
Craton L. Miller,
Cleo Miller,
Gracie A. Brown/
Geldie Brown,
Hazel E. B. Tretter,
Gaither G. Tretter,
Lula Tretter,
Christopher Pittsenbarger,
Steven A. Pittsenbarger,
Marcus L. Pittsenbarger,
Rosalla H. Pickerell,
Lenard G. Pittsenbarger,
Carry L. Eggleston,
Leona Eggleston,
Floyd Eggleston,
Harriet Ketchum,
Wm. R. Pittsenbarger,
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,
Albert V. Tretter,
Lovina C. Brown,
Wm. A. Tretter,
James H. Tretter,
Lena P. Tretter,
Gladys F. Tretter,
Lyle E. Tretter,
Carl Miller,
Lester R. Miller,
Emly A. Brown/
Mable M. Brown/
James L. Brown,
Dale B. Tretter,
Iva Tretter,
Ruby Fields,
John A. Pittsenbarger,
Charles M. Pittsenbarger,
Alma J. Pittsenbarger,
Jacob C. Pittsenbarger,
Mary L. Pittsenbarger,
Harry Eggleston,
Elizabeth Eggleston,
Henry Pittsenbarger,
May C. Thompson,
Francis M. Pittsenbarger,
Chas. A. Pittsenbarger,
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,

Lora McCabe,
Robert F. McCabe,
Stella F. Chase,
Louella M. Chase,
William A. Lauchner,
Martha Jennings,
Sulla M. Lauchner,
Maude Lauchner,
Ray J. Jennings,
Ula Belle Jennings,
Mary May York,
William H. Coleway,
Ola M. Lawrence,
Lewis M. Harman,
Sarah E. Couch,
Margarette Bray,
Paskell Harman,
Lela Bacon,
Emma Harman,
Minnie Harman,
Charles E. Couch,
Fannie Couch,
Maggie F. Harman,
Belle Bray,
Alice Bray,
Orie R? Harman,
Mable Harman,
Lawrence McCabe,
Isa ac McCabe,
Nellie B. Chase,
Charles M. Lauchner,
Sarah York,
Grat Lauchner,
Clarence M. Lauchner,
James E. Lauchner,
Amsta M. Jennings,
Pasella York,
Charles William York,
Thomas Jefferson Pittsenbarger,
Jessie S. Lawrence,
Peter M. Harman,
Charles O. Harman,
James Harman,
Lewis O. Harman,
Lewis F. Harman,
William Harman,
Eva Harman,
Maggie Couch,
William M. Harman,
Lewis A. Harman,
Mary Bray,
Samuel Bray,
Leo Harman,
Claude C. Bacon,
Grant Harman, praying admission to the rights of Cherokee Citizenship claiming through Christopher Harman he 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.

-II-

That said applicants filed in support of their application the affidavits of the following named persons to-wit:
Mary A. Reed,
M. L. Reed,
John Pittsenbarger,
Carrie Eggleston,
Francis Crosswhite,
Craton Miller,
Elizabeth A. Brown,
Lewis M. Harman,
William Matery,
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;

-III-

That Louisa E. Tretter, Christopher Pittsenbarger, Henry Pittsenbarger, Francis M. Pittsenbarger, Mary A. Reed and Thos. 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 said application.

That Chas. 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;

The lineal descendants of the aforesaid Louisa E. Tretter are as follows:

Albert V. Tretter,	son
Flora Belle Miller,	daughter,
Lorena C. Brown,	daughter,
John P. Tretter,	son
William A. Tretter,	son,
Carl Tretter,	son,
James H. Tretter,	son,
Maggie V. Fields,	daughter,
Lena P. Tretter,	Granddaughter,
Roxey R. Tretter,	grandson,
Gladys F. Tretter,	granddaughter,
Ruby C. Tretter,	granddaughter,
Lyle E. Tretter,	grandson,
George A. Hutchinger,	grandson
Carl Miller,	grandson,
Grayton L. Miller,	grandson,
Lester R. Miller,	grandson,
Cleo Miller,	granddaughter,
Emily A. Miller,	granddaughter,
Gracie A. Brown,	granddaughter,
Mable M. Brown,	granddaughter,
Galdie Brown,	granddaughter,
James L. Brown,	granddaughter,
Hazel E. B. Tretter,	grandson,
Dale B. Tretter,	grandson,
Gaither G. Tretter,	grandson,
Iva Tretter,	granddaughter,
Lula Tretter,	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 H. Pickerell,	daughter,
Jacob C. Pittsenbarger,	son,
Lenard G. Pittsenbarger,	son,
Mary L. Pittsenbarger,	daughter,
Carry L. Egglesten,	daughter,
Harry Egglesten,	grandson,
Leona Egglesten, granddaughter,	
Elizabeth Egglesten,	granddaughter,
Floyd Egglesten,	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,
William McCabe,	son,
Isaac Reed,	son,
Sarah Chase,	daughter,
William F. McCabe,	grandson,
James B. McCabe,	grandson,
Minnie McCabe,	granddaughter,
Lynold McCabe,	grandson,
Albert C. Casto,	grandson,
James R. Casto,	grandson,
John A. Casto,	grandson,
Myrtle Casto,	granddaughter,
William Casto,	grandson,
Chas. Casto,	grandson,
Mary C. Cox,	granddaughter,
Elmer McCabe,	grandson,
Bessie McCabe,	granddaughter,
Stella McCabe,	granddaughter,
Lora McCabe,	granddaughter,
Lawrence McCabe,	grandson,
Robert McCabe,	grandson,
Isaac McCabe,	grandson,
Stella F. Chase,	granddaughter,
Willie B. Chase,	granddaughter,
Louella W. Chase,	granddaughter,

That the lineal descendants of the said Charles M. Lauchner are as follows:

William A. Lauchner,	son,
Sarah York,	daughter,
Martha Jennings,	daughter,
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,
Rasella 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 Jessie S. Lawrence are niece and grandniece respectively of the aforesaid Thos. J. Pittsenbarger;

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 G. Harman,	son,
Lola Bacon,	daughter,
Lewis F. Harman,	grandson,
Emma Harman,	granddaughter,
William Harman,	grandson,
Minnie Harman,	granddaughter,
Eva Harman,	granddaughter,
Chas. E. Couch,	grandson,
Maggie Couch,	granddaughter,

Fannie Couch,	daughter,
William L. 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 hereinbefore shows; 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 memberof 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 Indian Territory; that the evidence does not show that any other 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-

Applicants contend, they having shown that they are Cherokees 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.

Master's fee paid.

Respectfully submitted this 28 day of Sept. 1897.

Edgar Smith,
Special Master.

IN THE UNITED STATES COURT OF THE INDIAN TERRITORY,

NORTHERN DISTRICT, AT MUSKOGEE.

Louisa E. Trotter, et al,	)	
vs. No. 63.	)	Supplemental report.
The Cherokee Nation.	)	

Now attention having been called to the fact that the names of some of the applicants embraced herein have been omitted from the foregoing report, I herewith submit the followin 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 W., 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 in 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 John A. Castoe who was also the 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 W. Isaac McCabe are children of Wm. F. McCabe also the son of the aforesaid Mary A. Reed;

Gertrude York is the daughter of Sarah York who is the daughter of Chas. M. Lauchner mentionedin the foregoing report;

Stephen Wesley and Louella Pittsenbarger are the children of Thos. J. Pittsenbarger mentioned in the foregoing report;

Rena Parish is a daughter of Henry Pittsenbarger mentioned in the foregoing report;

That the evidence in the foregoing ~~xxx~~ case does not show how long the said Louisa E. Trotter has resided in the Cherokee Nation; that the family was originally from the state of Tenn.

Respectfully submitted, 7/28/97.
Edgar Smith,
Special Master.

Louisa E. Trotter, et al,

vs. No. 63. Additional report.

The Cherokee Nation.

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 R., 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.
Edgar Smith,
Special Master.

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.	)	

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 V. Pittsenbarger and his family, Henry Pittsenbarger and his family; Thos. Jefferson Pittsenbarger and his family, Olla Lawrence 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, Wm. Castoe, Chas. V. 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 improvements 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.

Respectfully submitted this 16th day of May, 1897.

Edgar Smith,
Special Master.

BY THE COURT:

It seems 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 have 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 nonresidents 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 application of the claimants to be enrolled as citizens of the Cherokee Nation is denied

Endorsed as follows:

Louisa E. Trotter, et al
vs. No. 63.
The Cherokee Nation.

Report of Special Master.

FILED
Sep 30 1897
Jas. A Winston,
Clerk.

The attorney for the applicant files brief.

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

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

Wm Hutchinson

Cherokee D-952.

[illegible] Department of the Interior,
Commission to the Five Civilized Tribes,
[illegible], I. T., October [illegible], 19[illegible].

[illegible] application of [illegible] for the enrollment [illegible] citizen of the Cherokee Nation by intermarriage.

It appears from the records of the Commission that on July 16, 19[illegible], a decision was rendered in the matter of the application of [illegible] Curtis [illegible] for the enrollment [illegible] citizen [illegible] that the application for enrollment should be denied, and it was so ordered. It further appears that on the 20th day of July, 19[illegible], the attorney for the Cherokee Nation, W. F. Thompson, and the attorney for the applicant [illegible] that the record of the proceedings in the case, including the decision of the Commission, with the exceptions of the applicant, had been forwarded to the Secretary of the Interior for his review and consideration. Under date of August 1[illegible], 19[illegible], the Secretary of the Interior held that the applicant was entitled to enrollment as a citizen by intermarriage, and reversed the decision of the Commission rendered July [illegible], 1902, and directed the Commission to enroll the applicant upon no other objection appearing.

Applicant appears by her attorney, W. F. Thompson; Cherokee Nation [illegible].

W. F. Thompson: Comes now the applicant by her attorney and objects to any further proceedings in this case for the reason that on notification by the Dawes Commission both parties, namely the applicant and the attorneys for the Cherokee Nation, appeared before the Commission on March 14, 1902, for the purpose of taking final action and closing said case, and the records in the case show that on March 14, 1902, the applicant submitted the case and the attorney for the Cherokee Nation submitted the case to the Commission for final consideration; that a decision of the Commission was rendered to applicant denying the right of enrollment, notifying applicant that said decision had been forwarded to the Secretary of the Interior for his action; that the Commissioner of Indian Affairs on the 31st day of July, 1902, recommended to the Secretary of the Interior that the decision of the Commission be overruled or reversed, and that applicant be admitted and enrolled; that on August 1, 1902, the Secretary of the Interior approved the recommendation of the Acting Commissioner of Indian Affairs, and reversed the decision of the Commission and ordered that applicant be enrolled; that said action of the Secretary of the Interior is final in this case. The case having been closed by all parties on March 14, 1902, and the case decided by the Commission and referred to the Secretary of the Interior for final decision, this decision, applicant contends, is res adjudicata.

W. H. Hastings: Comes now the Cherokee Nation and represents to the Cherokee Nation that the Cherokee agreement submitted by act of Congress approved July 1, 1902, to the Cherokee people and ratified by the Cherokee people on August 7, 1902, directing the Commission to [illegible] the rolls of the Cherokee Nation as of date September 1st, 1902, and the Commission is directed to enroll all persons entitled under section twenty-one of the Curtis Bill and the amendments thereto, who are living and in being on the first day of September, 1902.

The Cherokee Nation further represents that the testimony in this case was closed and submitted to the Commission on the 14th day of March, 1902, and that the Commission on the 16th day of July, 1902, rejected the applicant, Carrie Smith, and the case was forwarded to the Secretary of the Interior for review, and that the Secretary, upon the testimony submitted to the Commission on and before March 14, 1902, reversed the decision of the Commission and the Commissioner of Indian Affairs and directed that if no further objections appear that the applicant should be enrolled as a citizen of the Cherokee Nation by intermarriage, which amounts to saying, that if there is no other objection that the applicant, Carrie Smith, was entitled to be enrolled as a citizen of the Cherokee Nation upon the date namely March 1, 1902, upon which the case was submitted by both sides to the Commission for final determination. The Cherokee Nation further represents that it has testimony which shows that the applicant, subsequent to March 1, 1902, subsequent to July 16, 1902, when a decision was rendered by the Commission in this case, and prior to September 1st, 1902, married a white man, not a citizen of the Cherokee Nation, thereby forfeiting whatever rights she may have had as a citizen by intermarriage of the Cherokee Nation under section [illegible] of the Compiled Laws of the Cherokee Nation. Said section is as follows:

"Sec. [illegible]. 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."

And moves the Commission to be permitted to introduce said testimony, which, if established, the representative of the Cherokee Nation contends would show that this woman was not entitled to be enrolled as a citizen by intermarriage of the Cherokee Nation on September 1, 1902, the date provided for the final closing of the Cherokee rolls, in the agreement ratified August 7, 1902.

Commission: The motion of the representative of the Cherokee Nation will be entertained and the testimony heard.
Mr. Thomson: To which applicant excepts.
W. H. Hastings: The Cherokee Nation offers in evidence a certified copy of a marriage license and marriage certificate showing that Jacob M. Staats, of Nowata, I. T., aged 38, and Mrs. Carrie Smith, of Nowata, I. T., aged 27 years, were united in matrimony on the 13th day of August, 1902, at Coffeyville, Kansas, by George Kline, pator of the Baptist Church, at Coffeyville.
Mr. Thomson: To the introduction of which the applicant objects for the reason that section 669, page 333 of the Compiled Laws of the Cherokee Nation of 1892 provides:

"Sec. 669. 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, 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. - (Decs. of C. C., 1 20.)" ;

that there is not one tribunal by which a forfeiture of citizenship could have been judicially determined and that was a circuit court of the Cherokee Nation. The act of Congress of June 7, 1897, being the Indian Appropriation bill of this year, did continued said courts and deprived them of all jurisdiction on and after January 1, 1898; and the act of Congress of June 28, 1898 abolished said courts on and after July 1, 1898, and since that time said courts have had no existence, and no tribunal has had any authority to declare a forfeiture under said section 666, referred to by the Cherokee Nation's attorney; that said case had been closed by the order of Secretary of the Interior prior to July 1, 1902; that a certificate attached to said document is not in accordance with the Federal Statutes governing certificates to documentary testimony to be used in a foreign jurisdiction, there being no showing on said certificate that the party signing the same is the authorized officer, qualified to sign said document, and is authorized and empowered to make such certificate.

W. W. Hastings: In answer to the objection made by the attorney for the applicant that she should have been protested against under section 666 of the Compiled Laws of the Cherokee Nation, reference is made to the Departmental decision in the case of Isaac B. Hitchcock, No. 1174, and the case is therein cited.

Commission: The tribal rolls of the Cherokee Nation examined and the name of Jacob Staats does not appear thereon.

W. W. Hastings: The Cherokee Nation desires to call attention to the testimony given in this case by Campbell H. Taylor, on February 11, 1901, where the questions are asked him and the following answers given:

"Q. That is the first time you have seen her since she left Smith's home? A. No, I have seen her occassionally passing, but last April a year ago she was at Vinita in company with Jake Staats.

Q. He is a white man? A. Yes sir, a white man."

Attention is further called to the fact that the ages of Jacob W. Staats and Mrs. Carrie Smith, as shown in the marriage license, are the same as those given in their testimony.

J. C. Starr, being sworn and examined, testified as follows:

By W. W. Hastings: What is your name? A J. C. Starr.

Q What is your age? A 32.

Q What is your postoffice address? A Vinita, I. T.

Q Are you the stenographer for the Cherokee Nation? A Yes sir.

Q Do you know Jacob W. Staats? A Yes sir.

Q What is his citizenship? A He is a non citizen of the Cherokee Nation, a white man.

Q Do you know that this is the same one that is reputed to have married Carrie Smith? A Yes sir.

Q This Carrie Smith, the divorce wife of Sylvester S. Smith? A Yes sir.

4-Carrie Smith-

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 26th day of September, 1902.

B. C. Jones
Notary Public.

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

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

JOHN R. KETCHUM, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A John R. Ketchum.
Q How old are you? A Thirty-six.
Q What is your postoffice address? A Alluwee.
Q Are you a white man? A No sir, I am an Indian.
Q Are you a Cherokee Indian? A I am a Delaware.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q How long have you been residing in the Cherokee Nation?
A Since 1890.
Q How many years? A Twelve.
Q Were you admitted to citizenship? A Yes sir, through the Department at Washington.
Q When? A In 1891.
Q You have been living in the Cherokee nation ever since 1891, then, have you? A Yes sir.
Q What is your wife's name? A Hattie.
Q Is she a white woman? A Yes sir.
Q Is she claiming as a citizen by intermarriage? A Yes sir.
~~Q When was she married to you? A In 1892.~~
Q Is Hattie your first wife? A Yes sir.
Q Are you her first husband? A Yes sir.
Q Have you and your wife Hattie been living together ever since you were married? A Yes sir.
Q Never have been separated? A No sir.
Q Has the Cherokee Nation been your home ever since your marriage?
A Yes sir.
Q Never lived anywhere else have you? A No sir.
Q How many children have you? A I have four.
Q Are they all living? A Four are living; I had six; there's two dead.
Q Were these two ever enrolled by this Commission?
A The oldest one was.
Q What was it's name? A Ethel.
Q When did Ethel die? A Two years ago.
Q Died after she was enrolled? A Yes sir.
Q Who married you to your wife Hattie? A Rev. Charles Jerniky.
Q Where were you married? A At Alvia, at the old Jerniky residence.
Q Did Mr. Jerniky give you a certificate of marriage?
A No sir, he didn't have any certificates, and he said he would get some and give me one; but he died soon afterwards and never did give me one.
Q Have you witnesses who can testify as to your marriage?
A Yes sir.
Q Will you have them to come in here? A I had them before the Commission once.
Q When? A About a year ago; their evidence is here.
Q How many witnesses did you have? A Two.
Q Both of them saw you married? A Yes sir.
Q And testified to that fact? A Yes sir.

Examined by J. C. Starr:

Q When did you say you located in the Cherokee Nation?
A I came to the Cherokee Nation in 1890.
Q To what point did you come? A At Alluwee, two miles south of there.
Q You have lived there seven years? A Yes sir.
Q Where were you before that? A I was raised partly in Missouri, and then I was in New Mexico, Arizona, Colorado and Texas.
Q Where were you born? A I was born in Kansas.
Q You never lived in the Cherokee Nation until 1890?
A No sir.

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

(signed) E. C. Bagwell.

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

(signed) B. C. Jones,
Notary Public.

* * * * * * * *

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

Mabel F. Maxwell.

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

West

John L. Fieber
Notary Public.

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 6th 1902.

In the matter of the application of Hattie Ketcham for enrollment as a citizen of the Cherokee Nation by intermarriage.

Cherokee D 952.

Brief on part of the Cherokee Nation.

The testimony in this case shows that the applicant Hattie Ketcham is a white woman and claims as a citizen by intermarriage. Her husband John R. Ketcham is listed for enrollment on Delaware Doubtful card Number 21 and reference is made to the brief on part of the Cherokee Nation filed in that case.

The applicant married herhusband on the second day of September 1892 It appears however that she applied to the Dawes Commission in 1896 to be enrolled as a citizen of the Cherokee Nation by blood and in that application she elected to rest her case upon that contention and upon all the proof she and her father saw fit to introduce at that time. She was denied by the Dawes Commission in 1896 and was also denied by the Court upon appeal and we certainly contend that hercase was adjudicated by a court of competent jurisdiction. The last clause of the decision of the court is as follows : " The court is of the opinion that the judgment of the United States Commission should be affirmed, and the application of claimants to be enrolled as citizens of the Cherokee Nation is denied." This decision was filed September 30th 1897. You will note that their application to be enrolled as citizens of the Cherokee Nation was denied hence the court determined that Hattie Ketcham upon that date was not a citizen of the Cherokee Nation. Inasmuch as she was married prior to that time and in as much as she has done nothing subsequent to that time to confer citizenship upon her we contend that all of her claims to citizenship were adjudicated at that time and that she is now estopped from attacking this judgment upon any other ground than that the court had jurisdiction over the person and subjectmatter but in as much

as there is no contention but that the court had jurisdiction over the person and over the question, which was citizenship, we think that the matter has been finally adjudicated and that she should not be enrolled as a citizen of the Cherokee nation, by intermarriage.

Respectf lly submitted,

W W Hastings J.C.d

Attorney for the Cherokee Nation.

Cherokee-Delaware D 21

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

N.V.L

In the matter of the application of John R. Ketchum for the enrollment of himself and his three minor children, Daisy, Bertha and Elmer Ketchum, 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 December 13, 1900, John R. Ketchum appeared before the Commission at Tahlequah, Indian Territory, and made application for the enrollment of himself and his three minor children, Daisy, Bertha and Elmer Ketchum as citizens of the Cherokee Nation of Delaware blood. The application also included the wife of John R. Ketchum, 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 January 21, 1901, and on March 22, 1902.

The evidence in this case shows that John R. Ketchum is of Delaware blood, and that his name appears upon the Register of Delawares who removed to the Cherokee Nation pursuant to the terms of the Cherokee-Delaware agreement of April 8, 1867, as "John Redman." John R. Ketchum is not identified on the Cherokee authenticated tribal roll of 1880, but he and his two children, Daisy and Bertha Ketchum, are identified on the Cherokee Census roll of 1896. Elmer Ketchum, born November 30, 1898, is too young to be on any roll but proper proof of his birth has been furnished this Commission.

The evidence further shows that the mother and father of John R. Ketchum separated when he was about one year old, and that his mother took him with her. His father, Jonas Ketchum, who had removed to the Cherokee Nation with the Delawares attempted to get possession of John R. Ketchum but was unsuccessful. In 1889 or 1890 John R. Ketchum came to the Cherokee Nation and he has lived there ever since. He and his wife, Mattie Ketchum, have lived continuously in the Cherokee Nation ever since their marriage in 1892, and it is considered that their minor children have lived in the Cherokee Nation ever since their birth.

It is, therefore, the opinion of this Commission that John R. Ketchum, Daisy Ketchum, Bertha Ketchum and Elmer Ketchum should be enrolled as citizens of the Cherokee Nation of Delaware blood in accordance with 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 NOV 20 1902

Cherokee D #952

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

In the matter of the application for the enrollment of Hattie Ketchum as a citizen by intermarriage of the Cherokee Nation:

D E C I S I O N.

The record in this case shows that on December 13, 1900, John R. Ketchum appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment, among others, of his wife, Hattie Ketchum, as a citizen by intermarriage of the Cherokee Nation. The other parties to the application are differently classified and are not embraced in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on January 31, 1901, March 22, 1902, and October 22, 1902.

The evidence shows that the said Hattie Ketchum, a white woman, was lawfully married, in 1892, to John R. Ketchum, an adopted Delaware, whose application for enrollment as such was granted by this Commission on November 20, 1902, and forwarded to the Secretary of the Interior for his approval on December 5, 1902. The applicant, Hattie Ketchum, is identified on the 1896 census roll of the Cherokee Nation.

The evidence further shows that this applicant has resided continuously in the Cherokee Nation since her marriage in 1892.

From the records of the Commission, it appears that the applicant, Hattie Ketchum, in connection with her father and others, filed her original petition under the Act of Congress of 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 by judgment of the United States Court, Northern District Indian Territory, on appeal.

It is the opinion of this Commission that applicant's right to enrollment as an intermarried Cherokee is not prejudiced by the denial of her application for admission as a citizen by blood under the provisions of said Act of June 10, 1896 (29 Stats., 321), and that the said Hattie Ketchum should, therefore, 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.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this FEB -7 1903

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Vinita, I.T., February 6th.,1903.

IN THE MATTER OF THE APPLICATION OF HATTIE KETCHUM FOR ENROLLMENT AS A CITIZEN BY INTER-MARRIAGE OF THE CHEROKEE NATION.

D--952

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 February 2nd., 1903, and asks that the record, together with a copy of the brief heretofore filed before the Commission by the Cherokee Nation, be forwarded to the Honorable Secretary of the Interior for review.

Our objections are fully stated in said brief, and we submit the case upon the same.

Respectfully submitted,

Attorney for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 25, 1902

Mr. John Redman Ketchum,

Alluwe, Indian Territory,

Sir:-

You are hereby notified that the application of Hattie Ketchum

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

the 13 day of March, 1902.

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

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

You are required to supply the Commission with your certificate of marriage to your wife Hattie.

Cherokee D-952
Register.

Yours truly,

~~Acting Chairman.~~

Commissioner in Charge.

OFFICE OF
EUGENE B. LAWSON
ATTORNEY AT LAW

BEN J. SCOVILLE,
NOTARY PUBLIC

NOWATA IND TER [illegible]

[illegible]

[illegible]

[illegible] in the [illegible]

[illegible]

Yours very truly,

Eugene B. Lawson

COMMISSIONERS
HENRY L. DAWES
TAM[illegible]
[illegible]
[illegible]
ALEXANDER [illegible]

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Delaware D 21.

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 John R. Ketchum for the enrollment of himself and his three minor children, Daisy, Bertha and Elmer Ketchum, 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,

Acting Chairman.

Enclosure H. No. 29.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEWLIN
C. R. ROBERTSON

ATTORNEY A. [illegible]

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-952.

Muskogee, Indian Territory, February 2, 1903.

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

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting the application of John R. Ketchum for the enrollment of his wife, Hattie Ketchum, as a citizen by intermarriage of the Cherokee Nation.

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

Respectfully,

Acting Chairman.

Enc. H-17.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Cherokee D-952

Muskogee, Indian Territory, February 13, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day transmitted to the Secretary of the Interior, for review, the record of proceedings had in the matter of the application of John R. Ketchum for the enrollment of his wife, Hattie Ketchum, 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 7, 1903.

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

Respectfully,

Acting Chairman.

COPY

Cherokee D-952

Muskogee, Indian Territory, February 13, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of John R. Ketchum for the enrollment of his wife, Hattie Ketchum, as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision, dated February 2, 1903, granting said application.

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

Respectfully,

Acting Chairman.

Enc. M-369

C(

Cherokee D-952

Muskogee, Indian Territory, February 13, 1903.

E. L. Lawson,

Attorney for Hattie Ketchum,

Nowata, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of the application of John L. Ketchum for the enrollment of his wife, Hattie Ketchum, as a citizen by intermarriage of the Cherokee Nation, together with a copy of the Commission's decision, dated February 2, 1903, granting said application.

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

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

Respectfully,

Tams Bixby

Enc. M-269 Acting Chairman.

Register.

Cherokee D-952

Muskogee, Indian Territory, February 13, 1903.

John R. Ketchum,

Alluwe, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting your application for the enrollment of your wife, Mattie Ketchum, as a citizen by intermarriage of the Cherokee Nation.

There has this day been forwarded your attorney, E. B. Lawson, Nowata, Indian Territory, a copy of the proceedings, together with a copy of the Commission's decision.

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

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

Respectfully,

Acting Chairman.

Enc. M-69

Register.

Refer in reply to the following:

Land
11790-1903.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

(COPY)

December 10, 1906.

The Honorable,

The Secretary of the Interior,

Sir:

There is enclosed herewith a report of Mr. Bixby, former chairman of the Commission to the Five Civilized Tribes, dated February 13, 1903, transmitting record in the matter of the application of John R. Ketchum for the enrollment of his wife, Hattie Ketchum, as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision dated February 2, 1903, granting the application. A protest against the enrollment of the applicant, filed with the Commission by the attorneys for the Cherokee Nation, is also enclosed.

Hattie Ketchum, a white woman, claims the right to enrollment as a Cherokee citizen by reason of her marriage in 1892 to John R. Ketchum, an adopted Delaware, whose application for enrollment as such was granted by the Commission on November 20, 1902, and forwarded to the Department for approval on December 5, 1902. The applicant is identified on the 1896 census roll of the Cherokee Nation, and has resided continuously in the Nation since her marriage in 1892.

Under the decision of the Supreme Court of the United States in the case of Daniel Bird, et al., versus the United States,

the applicant is not entitled to enrollment, and it is recommended that her application be denied, and the decision of the Commission admitting her to citizenship be reversed.

Very respectfully,

C. F. Larrabee

AJW--SD

Acting Commissioner.

K. S. M.

(COPY)

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

D. C. 4392, 1907.
I. T. D. 25082-1906.
L. R. S.

January 17, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

December 10, 1906 (Land 11790-1903), the Indian Office transmitted the record in the matter of the application for the enrollment of Hattie Ketchum as an intermarried citizen of the Cherokee Nation, and recommended that the decision of the Commission to the Five Civilized Tribes dated February 2, 1903, favorable to the applicant, be reversed.

The applicant is a white woman who was married to an adopted Delaware in 1892.

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, favorable to the applicant, is hereby 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 952

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

Muskogee, Indian Territory. January 30, 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, granting the application of John R. Ketchum for the enrollment of his wife, Hattie Ketchum, as a citizen by intermarriage of the Cherokee Nation was reversed by the Secretary of the Interior on January 17, 1907, and said application denied.

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

Respectfully,

Commissioner.

E.R.C.
Enc.E.C.225

Cherokee
D 952

Muskogee, Indian Territory. January 30, 1907.

John R. Ketchum,

Alluwe, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting your application for the enrollment of your wife, Hattie Ketchum, as a citizen by intermarriage of the Cherokee Nation was reversed by the Secretary of the Interior on January 17, 1907, and said application denied.

Respectfully,

E.R.C. Commissioner.

Cherokee
D 952

Muskogee, Indian Territory. January 30, 1907.

E. B. Lawson,
Attorney for Hattie Ketchum,
Nowata, 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 of John R. Ketchum for the enrollment of his wife, Hattie Ketchum, as a citizen by intermarriage of the Cherokee Nation was reversed by the Secretary of the Interior on January 17, 1907.

For your information there is enclosed herewith a copy of Departmental dedision referred to.

Respectfully,

Commissioner.

E.R.C.
Enc.E.C.238

Cher D 953

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
TAHLEQUAH, I.T., DECEMBER 13th, 1900.

IN THE MATTER OF THE APPLICATION OF Daniel Crail for the enrollment of himself, wife, children and one step 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 Daniel Crail.
Q Have you any middle name? A No sir.
Q How old are you? A Forty one.
Q What is your Postoffice? A Wagoner.
Q In what district do you live? A Tahlequah.
Q Do you want to enroll yourself and family? A Yes sir.
Q Have you a wife? A Yes sir.
Q How many children have you? A Four of my own and one step daughter.
Q A child of your wife's by a former husband? A Yes sir.
Q Are you a Cherokee by blood? A Yes sir.
Q You are a white man? A Yes sir.
Q Is your wife a Cherokee by blood? A Yes sir.
Q Let me see your marriage license and certificate?
(Applicant hands paper to Commissioner.
Q You seem to have applied to the Dawes Commission for a Patent?
A I got my lawyer to fix up papers for me.
Q Did the Commission ever take any action on your application?
A Not that I know of.

Com'r. C. R. Breckinridge: The applicant exhibits a license issued by the Clerk of Tahlequah District, March 26th, 1891, authorizing marriage between himself and Mrs. Minnie T. Batson: The certificate shows that they were married on the same day by Riggs Bonifed, United States Commissioner.

Q This was an application you made to the Dawes Commission, simply for enrollment in 1897? A Yes sir.
Q You did not apply for admission to citizenship? A No sir, whether I could enroll or not.

Com'r. C. R. Breckinridge: This license just referred to is filed herewith.

Q Have you lived with this wife ever since you married her in 1891?
A Yes sir.
Q Were you ever married before you married this wife? A No sir.
Q She was married before? A Yes sir.
Q Your wife's full name at this time is Minnie T. Crail, is it?
A Yes sir.
Q How old is your wife? A I think she is thirty seven.
Q What was she before she was married? A Keys; Mahala Keys was her daddy.
Q Has your wife lived in the Cherokee Nation all her life?
A No sir, she was admitted here by the Council.
Q How long ago? A In 1887: She is from Alabama here.
Q Give me the name of her father? A Nelson Keys.
Q Is he dead? A Yes sir.
Q Give me the name of her mother? A I don't right now, but I think it is Mary A. Keys.
Q Is your wife's mother still living? A No sir, she is dead.
Q Have you any evidence of the marriage between your wife and her first husband, Batson? A Yes sir, I have got their license here.
Q What is the "J" in your wife's name for? A Jane.
Q What was Batson's full name? A George W. Batson.

Com'r. C. R. Breckinridge: The applicant presents a license, issued by the Clerk of Sequoyah District, August 25th, 1888, authorizing marriage between G. W. Batson and Miss Jane Keys: The certificate

shows that they were united in marriage three days thereafter by the Reverend T. J. Roberts. This is filed herewith.

Q Was Batson dead before you married your wife? A Yes sir; he got killed down there on Grand River.
Q She was never married but once before she married you? A No sir, just once.
Q Now let me see your certificate of admission to citizenship?
A I have not got it: I sent it to Washington.
Q Have you any acknowledgement of it? A No sir, I gave it to Mr Rosmus and he sent it to Washington, and I have never got it back.
Q Give me the names of your children? First your step child?
A Maulah L. Batson.
Q How old is that child? A I think she is about twelve.
Q Then your oldest child is Dollie Grail? A Yes sir.
Q She has no middle name? A No sir.
Q That child is about nine years old now; is that right?
A Yes sir.
Q Your next child is John H. Grail? A Yes sir.
Q That child should be now; say seven years old? A Yes sir.
Q Your next child is a girl, Myrtle J.? A Yes sir.
Q She is now about four years old? A Yes sir.
Q These children are all living now, are they? A Yes sir.
Q What is the name of the next child? A Dora Belle.
Q She was born the 29th of last August, was she? A Yes sir.

(1896 Roll, Page 1278, #52, Daniel Grail, Tahlequah District)
(1896 Roll, Page 1152, #600, Lennie J. Grail, Tahlequah D'st)
(1896 Roll, Page 1152, #601, Dollie Grail, Tahlequah District)
(1896 Roll, Page 1152, #602, John H. Grail, Tahlequah D'st)
(1896 Roll, Page 1152, #603, Myrtle J. Grail, Tahlequah D'st)
(1896 Roll, Page 1140, #255, Maula Batson, Tahlequah D'st)

Q You say there was a certificate exhibited here showing the admission of your wife's mother, Mary A.?
A I do not know whether there was or not: She was a white woman: She never was here in this country.
Q Richard and the children were admitted? A Yes sir., I think his name was on record a good while ago.
Q Your wife's father and the children were readmitted and her mother was not? A Yes sir; I think so., but he was not admitted when the children was.
Q Was not admitted when the children were? A No sir.
Q Was he admitted before or afterwards? A He was admitted before; fifty years I reckon.
Q When did your wife come to the Cherokee Nation? A '87.
Q She came in 1887? A Yes sir.
Q Has she lived here ever since? A Yes sir.

Com'r. C. R. Breckinridge: The applicant applies for the enrollment of himself, his wife, four children and one step child, a child of his wife by a former husband: He states that his wife was admitted to citizenship by the Cherokee Commission on Citizenship in 1887, and that she has lived here ever since: She is identified on the roll of 1896: She was married once previous to her present marriage, to one, Batson, which is established by the license and certificate filed herewith, and her present marriage is also established by license and certificate filed herewith: When the applicant files an official copy of the record of his wife's admission to citizenship, she will be listed for enrollment as a Cherokee by blood: At present she will be placed upon a doubtful card, awaiting

that evidence.

The applicant is shown to have married his wife in 1891, which marriage is established by the license and certificate filed herewith. He is identified with her on the roll of 1896: They have lived together ever since their marriage; he was never previously married, and it is shown that she was free to contract a lawful marriage with him at the time of their marriage, her first husband being dead before she married her present husband. He will now be listed for enrollment as a Cherokee by intermarriage on a doubtful card, to await the evidence required in the case of his wife.

The step child, Beulah L. Batson, a child of the applicant's wife by her former marriage, is identified on the roll of 1896; the child is now living; she is a minor, and will be listed for enrollment upon a doubtful card as a Cherokee by blood, to await the evidence called for in the case of her mother.

Of the four children of the present marriage, the three older, Dellie, John R. and Myrtle J. Crail are identified with their parents on the roll of 1896: They are living now, and will be listed for enrollment as Cherokees by blood upon a doubtful card, to await the evidence required in the case of their mother.

When a certificate of the birth of the youngest child, Dora Belle Crail, is filed with the Commission, this child also will be listed for enrollment as a Cherokee by blood upon a doubtful card with the other children.

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 17th day of December, 1900.

C A Mcurie

COMMISSIONER.

C D 953

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Daniel Crail; his wife Linnie J., and their children Dellie, John H., Myrtle J., and Dora B. Crail, and his step-child Beulah L. Batson, as citizens of the Cherokee Nation.

On the 13th day of December, 1900, Daniel Crail appeared before the Commission to the Five Civilized Tribes, and made application for himself, wife, children and one step-child, as citizens of the Cherokee Nation.

At the conclusion of the testimony offered at that time, the name of Daniel Crail, Linnie J. Crail, Dellie, John H., Myrtle J., Dora B. Crail and Beulah L. Batson were placed upon a "Doubtful" card, awaiting further evidence of the citizenship of the wife and mother Linnie J. Crail. The necessary evidence has been furnished the Commission, and the following decision is rendered:

D E C I S I O N

--oOo--

From all the evidence of record in this case, it appears that Linnie J. Crail, formerly Batson, nee Keys, was re-admitted to citizenship in the Cherokee Nation by an act of the Cherokee National Council on the 20th day of June, 1887. It further appears that subsequent to said admission, she was married on the 28th day of August, 1888, to one G. W. Batson, deceased, and as a result of that marriage a child was born, Beulah L. Batson, one of the applicants in this case.

It also appears that subsequent to the death of the aforesaid G. W. Batson, she was again married on the 27th day of April, 1891, to her husband Daniel Crail; both of the marriages hereinbefore shown were in accordance with the laws of the Cherokee Nation.

All of the applicants in this case, with the exception of Dora B. Crail, are identified upon the Cherokee census roll of 1896, to-wit: Daniel Crail, Page 1278, #52; Linnie J. Crail, as Lennie J. Crail, page 1152, #600; Dellie as Della, page 1152, #601, John H., page 1152, #602, and Myrtle J. Crail, page 1152, #603. Beulah L. Batson, as Beula Batson, page 1140, #255. The said Dora B. Crail's age at the time of this application was four months, and consequently having been born subsequent to the making of the aforesaid roll, she is identified by a certificate of birth.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision 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 the opinion of the Commission that Linnie J. Crail; Dellie, John H., Myrtle J., Dora B. Crail, and Beulah L. Batson, are entitled to be enrolled as citizens by blood, and that Daniel Crail is entitled to be enrolled as a citizen by intermarriage of the Cherokee Nation, and it is so ordered.

C. R. Breckinridge

Dated at Muskogee, I. T.
this 20 day of May, 1902.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
MUSKOGEE, I.T., OCTOBER 15TH, 1902.

In the matter of the application of Daniel Crail for the enrollment of himself as an intermarried citizen, and for the enrollment of his wife, Linnie J., and his children, Dollie, John H., Myrtle J., Dora B. and Beulah L. Batson, as citizens by blood of the Cherokee Nation.

Daniel Crail, being first duly sworn, under examination by the Commission, testified as follows:

Q What is your name? A Daniel Crail.
Q How old are you? A 43.
Q What is your postoffice? A Wagoner.
Q Are you a white man? A Yes sir.
Q Are you claiming as an intermarried citizen? A Yes sir.
Q What is your wife's name? A Linnie J.
Q Linnie J.? A Yes sir.
Q Is she a Cherokee by blood? A Yes sir.
Q How long has she been living in the Cherokee Nation? A Ever since '87
Q Ever since '87? A Yes sir.
Q When were you married to her? A '91
Q Married under a Cherokee marriage license? A Yes sir.
Q Is she your first wife? A Yes sir.
Q Are you her first husband? A No, she was married before, to E. W. Batson.
Q How was her first husband dead when you married her? A Yes sir, he was shot.
Q Have you and your wife, Linnie J. been living together ever since your marriage? A Yes sir.
Q Been making your home in the Cherokee Nation? A Yes sir.
Q How many children have you by your wife, Linnie J.? A 6.
Q 6? A Yes sir, 4 living. I got a step-daughter.
Q Step-daughter is Beulah Batson? A Yes sir.
Q Are your four children and your step-daughter, Beulah Batson, living now? A Yes sir.

Cora Moore, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she reported in full the testimony and proceedings in this case and that the foregoing is a true and complete transcript of her stenographic notes thereof.

Cora Moore

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

B. O. Jones
NOTARY PUBLIC

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER NEXT TO THE FOLLOWING

D - 953.

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 Daniel Crail 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-953.

953

MATTER OF THE APPLICATION OF

Daniel Crail et al

FOR ENROLLMENT AS

INTERMARRIED WHITES

A Original testimony Mar 13/00

B ~~Notice of application Mar 13/00~~

C Certified copy of tribal [illegible]

D Marriage license and certificate between G. W. Balson and Sallie Keys

E Marriage license and certificate between Daniel Crail & Minerva Balson

F [illegible]

Cher D 954

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
TAHLEQUAH, I.T., DECEMBER 13th, 1900.

IN THE MATTER OF THE APPLICATION OF Alfred N. White for the enrollment of his wife, Sarah H. White, as a citizen of the Cherokee Nation, and he being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q Give me your full name? A Alfred N. White.
Q How old are you? A Twenty eight.
Q What is your Postoffice? A Collinsville.
Q In what district do you live? A Coweseescowee.
Q Do you want to enroll yourself and family? A Just my wife.
Q Is she a Cherokee by blood? A Yes sir.
Q You do not apply for yourself? A No sir.
Q You are a white man, are you? A Yes sir.
Q When did you marry? A In 1896.
Q Give me your wife's full name? A Sarah H. White.
Q How old is your wife? A Twenty four.
Q When did you say you married her? A 1896.
Q Has she lived in the Cherokee nation all her life? A No sir.
Q How long has she lived in the Cherokee nation? A I do not know just how long: Ever since we have been married.
Q You do not know how long before that? A No sir.
Q Is she a recognized citizen of the Cherokee nation?
by blood; yes sir.
Q Have you never heard her say whether she was born in the Cherokee Nation or not? A I think she was born in Arkansas.
Q What is the name of her father? A
Richard Riley.
Q Is he dead? A No sir.
Q Give me the name of her mother? A Hallie Riley.
Q Is she dead? A No sir.
Q Where are your wife's father and mother living? A At Vera.
Q In the Cherokee nation? A Yes sir.
Q Have you a certificate of your marriage to your wife?
A I have one, but I have not got it with me.
Q Were you ever married except to this wife? A No sir.
Q Was she ever married except to you? A No sir.
Q Have you any one here who knows you and she are married?
A Yes sir.
Q Who here knows? A Mr. Jordan, and her father and brother.

Richard Riley, being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:
Q Give your full name? A Richard Riley.
Q How old are you? A Sixty six the fourth of this month.
Q What is your Postoffice? A Vera.
Q How long have you lived in the Cherokee Nation?
A I have been in the Cherokee nation a long time; some times, out and back.
Q Do you know Mr. White here? A Yes sir; he is a son in law of mine.
Q What is his wife's given name? A Sarah.
Q Was she ever married except to him? A No sir.
Q You never heard of his being married except to your daughter?
A No sir.
Q About how long have they been married? A About four years.

Applicant recalled:
Q Have you a child? A Yes sir.
Q Give me the name of the child? A Ida May.
Q She was born the 8th of November, 1898? A Yes sir.

(1880 Roll, Page 801, #1929, Sarah Riley, Tahlequah District)

(1894 Roll, Page 15, 346, Sarah Riley; Resaurator)

Q Has your wife lived here ever since you and she were married?
A Yes sir.
Q Do you know anything about her going out with her father into the Cherokee Strip some years ago? A She was out there; I believe I got acquainted with her.
Q Did you marry her out there? A Yes, sir.
Q How long after you married her before you came here?
A Married on the 19th of August and moved to the Cherokee Nation on the 21st of September, 1896.
Q Came very promptly? A Yes, sir.
Q Does your wife still own that land out there in the Strip?
A No sir.
Q She does not? A No sir.
Q When did she sell it? A I do not know; some time ago.
Q When she drew Strip money, they made a reduction for that, did they? A Yes sir.
Q Your wife had gone out there with her father? A Yes sir.
And lived there with him as he lived until she married you?
A Yes sir.

Com'r. C. R. Breckinridge: The applicant applies for the enrollment of his wife and child; he does not apply for himself, as he states he was married after the Cherokee Law prohibiting the acquirement of citizenship by intermarriage. He states that he has not his marriage license and certificate with him now, but the fact of his marriage in August, 1896 is established by his own and his father in law's testimony: His wife is identified upon the roll of 1880, but not upon the roll of 1896; She is identified on the roll of 1894 as a Resaurator, and is shown to have received a redious amount of Cherokee Strip money: She has lived in the Cherokee Nation ever since 1896, and she will now be listed for enrollment as a Cherokee by blood upon a doubtful card, to consider the question of residence in the Strip and the effect thereof. Reference is made to the case of her father, Richard Riley for full particulars of this matter.

When a certificate of the birth of the child, Ida May White is filed with the Commission, this child also will be listed for enrollment as a Cherokee by blood, to await the consideration mentioned in its mother's case.

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

Subscribed and sworn to before me this 17th day of December, 1900.

COMMISSIONER.

1154

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 27 1902

ACTING CHAIRMAN.

R.

C. D-954.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 13, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Sarah M. White for the enrollment of herself and children as citizens of the Cherokee Nation.

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

ALFRED WHITE, being first duly sworn, and being examined, testified as follows:

BY MR GIBSON OF MR. WHITE: Whatis your name? A. Alfred M.White.
Q. What relation are you to Sarah White? A. Husband.
Q. She is the daughter of Richard Riley, is she? A. Yes sir.

Q. State where you reside at this time. A. Reside at Collinsville.
Q. In the Cherokee Nation? A. Yes sir.
Q. What district? A. Coweescoowee.
Q. How long have you lived there? A. Since 1897.
Q. In your testimony given in this matter December 13th, 1900, you stated that you removed from Oklahoma to the Cherokee Nation on the 2nd of September, 1896. State whether or not that is correct.
A. It is a mistake.
Q. What was the true date? A. September 2, 1897
Q. State whether or not you have resided in the Cherokee Nation ever since that time. A. Yes sir.
Q. Upon the same place that you now live on? A. No sir, first lived down the river on a place, but could not pay for it, and moved out to Beatty's Prairie to anotherplace.
Q. What size place have you now? A. 240 acres.
Q. How many members of your family are Cherokees by blood?
A. Wife and one child.
Q. How old was your wife when you married her? A. Twenty.
Q. What was the date of your marriage? A. The 19th of August, 1897.
Q. How long afteryour marriage was it that you came to the Cherokee Nation to live? A. The 2nd day of September/ 1897.
Q. You bought a place as soon as you came back to the Cherokee Nation to live? A. Yes sir.
Q. How far was that from the place where you now live?
A. About a mile and a half.
Q. Have you a house on the place on which you now live?
A. Yes sir.
Q. State whether or not your wife has lived with you all the time since you were married? A. Yes sir.
Q. State whether or not she had any property of any kind at the time of your marriage? A. Yes sir, shehad a horse and cow.
Q. Where were they? A. In Oklahoma.
Q. Did you bring them with you to the Cherokee Nation? A. Yessir
Q. You do not claim to be a Cherokee citizen yourself, do you?
A. No sir.

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

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

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

Wm Hutchinson

[illegible] INTERIOR,

[illegible] CIVILIZED TRIBES.

In the matter of the application of [illegible] for enrollment and recognition as citizens of the Cherokee Nation.

The proof in this case shows that the applicant, [illegible] is a Cherokee Indian by blood and [illegible] upon the Dawes roll and the 1896 roll of the Cherokee Nation. The [illegible] by she was taken out to the Cherokee Strip by her parents, and [illegible] she was about [illegible] years of age, married her present husband and immediately returned to the Cherokee Nation [illegible] established a home. There can be no question as to her right to be enrolled as a citizen of the Cherokee Nation. She was never removed from the Cherokee Nation, but was born in the Cherokee Nation and with the exception of the short time between the sale of the Cherokee Strip to the United States and her removal from the Strip to her present home in the Cherokee Nation, she has always lived within the boundaries of said Nation. Her right to enrollment is fixed by the acts of congress of June 10, 1896 June 7, 1897 and June 28, 1898 and we submit that the Commission under said acts must enroll her and her child as citizens of the Cherokee Nation. She cannot be said to have become a citizen of Oklahoma and cannot be said to have forfeited any rights of citizenship in the Cherokee Nation by reason of the fact that she has never removed from said Nation and has never exercised any rights of citizenship in any other government.

Respectfully submitted this 28 day of March, 1902.

N. C. Gibson

Attorney for applicants.

Service of a copy of the foregoing brief accepted this _____ day of March, 1902.

_____

Attorney for the Cherokee Nation

[illegible]

[illegible] iv [illegible] ivi[illegible] [illegible],

[illegible] Chil[illegible] .

[illegible] lic[illegible] of [illegible] [illegible] for [illegible] [illegible]-
[illegible] citizen[illegible] [illegible] Cherokee [illegible].

Cherok[illegible] 934.

[illegible] [illegible] [illegible] Cherok[illegible] [illegible]tion.

[illegible] [illegible] in [illegible] case shows that [illegible] [illegible] [illegible] [illegible] white is [illegible] [illegible] [illegible] [illegible] who is listed for enrollment [illegible] on [illegible] [illegible] Roll [illegible] [illegible] Number 941. [illegible] [illegible] [illegible] [illegible] the Cherokee [illegible] in [illegible] [illegible] [illegible] 1880 where they were livin[illegible] [illegible] [illegible] it was [illegible] [illegible] the Territory of Oklahoma on September [illegible], 1893 that she continued to live there with her father where he [illegible] [illegible] and enjoyed all the rights and privileges of citizenship as any other citizen of the Territory of Oklahoma where her brothers voted until she married in August 1897 when it is claimed that she and her husband returned to the Cherokee Nation and permanently located in 1897 in the month of September. During all the time that she lived in Oklahoma [illegible] her father or any members of her family [illegible] [illegible] any property in the Cherokee Nation but were residents of [illegible] [illegible] of Oklahoma and became citizens of that Territory and we contend that at the very moment they became citizens of the Territory of Oklahoma they forfeited their right to be enrolled as citizens of the Cherokee Nation and it was necessary for the applicant to have been readmitted to citizenship in the Cherokee Nation upon her return. The evidence shows that she was not readmitted to citizenship in the Cherokee Nation and her right to enrollment it would seem depends upon that of her father because his domicile and citizenship was hers, and as we do not believe under the law he is entitled to be enrolled as a Citizen of the Cherokee Nation, neither do we think the Commission should enroll the applicant.

Respectfully submitted,

[illegible] for the Cherokee Nation.

Cherokee D 954

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

In the matter of the application for the enrollment of Sarah M. White and her minor children, Ida M. White and Clarance S. White, as citizens by blood of the Cherokee Nation:

D E C I S I O N .

The record in this case shows that on December 13, 1900, Alfred N. White appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment of his wife, Sarah M. White, and his minor child, Ida M. White, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 13, 1902. On June 18, 1902, birth affidavits were filed with the Commission showing the birth of Clarance S. White since the date of this application, on May 22, 1902.

The evidence shows that Sarah M. White is the daughter of Richard Riley, who is identified upon the 1880 authenticated roll of the Cherokee Nation as a native Cherokee, and Mollie Riley, his wife, a white woman.

The evidence further shows that Sarah M. White, nee Riley, was lawfully married to Alfred N. White, a white man, on August 19, 1896, and that Ida M. White and Clarance S. White are the minor children of said Alfred N. White and Sarah M. White.

The evidence further shows that Sarah M. White resided in the Cherokee Nation until 1890 when she removed to the Cherokee Strip, now a part of Oklahama Territory, where she resided until 1897, when she returned to the Cherokee Nation, together with her husband, Alfred N. White, and has since continuously resided therein up to and including the date of this application; that the said Sarah M. White is duly identified upon the 1880 authenticated roll of the Cherokee Nation as a native Cherokee and upon the 1894 Strip payment roll as a Reservator.

The evidence further shows that Ida M. White was born and has always resided in the Cherokee Nation and is duly identified by birth affidavits on file with this Commission, and that Clarance S. White was born and has always resided in the Cherokee Nation and is duly identified by birth affidavits on file with the Commission.

It is, therefore, the opinion of this Commission that Sarah M. White and her minor children, Ida M. White and Clarance S. White, 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.

Muskogee, Indian Territory,
this DEC - 1 1902

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee I. T. December 15th 1902.

In the matter of the application of Sarah M. White et al for enrollment as citizens of the Cherokee Nation.

Cherokee D #984.

Comes now the Cherokee Nation and respectfully protests against the decision of the Commission rendered in this case 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 Sarah M. White is a daughter of Richard Riley who is listed for enrollment upon Cherokee D Card Number 946; that they moved to the Cherokee Strip about the year 1890 where they were living when it was annexed to the Territory of Oklahoma on September 16th 1893 that she continued to live there with her father where he exercised and enjoyed all the rights and privileges of citizenship as any other citizen of the Territory of Oklahoma; where her brothers voted; and where she married in August 1897; when it is claimed that she and her husband returned to the Cherokee Nation and permanently located in 1897 in the month of September. During all of the time that she lived in Okalhoma Territory neither her father nor any of the members of her family retained any property in the Cherokee Nation but were residents of the Territory of Oklahoma and became citizens of that territory and we contend that at the very moment that they became citizens of the Territory of Oklahoma that at that very moment they forfeited their right to be enrolled as citizens of the Cherokee Nation and it was necessary for the applicant t have been readmitted to citizenship in the Cherokee Nation upon her return. The evidence shows that she was not readmitted to citizenship in the Cherokee Nation and her right to enrollment, it would seem, depends upon that of her father because his domicile and citizenship was here and as we do not believe under the law he is entitled to be enrolled as a citizen of the Cherokee Nation neither do we think the

applicant enrolled.

The act of Congress approved June 10th 1896 provided, that "The United States Commission shall respect all laws of the several nations or tribes not inconsistent with the laws of the United states and all treaties that either of said nations or tribes, and shall give due force and effect to the rolls, usages, and customs of each of said nations or tribes."

Article I Section 2 of the Constitution of the Cherokee Nation provides:

"Whenever any citizen shall removed with his effects out of the limits of this nation and becomes a citizen of any other government all his rights and privileges as a citizen of this nation shall cease; provided nevertheless the National Council shall have power to readmit by law to all of the rights of citizenship any such person or persons who may at any time desire to return to the nation on memmoralizing the National Council for such readmission."

It will be observed that it was contemplated by the Cherokees that in order that any one might retain his citizenship that he must continuously reside in the Cherokee nation and that whenever he removed out of the limits of the Cherokee Nation and became a citizen of another Government his rights as a citizen of the Cherokee nation should cease; the testimony in this case is clear that the applicants removed out of the limits of the Cherokee nation in 1890; left no effects in the Cherokee nation; they became citizens of the territory of Oklahoma and remained there for more than four years after the Cherokee strip became a part of Oklahoma, voted there and otherwise exercised the rights of citizenship. If the act of June 10th 1896 means anything it means that the laws of the Cherokee Nation should be respected and in as much as the Constitution is the fundamental law of the Cherokee Nation and in as much as under the provisions of its constitution these people are not entitled to be enrolled we are forced to dissent from the opinion of the Commission and respectfully ask that the secretary of the Interior construe this provision of the Cherokee Constitution together with the acts of Congress referred to. These applicants certainly became citizens of the Territory of Oklahoma, were they then citizens of the Cherokee Nation? Answer, certainly not. If they were not citizens of the Cherokee Nation have they been readmitted as the Constitution of the Cherokee nation provides or was provided by an

act of Congress? They do not claim that they were ever readmitted and having acquired citizenship in the territory of Oklahoma they were stilll citizens of that territory and not citizens of the Cherokee Nation and not entitled to be enrolled as citizens of the Cherokee Nation.

We desire to be understood in this case not to say that because the applicants took a reservation in the Cherokee Strip that Sarah M. White lost her rights but it is her continuous residence after the Cherokee Strip became a part of Oklahoma for four years and the citizenship which she exercised in that new territory which lost to her, her righst in the Cherokee Nation. In other words we contend that the very moment she became a citizen of the territory of Okl homa that very moment she lost her rights to be enrolled as a citizen of the Cherokee Nation and it was necessary for her to have been readmitted to citizenship in the Cherokee Nation before she could be enrolled as a citizen of the Cherokee Nation.

We submit therefore that the Commission decision in this case should be reversed and the applications should be denied.

Respectfully submitted,

W W Hastings
Attorney for the Cherokee Nation.

Attest:

J C Starr

Stenographer for the Cherokee Nation.

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

Cherokee D 954.

Muskogee, Indian Territory, December 2, 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 Alfred N. White for the enrollment of his wife, Sarah M. White, and his two minor children, Ida M. and Clarance S. White, 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 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. 10.

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

Cherokee D-954.

Muskogee, Indian Territory, December 20, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated December 1, 1902, granting the application of Alfred N. White for the enrollment of his wife, Sarah M. White, and his two minor children, Ida M. and Clarance S. White, as citizens by blood of the Cherokee Nation, a copy of which decision was furnished you on December 2, 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,

Commissioner in Charge.

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 1-984.

ADDRESS ONLY THE COMMISSION

Muskogee, Indian Territory, October 8, 1903.

T. M. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated December 1, 1902, granting the application of Alfred H. White for the enrollment of his wife, Sarah L. White, and his two minor children, Ida M. and Clarance H. White, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 29, 1903.

Respectfully,

Chairman.

Sarah M. White

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

Original testimony Dec 13/00

Memo of application Dec 13/00

Born

Ada M. White

Notice of final consideration, 3/13/02

Cher D 955

[illegible]

[illegible] Notice all your life [illegible] sir.

[illegible]

[illegible] in the Cherokee strip, [illegible] in [illegible] Yes sir.

[illegible] election in that little strip [illegible] A [illegible] I said I voted [illegible] one of them.

[illegible] In the county election.

[illegible] vote in the legislature for delegate in 1907? A I [illegible] that was not.

[illegible] vote for a member of the territorial legislature? A [illegible]

[illegible] for legislature [illegible] I [illegible]

[illegible] voting for him? A [illegible] I [illegible] Yes Mr.

[illegible] vote for Mr. Flynn, the delegate to Congress for [illegible] It seems to me that I voted [illegible] party [illegible] ticket.

[illegible] to in the election for delegate in 1907? A I voted in the election. I voted the [illegible] ticket. I voted everything that was on the ticket.

Q Was that [illegible]? A I don't know what year it was in. I didn't vote the [illegible] election.

Q [illegible]? A I think it was. It was four years ago I voted out in [illegible].

Q You voted the full ticket in 1906 at the general election? A Yes sir.

Q Did you ever apply for readmission to Cherokee citizenship after

D- T.M.

y[illegible] A [illegible] sir.
Q [illegible] your [illegible] Henry.
Q [illegible] How old [illegible] A [illegible] 1[illegible] years old.
Q [illegible] you married here? A [illegible].
Q [illegible] A Yes [illegible].
Q [illegible] except [illegible] you? A [illegible].
Q Y[illegible] married here? A [illegible].
Q [illegible] once. A [illegible] sir.
Q [illegible] before [illegible]
Q [illegible] A Jackson.
Q [illegible] A [illegible] sir.
Q [illegible] A [illegible].
Q [illegible] A Yes sir.
Q [illegible] tion? A Yes sir.
Q [illegible] as [illegible]
al[illegible]? A [illegible]
Q Your [illegible] are [illegible] A Yes [illegible].
Q [illegible] A [illegible].
Q How old [illegible] A 11.
Q [illegible]
Q [illegible]? A 5.
Q [illegible] A [illegible].
Q How old [illegible] 1[illegible]? A 5.
Q [illegible] A Jackson.
Q How old [illegible] A [illegible].
Q Are [illegible] all living [illegible]
Q [illegible]
[illegible]
Q [illegible] A They [illegible]
state. The two older [illegible] the [illegible]
[illegible].
Q [illegible]
Yes sir.
Q Your wife [illegible]
[illegible] A [illegible] sir,
and I [illegible] the [illegible] death.
[illegible]
Jordan.
Q [illegible] A No [illegible], she was [illegible]
Richard Riley.
Q Have you a certificate of marriage? A No sir.
Q [illegible] A In [illegible] sir. [illegible]
lowery married us. I don't know whether [illegible].
Q Did you take her to the [illegible] with you? A [illegible]
her with [illegible] there.
Q How long has she been dead? A [illegible].
Q [illegible] you marry your present wife [illegible]
Q Have you a license and certificate of [illegible] I
have it at home. I did [illegible] it.
Q [illegible] your wife, [illegible] A [illegible] I [illegible]
not positive which it was; it [illegible].
Q And you lived with her [illegible] A Yes [illegible].
Q What was the name of her father. A [illegible].
Q Is he dead? A No sir.
Q [illegible] A [illegible].
Q Is she dead? A No sir.
Q [illegible] wife [illegible] she died? A [illegible]
did we live in the [illegible] and [illegible]
residence in the strip with you? A Yes sir.
Q [illegible] A Yes [illegible]
d[illegible].
1[illegible]0 roll; page 27, [illegible], T. J. [illegible], Cal[illegible] district.
1880 roll; page 608, 1[illegible]7, Henry Riley, Tallequah district
1894 roll; page 14, [illegible], Thomas Jackson [illegible], Reservator.

[illegible]

E. C. Rothenberg

C D 958

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Lucy M. Thompson, as a citizen of the Cherokee Nation.

SUPPLEMENTAL STATEMENT.

---oOo---

On the 11th day of January, 1901, there was filed with the Commission to the Five Civilized Tribes, an "Affidavit of Mother", showing that on the 3rd day of March, 1900, Lucy M. Thompson was born to Leah Thompson, the lawful wife of Clem Thompson. The affidavit is also accompanied by an "Affidavit of Mid-wife" who was in attendance at aforesaid birth.

It is directed that copies of this statement be filed with the testimony in this case.

Commissioner.

Datee at Muskogee, Indian Territory,
this 17 day of May 1902.

Cherokee D 955

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March19,1902.

SUPPLEMENTAL PROCEEDINGS, in the matter of the application of Thomas J. Jordon et al., for enrollment as Cherokee citizens.

Appearances:
N.A.Gibson, Muskogee, I. T., attorney for applicants;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: Case continued by agreement from March 13th, 1902 until March 19th,1902.

BY MR. GIBSON: We simply wish to offer in evidence marriage license showing the marriage of Thomas J. Jordon to Miss Mary Conrad, and also a certificate of birth, of a minor child, Sallie Jordon.

BY COMMISSION: The attorney for the applicant and the representative of the Cherokee Nation present submit the case, same is ~~ex~~ deemed completed and will be reportedto the Commission for final decision based upon the evidence now of record.

Applicant requests and will be granted 15 days in which to file a brief in the case, one copy with the Cherokee Nation and one copy with the Commission.

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

M D Green

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

In the matter of the application of Thomas Jordan for the enrollment of himself and his minor children as citizens of the Cherokee Nation.

The proof in this case shows that the applicants are Cherokee Indians and look out that the principal claimants are enrolled on the 1880 and 1894 rolls of the Cherokee Nation, as citizens of the said nation, and the only ground upon which it is sought to prevent their being enrolled as citizens at this time is by reason of the fact that it is claimed that they have forfeited their rights of citizenship under the provision of the Cherokee constitution, to the effect that whenever any citizen shall remove with his effects from out the limits of that nation and become a citizen of another government he shall thereby lose all of his rights and privileges as a citizen of said nation. We have fully discussed all the law applicable to this case in the case of John T. Jordan, who is the father of the principal applicant in this case; and we make a special reference to that brief and ask that the commission will consider the same under the law and the testimony in this case in making up its opinion.

We do not believe that the proof will show that all of the conditions provided for in the Cherokee constitution which are necessary to work a forfeiture will be found in this case. The applicants never removed from the Cherokee Nation, but on the contrary while living in the Cherokee Nation, had their homes sold out from under them by the treaty between the United States and the Cherokee Nation, known as the Strip Agreement, and under the provisions of this agreement were permitted to purchase 80 acres of land a head for $1.40 per acre, which acount was deducted from the strip money due the applicants.

The proof further shows that the applicants have never removed their effects from the Cherokee Nation, but that they have al-

ways retained valuable property in said nation and that they are now bona fide residents of said nation, occupying farms and improvements on that they now as always, have, retained valuable property in said nation and have always considered the Cherokee Nation as their home.

The proof further shows that the principal applicants are enrolled upon the rolls of 1880 and 1894 of the Cherokee Nation, which rolls are expressly confirmed by the acts of congress approved on June 10, 1896, June 7, 1897 and May 28, 1898. We do not deem it necessary to go into a minute dissertation upon the merits of this individual case for the reason that this case will probably be considered in conjunction with that of John W. Jordan and others similarly situated. We desire to call attention of the Commission especially to the fact that the applicants have never removed with their effects from the Cherokee Nation, and that their names and the names of their descendants must appear upon the roll by reason of the fact that the names of the principal applicants are included in the 1880 roll of the Cherokee Nation have been confirmed and their citizenship in said nation has thereby been established beyond a doubt. We respectfully submit that no such showing has been made on the part of the Cherokee Nation as would justify the Commission in violating the plain and positive instructions laid down by the act of June 28, 1898 which unquestionably requires that these applicants be enrolled as citizens of the Cherokee Nation.

Respectfully submitted this 28 day of March, 1902.

N. A. Gibson

Attorney for applicants.

Service of a copy of the foregoing brief accepted this _____ day of March, 1902.

_____

Attorney for the Cherokee Na-

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee, I. T. June 6th 1902.

In the matter of the application of Thomas J. Jordan et al for enrollment as citizens of the Cherokee Nation.

Cherokee D. 955.

Brief on part of the Cherokee Nation.

The testimony in this case shows that the applicant is a son of John W. Jordan enrolled on Doubtful Card Number 774 and his [illegible] of the children applied for is a daughter of Richard Riley enrolled on Cherokee Doubtful Card Number 946 and reference is made to both of these cases in which briefs have been filed on part of the Cherokee Nation protesting against their enrollment as citizens of the Cherokee Nation.

The testimony shows that [illegible] Nation to that [illegible] about the year 1[illegible], was a resident [illegible] the strip was opened and became a part of the Territory of Oklahoma in [illegible]; that he owned property there and became a citizen of the Territory of Oklahoma and according to his own testimony voted and exercised [illegible] of citizenship the same as any other citizen of the Territory of Oklahoma. The Cherokee Nation contends that [illegible] residence in the Territory of Oklahoma and exercising the rights of citizenship of the Territory since 1893 that he became a citizen of that territory and that the very moment he became a citizen of the Territory of Oklahoma his right to be enrolled as a citizen of the Cherokee Nation ceased; that it was necessary for the applicant upon his return to the Cherokee Nation in the Spring of 1898 to have been readmitted to citizenship in the Cherokee Nation which was not done.

Certainly by living, voting and exercising the rights of citizenship in the Territory of Oklahoma the applicant must have represented himself as a citizen of that territory and the testimony further shows that his wife possessed and exercised citizenship in the territory and the testimony further shows that his father ran for office of member of the Legislature of the Territory of Oklahoma and we submit that we do not see how under the law the Commission can enroll him or any member of his family, he not having been readmitted to citizenship in the Cherokee Nation upon his return.

Respectfully submitted,

W W Hastings JCL

Attorney for the Cherokee [illegible]

Cherokee D 955.

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

In the matter of the application of Thomas J. Jordan for the enrollment of himself and minor children, Felix Jordan, Mollie Jordan, Jessie Jordan, John W. Jordan and Sallie Jordan, as citizens by blood of the Cherokee Nation:

D E C I S I O N .

The record in this case shows that, on December 13, 1900, Thomas J. Jordan appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment of himself and minor children, Felix, Mollie, Jessie and John W. Jordan, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 19, 1902. Affidavits showing the birth of Sallie Jordan were filed March 20, 1902.

The evidence shows that Thomas J. Jordan married one Nancy Riley, in 1888, both being identified upon the 1880 authenticated roll of the Cherokee Nation as native Cherokees, and that Felix Jordan, Mollie Jordan, Jessie Jordan and John W. Jordan are the minor children of Thomas J. Jordan by said marriage. Thomas J. Jordan is duly identified upon the Strip payment roll as a Reservator. Felix Jordan and Mollie Jordan are identified upon the 1894 Strip payment roll as Reservators.

The evidence further shows that, after the death of said Nancy Jordan, nee Riley, the said Thomas J. Jordan married one Mary Coonrod, a white woman, on July 24, 1900, and that Sallie Jordan is the minor child of Thomas J. Jordan by said marriage.

It appears from the records of the Commission that Jessie Jordan and John W. Jordan, with others, made application under the Act of Congress approved June 10, 1896 (29 Stats., 321), to the Commission to the Five Civilized Tribes for admission to citizenship in the Cherokee Nation, which application was rejected by the Commission. An appeal was taken from such decision to the United States Court for the Northern District of Indian Territory, sitting at Muskogee, which court, in the case of Daisy Lee Jordan et al. vs. Cherokee Nation (#202), reversed said decision of the Commission and admitted the said Jessie Jordan and John W. Jordan, with others, to citizenship in said nation. The said Sallie Jordan is duly identified by birth affidavits on file with the Commission.

The evidence further shows that Thomas J. Jordan resided in the Cherokee Nation from 1874 until 1883, when he removed to the Cherokee Strip; that he lived there until June 15, 1898, when he returned, together with his family, to the Cherokee Nation and has since resided therein up to and including the date of this application; that all of the aforesaid minor children have resided with their father since their birth.

It is, therefore, the opinion of this Commission that Thomas J. Jordan and his minor children, Felix Jordan, Nellie Jordan, Jessie Jordan, John W. Jordan and Sallie Jordan, 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., 496), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED [illegible]
Acting Chairman.

SIGNED [illegible]
Commissioner.

SIGNED [illegible]
Commissioner.

Muskogee, Indian Territory,
this 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 2nd 1902.

In the matter of the application of Thomas J. Jordan et al for enrollment as citizens of the Cherokee Nation.

Cherokee D. 905.

Protest of the Cherokee Nation.

Comes now the Cherokee Nation and protests against the decision of the Commission rendered in this case on November 20th 1902 and asks that this decision be forwarded to the Honorable Secretary of the Interior for review together with a copy of the brief filed by the Cherokee Nation in this case.

It will be noted that Thomas J. Jordan was not admitted by the Commission to the Five Civilized Tribes nor by the United States Court upon appeal and therefore there is no judgment binding the Commission in this respect; but the testimony does show that the said Thomas J. Jordan lived continuously in the territory of Oklahoma until the Spring of 1898; that while living there he voted and exercised other rights of citizenship and we certainly most earnestly insist that the moment he became a citizen of the territory of Oklahoma, that very moment he lost his citizenship in the Cherokee Nation.

In section two Article One of the Cherokee Constitution it is provided that "Whenever any citizen shall remove with his effects out of the limits of this nation and becomes a citizen of another government all of his rights and privileges as a citizen of this Nation shall cease." Then follows the provision that he may be readmitted by proper authorities but Thomas J. Jordan was not readmitted; he became a citizen of the territory of Oklahoma and his citizenship must remain there until it is changed and his citizenship could not be changed to being a citizen of the Cherokee Nation except by his being readmitted by the proper authoritites and there is no pretense whatever that he ever applied for readmission or ever was readmitted.

If the Cherokee Constitution is of any effect whatever we feel justified in pleading it in this case.

Respectfully submitted,

W W Hastings

Attorney for the Cherokee Nation.

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

Cher. D-955.

Muskogee, Indian Territory, November 22, 1902.

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

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, granting the application of Thomas J. Jordan for the enrollment of himself and his five minor children, Felix, Mollie, Jessie, John W. and Sallie Jordan, 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-77.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 955.

Muskogee, Indian Territory, December 8, 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 Thomas J. Jordan for the enrollment of himself and his five minor children, Felix, Mollie, Jessie, John W. and Sallie Jordan, as citizens by blood of the Cherokee Nation, a copy of which decision was furnished you on November 22, 1902, has this day been transmitted to the Secretary of the Interior for his review and decision.

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

Respectfully,

Acting Chairman.

Cherokee D-955

Muskogee, Indian Territory, July 17, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated November 20, 1902, granting the application of Thomas J. Jordan for the enrollment of himself and his five minor children, Felix, Mollie, Jessie, John W. and Sallie Jordan, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 5, 1903.

Respectfully,

Commissioner in Charge.

IN THE MATTER OF THE APPLICATION OF

Thomas J. Jordan et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS

A Original testimony Dec 13/00

B Memo of application Dec 13/00

C Birth certificate as to Jessie Jordan

D " " " John H Jordan

Notice of final consideration, 3/13/02

See Cherokee [illegible]

Cher D 956

8956

FILED
DEC 15 1986

ACTING CHAIRMAN

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., December 13, 1900.

[illegible] the application of Carter [illegible] for the [illegible] of Cherokee, Allen [illegible] Pierce [illegible] taken testimony: [illegible]

Q [illegible] Carter [illegible]
Q [illegible]
Q [illegible] postoffice? A Tahlequah.
Q [illegible] where do you live? A Tahlequah.
Q [illegible] to enrollment on the roll of this tribe? A Yes sir.
Q [illegible]
Q [illegible] children? A Cicero [illegible].
Q How old is that child? A 20.
Q [illegible] Allen.
Q [illegible] A 17.
Q [illegible] Pierce, [illegible].
Q Are these children all living at this time? A [illegible] one is [illegible]. [illegible] for two or [illegible].
Q Which one is that? A Cicero; we [illegible].
Q [illegible] one? A [illegible]
Q All [illegible] Cherokee [illegible]? A Yes sir.
Q Give me the name of their father. [illegible].
Q [illegible] died about [illegible].
Q He was a Cherokee by blood? A Yes sir.
Q [illegible] A He died in California.
Q Was he born in the Cherokee Nation? A Yes sir.
Q How long did he live in the Cherokee Nation? A He lived [illegible] all the time except [illegible] he went to California [illegible] and died in the [illegible].
Q [illegible] A [illegible] remember exactly.
Q And that is the [illegible]? A Yes sir.
Q A [illegible] Nation? A [illegible] all [illegible].
Q [illegible] had [illegible] exept Cicero, [illegible] to live; there with his uncle.
Q The two children, Allen and Pierce, are living in the Cherokee Nation? A Yes sir.
Q [illegible] Allen.
Q [illegible] years old? A [illegible] years.
Q When did she die? A 12 years ago.
Q Was [illegible] Cherokee by blood? A Yes sir.
Q Did she live in the Cherokee Nation all her life except [illegible] she went to California [illegible]? A [illegible]. He married a second wife after she died [illegible].
Q These children are all [illegible] Cherokee? A Yes sir.
Q Are they living [illegible]? A Yes sir.

1880 roll; page 14, [illegible], Jane Vardiman, [illegible].
1880 roll; page 14, [illegible], [illegible], [illegible].
1896 roll; page 100, 61, Cicero [illegible], Saline [illegible].
1896 roll; page 100, [illegible], Allen [illegible], [illegible].
1896 roll; page 100, [illegible], Pierce " "

Con[illegible]

[illegible] one [illegible] are [illegible] deceased [illegible] other [illegible] on that roll as native Cherokees. They were born in the Cherokee Nation all their lives, except their father went to California in the spring of 1851 for his health, and died in the following summer.

R- T.D.K.

The older of these children, Sierra, [illegible] to have been [illegible] with a whole in [illegible] side. It is not known whether [illegible] at the present time but he was alive one month [illegible] [illegible] doubtful cent to ascertain [illegible] alive at the time of this application. The two [illegible] are known to be now living, are present in the [illegible] station. They are identified on the roll of 1906, and [illegible] allotment Sierra, will now be listed for [illegible].

[illegible] known, [illegible] to atone rather to [illegible] civilized tribes, be reported in full [illegible] that the foregoing [illegible] transcript of his stenographic [illegible].

C. C. Rotherwiler

[illegible] this 14th day of December, 1909.

[illegible]

Court Stenographer.

Supl.-C.D.#956.

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

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of CICERO MARKHAM as a citizen of the ~~Cherokee Nation~~ Applicant:

The applicant's guardian, Carter D. Markham, was notified by registered letter February 25, 1902, that the application of Cicero Markham, his ward, for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission on the 13th day of March, 1902. The applicant this day, to-wit: the 3d day of March, 1902, appears by his guardian, Carter D. Markham, and by agreement of the representative of the Cherokee Nation present this case is taken up for final consideration.

Mr. W. W. Hastings, Cherokee representative, present.

CARTER D. MARKHAM, being duly sworn, testified as follows on part of applicants.

COMMISSION:

Q What is your name? A Carter D. Markham.
Q How old are you, Mr. Markham? A Be 57 in May.
Q Your post office address? A Tahlequah.
Q You are the guardian of Cicero Markham who is an applicant for enrollment before the Commission as a citizen of the Cherokee Nation? A Yes, sir.
Q Is there any statement that you desire to make relative to this application? A Why I don't know, I have made about all the statement; I thought maybe Mr. Hastings wanted to ask me questions. The boy has been in California about 11 years as near as I can get it. His father died; he went there with his father, his father went there on account of his health and took his whole family, and his father died there, and the balance of the family come back, but I have an Aunt living there, this boy's grand-aunt, and they kept him there, and he is there yet.
Q You submit the case to the Commission for final consideration? A Yes, sir.
Q Have you heard from this applicant, Cicero Markham, any time recently? A Yes, sir, I had a letter from him dated in December.
Q Was the letter signed by him? A Yes, sir.
Q You know then of your own knowledge that the boy is living at this time? A Yes, sir; I have a letter from him; I sent him $100 and I have a receipt from him.

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

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

J O Rosson Stenographer.

Cherokee D 956

IN THE MATTER OF THE APPLICATION,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Cicero Markham 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 December 13, 1900, Carter D. Markham appeared before the Commission at Tahlequah, Indian Territory, and made personal application for enrollment, among others, of Cicero Markham. Further proceedings in the matter of said application were had March 3, 1902, at Muskogee, Indian Territory. The other parties to this application are differently classified and are not embraced in this decision.

The evidence shows that Cicero Markham was born in the Cherokee Nation about twenty years ago; that he is the son of John Markham and Martha Markham, who are both identified upon the 1880 authenticated roll of the Cherokee Nation as native Cherokees. The said Cicero Markham is identified upon the 1896 census roll of the Cherokee Nation.

The evidence further shows that said Cicero Markham moved to the State of California in the year 1891, where he was residing on June 30, 1898, and at the date of this application.

Paragraph 9, Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides:

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

It is, therefore, the opinion of this Commission that the application for the enrollment of Cicero Markham as a citizen by blood of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this AUG 15 1902

Cher
Supp'l to Freed D 956

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., April 3, 1903.

In the matter of the application of FRANK WHITMIRE, for the enrollment of himself, and his children, JESSE, ADA, GEORGE and HESSIE WHITMIRE, and ELLA BRYANT, as Cherokee Freedmen:

SHERMAN BRYANT, being first duly sworn, and examined, testified as follows:

Examined by the Commission:

Q What is your name ? A Sherman Bryant.
Q How old are you ? A Twenty five years old.
Q What is your post office ? A Hudson, I. T.
Q Are you a Cherokee Freedman ? A Yes sir.
Q You are a married man ? A Yes sir.
Q Who did you marry ? A I married Ella Whitmire.
Q Was she a daughter of Frank Whitmire ? A Yes sir.
Q How old is your wife ? A My wife is twenty one years old, so she says.
Q Oh I guess she is mistaken about that. A Well, she don't hardly know her age, neither do her parents, but they say she is about that age.
Q She was enrolled by her father two years ago, and he gave her age then as fifteen, that would make her seventeen now.
A Is that so ? Well I don't know any more than what her parents told me.
Q Did her parents tell you she was twenty one ? A Yes sir.
Q Has she an older sister Ada ? A Yes sir.
Q How much older than your wife is Ada ? A I don't know, I never heard her say how old she was.
Q She has got a brother George ? A Yes sir.
Q How old is he ? A I don't know.
Q About how old do you think he is ? About how much younger than your wife ? A Why I don't hardly know just about how old that boy is, I mean George; I think he is about twelve, I guess somewheres along there, I suppose he is, I don't know.
Q That would make him nine years younger than your wife ?
A I suppose so.
Q Well, do you think he is that much younger ? A I will tell you the honest truth, I don't know how old them children is, honest.
Q When were you married to Ella Whitmire ?
A I married Ella Whitmire last April 16, 1902.
Q Have you got a marriage certificate ? A Yes sir.
Q At home is it ? A Yes sir.
Q Will you send it to the Commission when you go home ?
A Yes sir, I will.
Q Now you have no children by this wife have you ?
A No sir, I have no children.
Q You have been living with her ever since you married her, have you ?
A Yes sir.
Q That's the first time you were ever married, is it ?
A Yes sir, that's the first time I ever was married.

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.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 956.

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 Carter D. Markham for the enrollment of his ward, Cicero Markham, as a citizen by blood of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

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

Very respectfully,

Acting Chairman.

Enc. C. No. 28.

Cherokee D 956.

Muskogee, Indian Territory, October 4, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date August 15, 1902, rejecting the application of Carter D. Markham for the enrollment of Cicero Markham as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 15, 1902.

Respectfully,

Acting Chairman.

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

REFER IN REPLY TO THE FOLLOWING
Cherokee R-709

Tahlequah, Indian Territory, March 18, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that on March 3, 1904, the Secretary of the Interior rescinded and reversed the former action of the Department affirming the decision of the Commission denying the application for the enrollment of Cicero Markham, Cherokee R-709, and ordered that he be now enrolled as a citizen of the Cherokee Nation in the absence of any further objection to such enrollment.

Carter D. Markham, who made application for the enrollment of the said Cicero Markham, has this day been notified of the Department's action herein.

Respectfully,

Commissioner in Charge.

GRS

IN THE MATTER OF THE APPLICATION OF

Lizzie Markham

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

Original testimony of Dec 13/00
Memo of application Dec 13/00
Notice of final consideration, 3/13/02
~~Supplemental testimony~~ and order closing testimony, March 3, 1902

Transferred to R-709

See other Cacket 6386

Cher D 957

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

[illegible] roll
[illegible]
[illegible]
[illegible]:

Q [illegible]
Q [illegible] A Chance.
Q [illegible] A [illegible]
Q What is your age? A [illegible].
Q [illegible] you to say that you want to apply for an
uncle and aunt who are very old and unable to come here. A Yes sir.
Q Give me the name of your uncle? A Martin Raper.
Q He is your uncle on your mother's side? A Yes sir.
Q [illegible] A Martha [illegible].
Q How old is your uncle? A 85 years.
Q How old is your aunt? A 78 years old.
Q Are they both Cherokees by blood? A Yes sir.
Q Is their postoffice at Chance, I. T.,? A Yes sir.
Q [illegible] live in Goingsnake District? A [illegible].
Q Near by where you live? A Yes sir.
Q How long has your uncle, Martin, lived in the Cherokee Nation?
A Since '62.
Q How long has your aunt Martha lived in the Cherokee Nation? A
[illegible].
Q Where did they come from, North Carolina? A Yes sir.
Q ~~Have they applied for admission to North Carolina Cherokees?~~ A Yes sir.
Q You don't get a certificate, have you? A No sir.
Q How far is your house from here? A Thirty miles.
Q Are these two old people very infirm and unable to come? A
Yes sir.
Q It is a pretty rocky, mountainous road from here to your house?
A Yes sir, very.
Q Is there some one here with them, in addition to yourself,
that these two old people are living out there? A Yes sir.

Witness, Gus W. Hart, being sworn, testified as follows:
Q Give me your full name. A Gus W. Hart.
Q How old are you? A 29.
Q What is your postoffice? A Chance.
Q How long have you lived in the Cherokee Nation? A Since '62
I believe.
Q Do you know Martin and Martha Raper? A Yes sir.
Q Are they kin to this gentleman here, Mr Raper? A Yes sir.
Q Are they very old? A Yes sir.
Q Are they very infirm? A Yes sir.
Q Are they living out here by Chance? A Yes sir.
Q You consider that they are so old and infirm and unable to
come over the roads? A Yes sir, they couldn't come.

Applicant recalled-
Q Have you no certificate of their admission to citizenship? A
No sir, they were admitted by Council in '88 or '3, I don't know
which.
Q They have lived here ever since 1882? A Yes sir.
1896 roll; page 785, #1817, Martin Raper, Goingsnake District
1896 roll; page 785, #1818, Martha Raper, Goingsnake District.

2- J.W.B.

Commissioner Breckinridge-

The applicant applies for the enrollment of his uncle and aunt, Martin and Martha Raper, who are very aged and unable to apply for themselves. Under the conditions states in the testimony, this application is received and the fact that these people are alive is established by additional testimony to that of the applicant himself. They are both identified on the roll of 1896 as native Cherokees. They are stated to have come to the Cherokee Nation from North Carolina in 1882, and to have lived here ever since. They are said to have been admitted to citizenship by the Cherokee Council or Commission in 1882 or 1883. They will be listed for enrollment as Cherokees by blood, to await the filing of an official copy of the evidence of their admission, they being listed at present upon a doubtful card.

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

E. G. Rothenberger

Subscribed and sworn to before me this 14th day of December, 1900

D. H. Linn

Commissioner.

C D 957

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Martin Raper, and Martha Raper, as citizens of the Cherokee Nation.

SUPPLEMENTAL STATEMENT.

--oOo--

On the 13th day of December, 1900, there was filed with the Commission to the Five Civilized Tribes, a certified copy of the Office of the Commission on Citizenship, Tahlequah, Cherokee Nation, showing that on the 11th day of September, 1882, Martin Raper, and Martha Raper were admitted to citizenship in the Cherokee Nation. The same being now on file in the office of this Commission.

It is directed that copies of this statement be filed with the testimony in this case.

Commissioner.

Dated at Muskogee, Indian Territory,
this 17 day of March, 1902.

Cherokee D 957

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John W. Brown for the enrollment of Martin Raper and Martha Raper 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 December 13, 1900, John W. Brown appeared before the Commission at Tahlequah, Indian Territory, and then and there made personal application for the enrollment of his uncle and aunt Martin Raper and Martha Raper, as citizens by blood of the Cherokee Nation.

Martin and Martha Raper were admitted to citizenship in the Cherokee Nation on the 11th day of September 1882. They are identified on the Cherokee Census roll of 1896, and have resided in the Cherokee Nation since their admission to citizenship. Their inability to make application in person is due to their advanced age and infirm condition, together with the fact that their presence would necessitate journeying through a rough and mountainous country.

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 Martin Raper and Martha Raper 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 20 day of May 1902.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

D. 957.

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 John W. Brown for the enrollment of Martin Raper and Martha Raper 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-957.

Recorded N° 957

IN THE MATTER OF THE APPLICATION OF

Martha Raper et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS

a Original testimony 13/00

B Memo of application /00

C certified copy of tribal of admission

Supplemental statement

Inactive

No 9160

Cher D 958

[illegible]

In th[illegible]
of [illegible]
Bro[illegible]

[illegible]

Q Giv[illegible]
Q Is [illegible]
Q Giv[illegible]
Q Is [illegible]
Q Giv[illegible]
Q How [illegible]
Q [illegible] mother [illegible]
Q Is [illegible]
Q I[illegible]
Q Are [illegible]
Q How [illegible]
Q [illegible]
Q [illegible]
Q A[illegible]
Q [illegible]
Q [illegible]

1880 [illegible]
1880 [illegible]
1[illegible]

Q How [illegible]
Q Was [illegible]
Q What [illegible]
Q How [illegible]
Q [illegible]

The [illegible]

Chas. [illegible]

eedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Stenographer

Subscribed and sworn to before me this the 16th of December, 1900.

Commissioner.

Cherokee D 958

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Clem Thompson for the enrollment of his minor child, Lucy M. Thompson as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

-o-o-o-

The record in this case shows that on December 13, 1900, Clem Thompson appeared before the Commission at Tahlequah, Indian Territory, and then and there made personal application for the enrollment of his minor child Lucy M. Thompson as a citizen by blood of the Cherokee Nation. Clem Thompson is listed for enrollment as a citizen by blood of the Cherokee Nation on Cherokee Field Card #6601. His wife Leah Thompson is listed on Cherokee Rejected Card #493. Therefore their cases are not passed upon at this time.

On the 11th day of January 1901, there was filed with this Commission copy of a marriage license and certificate, a copy of which is attached hereto. There was also filed with this Commission on the same date "affidavit of mother," wherein it is shown that on the 3rd day of March 1900, Lucy M. Thompson was born to Leah Thompson, the lawful wife of Clem Thompson.

At the time of this application Clem Thompson was twenty years of age. The record shows that Clem Thompson's father and mother are identified on the Cherokee authenticated tribal roll of 1880.

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 the opinion of this Commission that Lucy M. Thompson 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 therefore so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this 28 day of May 1902.

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

ALEXANDER H. EWING
SECRETARY

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

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 27, 1902.

W. W. Hastings, Esq.,
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 May 27th, in the matter of the application of Clem Thompson for the enrollment of his minor child, Lucy M. Thompson, as a citizen by blood 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 said 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,

Acting Chairman.

Encl. D-988.

Nowata Jn

N 956

IN THE MATTER OF THE APPLICATION OF

Lucy M. Thompson

FOR ENROLLMENT AS

CHEROKEE CITIZENS

A Original Testimony Dec 13/00

A Memo of application Dec 13/00

C [illegible] Lucy M. Thompson

Supplemental Testimony

Mississippi

No 9154

See Packet R493

" 6601.

Cher D 959

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
TAHLEQUAH, I.T., DECEMBER 10th, 1900.

IN THE MATTER OF THE APPLICATION OF Bean Seabolt for the enrollment of himself, wife and child as citizens of the Cherokee Nation and he being sworn and examined by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A Bean Seabolt.
Q How old are you? A Thirty eight years old.
Q What is your Postoffice address? A Long.
Q What district do you live in? A Sequoyah.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q What do you want to enroll? A Myself and one child.
Q Are you married? A Yes sir.
Q What is the name of your wife? A Malinda.
Q Is she a white person? A Yes sir; she is an adopted citizen.
Q Do you want to enroll her? A Yes sir.
Q How old is she? A She is twenty nine.
Q When did you marry her? A Eight months ago.
Q Is she a citizen by blood? A No sir.
Q What was her name when you married her? A King.
Q Have you a certificate of marriage? A Yes sir.

Com'r. T. B. Needles: The applicant presents a marriage license and certificate of marriage, certifying that he was married to one, Mrs. Malinda King, on the 6th day of November, 1900.

Q What is the name of the child you want to enroll? A Ora Seabolt.
Q How old is she? A Twenty two months old.
Q Who is the mother of Ora? A Malinda King.
Q This child was born before you were married? A Yes sir.
Q Did your wife apply for citizenship under the name of King?
A Yes sir, she tried to enroll herself at Vinita.
Q Was your wife ever married before she married you? A Yes sir.
Q To whom? A King; Jeff King.
Q Was he an Indian? A Yes sir.
Q Do you apply for your wife today: She already has a case here?
A No sir.

(1880 Roll, Page 721, #1226 Deane Seabolt, Sequoyah District)
(1896 Roll, Page 1102, #1409, Bean Seabolt, Sequoyah District)

Q You married your wife on the 6th day of November, 1900?
A Yes sir.
Q How long did you live with this woman, Malinda King, before you married her? A About eight years.
Q How many children did you have by her? A That one.
Q What is that child's name? A Ora.
Q Twenty two months of age? A Yes sir.
Q Since her birth then, you have married your wife? A Yes sir.

Com'r. T. B. Needles: The name of Bean Seabolt is found upon the authenticated roll of 1880, as Deane Seabolt, and upon the census roll of 1896, as Bean Seabolt, a Cherokee citizen by blood: He is duly identified and makes satisfactory proof of his residence; consequently, he will now be listed for enrollment as a Cherokee citizen by blood. He presents satisfactory proof of marriage to his wife, Malinda King, on the 6th day of November, 1900: His said wife, Malinda King has applied for the enrollment of herself, and her name is upon Card "D" 134, having applied as an intermarried citizen as the widow of one, Jeff King. The applicant avers that he lived with his said wife about eight years before his marriage, and as a result of said ~~marriage~~ cohabitation he had one child, Ora Seabolt, twenty two months of age, born before his marriage to the said Malinda King, ~~whom~~ he now ~~applies for~~ avers to be his child.

Because of the fact that the said child was born out of wedlock; also because of the provisions of Section 692 of the Cherokee Statutes of 1892, final judgment as to the enrollment of the said Ora Seabolt will be suspended and her name will be placed on a doubtful card.

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

R. R. Evans

Subscribed and sworn to before me this 18th day of December, 1900.

C. H. Mehaffie

Commissioner/

959

DEPARTMENT OF
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 1 1902

P.

C. D-959.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 13, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Bean Seabolt for the enrollment of his daughter as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 25, 1902, that his application for the enrollment of his daughter as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 13th day of March, 1902, 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 his application. Receipt has been acknowledged of the Commission's letter, and the applicant having this day, to-wit: the 13th day of March, 1902, been called, and failing to respond, it is deemed that his case is completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

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

Wm Hutchinson

CHEROKEE 20 9471

Ora Seabolt

Transferred to Cherokee 9472.

Cher D 960

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T. December, 13th 1900.

In the matter of the application of Josie Carver for the enrollment of herself, husband and one child as Cherokee citizens. She being sworn before Commissioner Breckinridge testified as follows-

Q What is your name? A. Josie Carver.
Q What is your age? A. 23.
Q What is your post office? A. Muscogee, I. T.
Q In what district do you live in? A. In the Creek Nation, I live right in Muscogee.
Q Who do you want to have enrolled? A. Myself, husband and one child.
Q Are you a Cherokee by blood? A. Yes sir.
Q Were you born in the Cherokee Nation? A. Yes sir.
Q How long did you live in the Cherokee Nation before you moved out?
A Always lived in it last year.
Q What are you doing out there, working? A. Yes sir, my husband is working there driving a delivery wagon for Patterson.
Q Are you making that your home? A. Yes sir, but we also have a home in Illinois district.
Q What kind of a home? A. A house and six acres in cultivation.
Q No one living on it now? A. No sir.
Q What is your fathers name? A. Wilson Rider.
Q Is he living? A. Yes sir.
Q Give me the name of your mother? A. Nancy
Q Is she living? A. Yes sir.
Q What is your husbands name? A. John Carver.
Q Is he a white man or a Cherokee? A. White man.
Q When were you married to him? A. In 1891.
Q How old is your husband? A. About 29.
Q Let me see your marriage license and certificate.

The applicant presents a license issued by the Clerk of Illinois district on May 29th 1891, authorizing marriage between herself and husband and the certificate shows that on the 1st day of June ~~189~~ of the same year they were married in accordance with said license by the Rev. Mason F. Williams.

Q Were you ever married except to this husband? A. No sir.
Q Was he ever married except to you? A. No sir.
Q Has he lived with you ever since he and you were married? A. Yes sir.
Q Do you and your husband consider yourselves as citizens of the Cherokee Nation or of Muscogee? A. Of the Cherokee Nation.
Q What are you going to do if you are enrolled; work on your farm? A. Yes sir.
Q Give me the name of this child? A. Jerry.
Q How old? A. 4 years.
Q Is he living now? A. Yes sir.

1880 roll, page	796	No 1765,	Jose Rider,	Tahlequah dist.
1896	16	457	Josie Carver	Canadian district
1896	86	56	John Carver	"
1896	16	458	Jerry Carver	"

The applicant applies for the enrollment of herself, husband and one child. She is identified on the rolls of 1880 and 1896 as a native Cherokee. She states that she has lived in the Cherokee Nation all her life except that for the past year she and her husband have lived in Muscogee in the Creek Nation where he is engaged in driving a delivery wagon. Her change of name is established by the marriage license and certificate of marriage filed herewith, and she will be listed for enrollment as a Cherokee by blood on a doubtful card for the further consideration of her residence. Her husband is shown to have married her in accordance with Cherokee law in July 1891, neither were ever previous married. He has lived with her ever since their marriage. He is identified

tified on the roll of 1896, he is a white man and he will be listed now for enrollment as a Cherokee by inter-marriage on a doubtful card for the further consideration of the matter of ~~[illegible]~~ residence of himself and wife. The child Jerry as identified on the roll of 1896 and is now four years old. This child is living with its mother, but being a minor and having been born before its mother went to the Creek Nation the child is considered to possess all the rights ~~of~~ its mother possessed before she removed to the Creek Nation and it will be listed for enrollment as a Cherokee by blood and on a straight card.

Chas. von Weise, being sworn state 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 17th of December, 1900.

Commissioner.

Cherokee D 960

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Josie Carver for the enrollment of herself and her minor child Jerry Carver, as citizens by blood of the Cherokee Nation, and for the enrollment of her husband John Carver, 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 Jerry Carver is listed for enrollment as a citizen by blood of the Cherokee Nation on Cherokee Field Card No. 6613, therefore his application is not passed upon at this time.

On the 13th day of December 1900, Josie Carver appeared before the Commission at Tahlequah, Indian Territory, and then and there made personal application for the enrollment of herself as a citizen by blood, and for the enrollment of her husband, John Carver, as a citizen by intermarriage of the Cherokee Nation.

Josie Carver is identified on the Cherokee tribal roll of 1880 as "Jose Rider." She is also identified on the Cherokee census roll of 1896 as Josie Carver.

John Carver is identified on the Cherokee census roll of 1896. They were married on the 1st day of June 1891, in accordance with the laws of the Cherokee Nation, as evidenced by a copy of the marriage license and certificate attached hereto.

Josie Carver has resided in the Cherokee Nation all of her life until the year 1899. Her husband has resided therein continuously since his marriage until 1899, and still "own a house and six acres in cultivation." Since which time his employment has necessitated their living in Muskogee, Creek Nation.

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 Josie Carver is entitled to be enrolled as a member by blood of the Cherokee Tribe of Indians in Indian Territory, and that John Carver is 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 granted and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this 20 day of May 1902.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

D. 960.

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 Josie Carver for the enrollment of herself, her child, Jerry Carver, and her husband, John Carver, 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,

Acting Chairman.

Encl. C-960.

IN THE MATTER OF THE APPLICATION OF

John Carver Deceased

FOR ENROLLMENT AS

CHEROKEE CITIZENS

Original testimony Dec 13/00

Memo of application Dec 13/00

Marriage [illegible] certificate

See footer Cn. 6613.

Cher D 961

1961

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
TAHLEQUAH, I.T., DECEMBER 13th, 1900.

IN THE MATTER OF THE APPLICATION OF Etta P. Garrout for the enrollment of herself and child as citizens of the Cherokee Nation, and she being sworn and examined by Commissioner, T. B. Needles, testtified as follows:

Q What is your name? A Etta P. Garroutt.
Q How old are you? A Sixteen.
Q What is your Postoffice address? A Tahlequah.
Q What district do you live in? A Tahlequah.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A By blood.
Q What is your father's name? A George Welch.
Q Is he living? A Yes sir.
Q What is your mother's name? A Alice.
Q Is she living? A Yes sir.
Q Whom do you want to enroll? A Myself and baby.
Q Are you married? A Yes sir.
Q What is your husband's name? A William A. Garroutt.
Q When did you marry him? A The 9th of November, 1898.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Are you living in the Cherokee Nation now? A Yes sir.
Q Pretty young when you were married, were you not? A Yes sir.
Q Is your father living? A I do not know. I have not heard from him in several years.

By Mr. W. W. Hastings, Cherokee Representative:
Q Your mother is a white woman? A Yes sir.
Q Your father and mother were never married? A No sir.
Q Where were you born? A In the Cherokee Nation.
Q Where? A In Goingsnake District.
Q How long did you live in Goingsnake? A I lived there until I was six years old.
Q Then were did you go? A To where I am living now; on Fourteen Mile Creek.
Q You are living there now? A Yes sir.
Q Your mother has since married? A Yes sir.
Q To whom? A G. D. Gwartne.
Q That is her first marriage? A No sir; she has been married once before.
Q To whom was she married before? A A man named St.John.
Q When was that? A I do not know.
Q Before you were born, or since? A Since I was born: It was in '87 I believe.

Com'r. T. B. Needles:
Q Your mother is not a citizen by blood then? A No sir.

(1896 Roll, Page 812, #2587, Ettie Welch, Goingsnake District)

Q Is your mother living now? A Yes sir.
Q Is she here? A No sir; she lives in Colorado.
Q Your understanding is that your father and mother were never married? A Yes sir.
Q Who raised you? A My uncle raised me.
Q What is his name? A Sullivan.
Q Your mother was a white woman? A Yes sir.

By Mr. W. W. Hastings, Cherokee Representative:
Q Was your father married to some Cherokee woman at the date of your birth? A No sir.
Q Do you know who was afterwards his wife? A Jackalina Adair I think it was.

Q Do you know whether they were listed in 1880, or not?
A No sir, I do not.
Q Is your father living? A He was four years ago: That was the last account I had of him.
Q Do you know anything about your father's present family?
A No sir: His last wife had been dead about three years the last time I heard of her.

(1880 Roll, Page 396, #1412, George Welch, Flint District)

Com'r. C. H. Needles: The name of Etta P. Garroutt is found upon the census roll of 1896, as Ettie Welch: She avers that her father, was George Welch, a Cherokee by blood and that her mother was Alice , a white woman; that her father and mother never were married: She avers that she was married in November, 1898 to one, Samuel A. Garroutt, a non citizen: By him, she has one child named Lillian C. Garroutt, one year of age, and she makes satisfactory proof of birth of said child.

The name of her father is found upon the authenticated roll of 1880: By reason of the testimony as to the non marriage of her father and mother, her mother being a white person, final judgment as to the enrollment of the said Etta P. Garroutt and her child, Lillian C. Garroutt will be suspended and their names will be placed on a doubtful card.

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

Subscribed and sworn to before me this 19th day of December, 1900.

COMMISSIONER.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T. November, 7th 1901.

In the matter of the application of Etta P. Garroutt, et al, Cherokee Doubtful card, 4961. SUPPLEMENTAL TESTIMONY.

J. J. Starr for the Cherokee Nation
W. P. Thompson for the applicant.

ALICE GWARTNEY, being sworn by Com'r T. B. Needley, testified as follows for the applicant—

(By Mr. Thompson)

Q What is your name? A Alice Gwartney.
Q What is your age? A My age was 31 that June.
Q Post office? A Lamar, Colo.
Q What relation are you to the applicant? A I am her mother.
Q What was the applicant's maiden name? A Etta P. Welch
Q Who was her father? A George Welch.
Q Was he a Cherokee citizen? A Yes sir.
Q When was the applicant born? A She was born in 1885 in January, 26th
Q Where was she born? A She was born in the Indian Territory.
Q What Nation? A Cherokee Nation.
Q Has she lived in the Cherokee Nation ever since her birth? A Yes sir she has never been out of the Nation.
Q Were you and the father of Etta, George Welch, married? A I considered myself his wife; at that time owing to my youth and inexperience I was led to believe that I was his wife according to the laws and customs of the Cherokee Nation, and owing to our parents objections we were--we never had any public ceremony.
Q How old were you when he and you commenced going together? A I was only 14.
Q How old were you at the time this child was born? A I was 15 in June and she was born in January before.
Q You say you were led to believe that you were his wife according to the laws and customs of the Cherokee Nation; state what he said to you that caused you to believe that? A Only what he told me; I was very young and had no experience in anything of that kind at that time and had never kept company with any one before and I considered from what he said that I was his wife.
Q Well, what did he state to you? A He told me that I was just as much his wife as if we were married, that I was his wife according to the laws of the country, and as soon as I became of age he would claim me as his wife. My people were very much opposed to me keeping his company.
Q Then the applicant, Etta P. Garroutt's maiden name was Etta P. Welch? A Yes sir.
Q And you as her mother swear that she is the daughter of George Welch? A I do.
Q And that she was born in the Cherokee Nation? A Yes sir.
Q And has lived here since her birth? A Yes sir.
Q And has never lived anywhere else? A Never has.
Q You have since married have you? A Yes sir.
Q Your present husband's name is what? A G. D. Gwartney.

(By Mr. Starr)

Q You say that no marriage ceremony was ever performed between you and George Welch? A No sir.
Q How long did you live with Mr. Welch? A About one year and a half.
Q Is he living yet? A Yes sir, was the last time I heard, the last account I had of him he was, I haven't heard from him, haven't had any word from him in over a year .
Q Did you obtain a divorce from him when you married Mr. Gwartney? No sir he had married before I did.

(By the Commission)

Q Was your father and mother living when you were living with Mr. Welch? A Yes sir.
Q They were not citizens of the Cherokee Nation? A No sir.

Q How long did you live with Mr. Welch? A A year and a half.
Q Keep house with him? A No sir we never kept house together.
Q You had but the one child by Welch? A Yes sir.
Q When the child was born were you living with your parents at their house? A Yes sir.
Q In fact you never lived with with Welch, but always lived with your father and mother? A Yes sir.
Q Were you and Welch acknowledged as husband and wife by the neighbors there? A No sir not publicly, his people all knew just how it was.
Q He was a Cherokee? A Yes sir.
Q Full blood? A No sir one eighth or one quarter, I wouldn't be positive which.
Q He is living now? A Yes sir.
Q You reside in Colorado? A Yes sir.
(By Thompson)
Q How long has it been since you left his country to go to Colorado?
Q Four years, will be five next April.
Q You say that his parents and relations and himself recognized the relation between you and George Welch? A Yes sir.
(By the Commission)
Q Are his parents living now? A No sir.
Q Did you ever live at his parents house? A Yes sir, his mother was only living at that time, his father was not.
Q You say that your father and mother are living? A Yes sir.
Q Where do they live? A My mother is on Fourteen Mile Creek and my father lives near Foyl with my brother.
Q They are not living together? A They are very old people and I am their youngest child.
Q They are both living in the Cherokee Nation? A Yes sir.

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This will be filed with the original application.

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

Chas von Weise

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

Commissioner.

R.

C. D-961.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 13, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Etta P. Garrout for the enrollmentof herself and children as citizens of the Cherokee Nation.

Appearances:
William P. Thompson, Vinita, I. T., attorney for applicant.
W. W. Hastings, attorney for Cherokee Nation.

The applicant was notified by registered letter February 25, 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 atits offices in Muskogee, I. T., on the 13th day of March, 1902, and that on said date she might appear before the Commission, either in person or by attorey, when an opportunity would be given her to introduce any additional testimony affecting her application. Receipt has been acknowledged of the Commission's letter, and the applicant having this day, to-wit: the 13th day of March, 1902, been called, and failing to respond, it is deemed that her case is completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

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

Wm Hutchinson

Cherokee D 961.

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

In the matter of the application of Etta P. Garroutt for the enrollment of herself and her minor children, Lillian O. and Daisy L. Garroutt, as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on December 13, 1900, Etta P. Garroutt appeared before the Commission at Tahlequah, Indian Territory, and made application for the enrollment of herself and her minor child, Lillian O. Garroutt, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, on November 7, 1901. Subsequent to the date of said application, the said Etta P. Garroutt filed a birth affidavit for her minor child, Daisy L. Garroutt, and the same is made a part of the record herein.

The evidence shows that the said Etta P. Garroutt is the child of George Welch, who is a Cherokee by blood and identified on the 1880 authenticated Cherokee roll; that the said Etta P. Garroutt was born since 1880 and is identified by the name of Ettie Welch on the 1896 Cherokee census roll. The said minor applicants are her children and are identified by birth affidavits made a part of the record herein.

The evidence further shows that Etta P. Garroutt has resided in the Cherokee Nation all her life; and it is considered that her said minor children have resided with their mother since their birth.

It is, therefore, the opinion of this Commission that Etta P. Garroutt, Lillian O. Garroutt and Daisy L. Garroutt 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
Chairman.

T. B. Needles
Commissioner.

Commissioner.

Muskogee, Indian Territory,

this _____

Commissioner.

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-961.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 2, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 2, 1905, granting the application for the enrollment of Etta P. Garrout, et al., 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,

Chairman.

Incl. S-9

Exhibit C

IN THE MATTER OF THE APPLICATION OF

Ella P. Garrott et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

Original testimony Dec 13/00

Memo of application Dec 13/00

Certificate of Ast. Ex. Sec of Cher. Nation as to enrollment of Tom Quatie Creek

Birth certificate, Lillian C. Garrott.

Receipt for testimony

Affidavit [illegible] 1901

Notice of final consideration 3/13/02

MAY 24 1901

Cher D 962

[illegible]
Commission to the Five Civilized Tribes
Tahlequah, I. T., December 1[illegible], 1[illegible].

In the matter of the application of Peter [illegible] for admission to the Cherokee Nation as a citizen by [illegible] and [illegible] Commission, [illegible] examined by [illegible] T. [illegible] Noble, testified as follows:

Q What is your name? A Peter Greenwood.
Q How old are you? A About sixty.
Q What is your nationality? A Tahlequah.
Q In what district do you live? A Tahlequah.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q Who do you want to enroll? A Myself [illegible].
Q What is the name of your wife? A Mary J.
Q Is she a citizen by blood? A No sir.
Q Where did you marry her? A I married her in the nation.
Q Is her name on the roll of 1880? A [illegible] on the roll [illegible] I don't say [illegible].
Q What is her age? A 50.
Q Were you married? A Yes sir.
Q Have you any certificate of admission? A Yes sir.
Applicant presents a certificate issued by the office of the Commission on Citizenship, Tahlequah, September 1[illegible], 1 84, signed by Nil Sperry, President, John Lee and Arthur Young, Commissioners, attested by John B. Adair, Clerk, certifying that the above [illegible] was duly admitted to Cherokee citizenship on the 1[illegible] day of September, 1 [illegible], as a North Carolina Cherokee. The correctness of the copy presented being certified to by [illegible], Executive Secretary of the Cherokee Nation.
[illegible] Peter Greenwood, Tahlequah, [illegible]
[illegible] Mary J. Greenwood, Tahlequah, [illegible]
Q Is she now living? A Yes sir.
Q Did she live in the Cherokee Nation when you were admitted in 1[illegible]? A Yes sir.
Q Did she have [illegible]? A Yes sir.
Q Your wife was married to you at the time you were admitted? A I was married in 1873, back in the [illegible].
Q Your wife wasn't admitted at the time you were? A [illegible].

Commissioner Noble—

The name of Peter Greenwood appears upon a Cherokee roll of 1880, and he makes application for admission to Cherokee citizenship upon a certificate duly issued in the testimony. The name of his wife, Mary J., appears upon the Cherokee roll of 1880. Her name does not appear in the certificate of admission of the said Peter Greenwood. He avers that he was married to her in the year 1873, in the state of Tennessee. They being duly identified, and having made satisfactory proof as to residence, the said Peter Greenwood will be duly listed for enrollment as a Cherokee citizen by blood. By reason of the fact that his wife does not appear in the certificate of admission, final judgment as to the enrollment of his wife, Mary J., as an intermarried white, will be suspended, and her case will be placed upon a doubtful card.

I, [illegible], being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

[illegible] Rothenberger

Subscribed and sworn to before me this 4th day of December, 1[illegible].

[illegible]
Commissioner.

D962

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 27 1902

R.

C. D-962.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 13, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Mary J. Graybeard for the enrollment of herself as a citizen of the Cherokee Nation.

The applicant's husband, Peter Graybeard, was notified by registered letter February 25, 1902, that his application for the enrollment of his wife, Mary J. Graybeard, as a citizen of the Cherokee Nation, would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 13th day of March, 1902. Receipt has been acknowledged of the Commission's letter, and the applicant this day, to-wit: the 13th day of March, 1902, appears by her husband, Peter Graybeard.

PETER GRAYBEARD, being first duly sworn, and being examined, testified as follows:

BY COMMISSION OF MR. GRAYBEARD: What is your name?
A. Peter Graybeard.
Q. How old are you? A. About sixty years old.
Q. What is your post office address? A. Tahlequah.
Q. You are the husband of Mary J. Graybeard? A. Yes sir.
Q. She is an applicant before the Commission as a citizen of the Cherokee Nation? A. Yes sir.
Q. When were you married to her? A. Married in 1873, January 1st
Q. Did you get a marriage certificate, a marriage license?
A. Yes sir, I did where I was married.
Q. What has become of it? A. I gave it to the magistrate, the squire, and he kept it, and did not give it back to me.
Q. Did you ever make an attempt to get a certified copy of it?
A. I was going to, but I understood the courthouse was burned, and I didn't make any effort. That is what I understand from letters from my friends.
Q. Did you and your wife live together continuously since your marriage? A. Yes sir.
Q. Never separated? A. No sir.
Q. Living together now? A. Yes sir.
Q. Raise a family of children? A. Had two, but not my children.
Q. Never had any children by your present wife?
A. Had one but it died.
Q. Were you ever married before you married your present wife?
A. No sir.
Q. Was she ever married before? A. No sir.

MR. HASTINGS: Neither one ever married before? A. No sir.

BY COMMISSION: Is there any further statement you desire to make relative to the application of your wife? A. No sir.
Q. You submit the case to the Commission for final consideration?
A. Yes sir.

Peter Graybeard, in behalf of his wife Mary J. Graybeard, and the representative of the Cherokee Nation present submit the case, same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

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

Wm Hutchinson

Cherokee [illegible].

[illegible]

[illegible]

[illegible] the [illegible] for the enrollment of [illegible] J. [illegible] citizen by [illegible] of the Cherokee Nation.

[illegible].

The record in this case shows that on October 15, 1906, [illegible] appeared before the Commission at Tahlequah, Indian Territory, and made application for the enrollment of his wife, Mary [illegible], and [illegible] citizen by [illegible] of the Cherokee Nation. J. [illegible], and a citizen by [illegible] of the Cherokee Nation. [illegible] further proceedings in the matter of said application at Muskogee, Indian Territory, on [illegible], 1906; at Tahlequah, Indian Territory, on [illegible], 1906, and at Muskogee, Indian Territory, on [illegible], 1906.

[illegible] said [illegible] and [illegible] application [illegible] the [illegible].

[illegible] Mary J. [illegible] legally [illegible] to citi[illegible] of [illegible] 1, [illegible].

[illegible] the [illegible] of [illegible] application [illegible] Commission [illegible] of Cherokee citizenship. [illegible] the Cherokee [illegible] roll [illegible].

The evidence further shows that the said Mary J. [illegible] board [illegible] the said [illegible] to the Cherokee Nation, continuously [illegible] 1, 1906.

[illegible], therefore, the [illegible] of the Commission that Mary J. [illegible] by intermarriage [illegible] the [illegible] of the provisions of section twenty-[illegible], 1906, (34 Stat., [illegible]), [illegible].

[illegible] TO ENROLL CHEROKEE CITIZENS.

[illegible]
Acting Chairman.

[illegible]
Commissioner.

[illegible]
Commissioner.

Dated at Muskogee, Indian Territory,
this [illegible]

E C M

Cherokee 10064.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of MARY J.GRAYBEARD 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 Tahlequah, Indian Territory, December 13,1900 application was received by the Commission to the Five Civilized Tribes for the enrollment of Mary J. Graybeard as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 13,1902, Tahlequah, Indian Territory, August 26, 1902 and at Muskogee, Indian Territory, October 20, 1902 and January 4, 1907. The records further show that on December 10,1902 the Commission to the Five Civilized Tribes rendered its decision herein granting said applicant the right to enrollment as a citizen by intermarriage of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Mary J.Graybeard,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 to one Peter Graybeard in the State of Tennessee,January,1873; that the said Peter Graybeard was not at the time of said marriage a recognized citizen by blood of the Cherokee Nation and did not become a citizen of said Nation until his admission to citizenship therein by the duly constituted authorities of said Nation on September 16, 1884. Said applicant did not, therefore, marry a citizen by blood of the Cherokee Nation prior to November 1, 1875. Neither the applicant herein, Mary J. Graybeard, nor her husband, the said Peter Graybeard, can be identified on the Cherokee authenticated tribal roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That the decision rendered by the Commission to the Five Civilized Tribes December 10, 1902 granting the application for the enrollment of Mary J. Graybeard as a citizen by intermarriage of the Cherokee Nation be rescinded, set aside and held for naught, and 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 Mary J. Graybeard is not entitled, under the provisions of Section Twenty-one 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.

(SIGNED) 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 962.

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 Peter Graybeard for the enrollment of his wife, Mary J. Graybeard, 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. 425.

REFER IN REPLY TO THE FOLLOWING:

Cherokee
10064

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

Muskogee, Indian Territory, February 8, 1907.

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

Dear Sir:

There is enclosed herewith copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 8, 1907, rejecting the application for the enrollment of Mary J. Graybeard, 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. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Commissioner.

Enc I-28

RPI

N 962

IN THE MATTER OF THE APPLICATION OF

Nancy E. Dougherty

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

a Original testimony Dec 13/00

b Memo of application Dec 13/00

c Certified copy [illegible]

d Notice of final consideration, 3/13/02

See [illegible]

Cher D 963

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T. December, 13th 1900.

In the matter of the application of Susanna Kirk for the enrollment of herself, husband and seven children as Cherokee Citizens. She being sworn before Commissioner Brookinridge, testified as follows-

Q What is your name? A. Susanna Kirk.
Q How old are you? A. 35.
Q What is your post office? A. Tahlequah
Q What district do you live in? A. Tahlequah.
Q Who is it you desire to have enrolled, yourself and family? A. Yes sir myself, husband and seven children.
Q Are you a Cherokee by blood? A. Yes sir.
Q Full blood? A. Yes sir.
Q Is your husband a Cherokee ? A. Yes sir.
Q Have you lived in the Cherokee Nation all your life? A. Yes sir.
Q Where is your husband? A. Here i town somewhere.
Q Give me the name of your father? A . John Tadpole.
Q Is he alive? A. No sir.
Q Give me the name of your mother? A. Linda.
Q Is she alive? A. No sir.
Q How many times have you been married? A. Just once.
Q When were you married to your husband? A. In 1882.
Q Have you someone here who knows that you are the daughter of John and Linda Tadpole? A. Yes sir Mr. Parris.

ZEEK PARRIS called and sworn as a witness, testified as follows-

Q What is your name? A. Zeek Parris.
Q How old are you? A. 43.
Q What is your post office? A. Tahlequah.
Q How long have you lived in the Cherokee Nation? A. All my life.
Q Do you know this applicant, Susanna Kirk? A. Yes sir.
Q What is the name of her father? A. Never knowed her father.
Q What was her name before she was married? A. Tadpole, she was an orphan girl.
Q Do you know her given name? A. Susanna.

BY COMMISSION OF APPLICANT.

Q What is your husbands name Tom Kirk.
Q How old is he? A. 40.
Q Has he lived in the Cherokee Nation all his life? A. Yes sir.
Q Give me the name of his father? A. I dont know it.
Q Give me the name of his mother? A. Emily Crittenden
Q Was that her maiden name? A. Yes sir.
Q Has your husband ever been married except to you? A. No sir.
Q Have you got a marriage license or certificate? A. Yes sir.

The applicant presents a license issued by the Clerk of Goingsnake District on April 17th 1882, authorizing marriage between herself and husband. The certificate shows that they were united in marriage on the 24th day of April, the year being given in the certificate as 1892, by the Rev. Joseph Smallwood. The indorsement shows that the instrument was recorded on the 8th of September, 1882. Presumably the year 1892 is an error in the certificate and should be 1882.

Q Has your husband lived with you ever since you and he were married? 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 Give me the names of your children? A. Charlotte M.
Q How old? A. 15.
Q. Next child? A. Robert. Q How old? A. 13.
Q Next child? A. Samuel

Q How old? A. 10.
Q Next? A. Walter.
Q How old? A. 8.
Q Next? A. Asberry.
Q How old? A. 6.
Q Next? A. Keek P.
Q How old? A. 4.
Q Next? A. Albert.
Q How old? A. 3.
Q Are these children all living now? A. Yes sir.

1880 roll, page 28 No 98.			Susan Tadpole, Orphan Roll, Saline dist.
1896	1199	1871	Susan Kirk, Tahlequah dist.
1896	1199	1872	Charlotte Kirk "
1896	1199	1873	Robert Kirk "
1896	1199	1874	Samuel Kirk "
1896	1199	1875	Watie Kirk "
1896	1199	1876	Asbury Kirk "

BY CHEROKEE REPRESENTATIVE W. W. HASTINGS-

Q Is Tom Kirk any kin to Lewis Weaver? A. Yes sir a half brother, had the same mother.
Q She was a colored woman wasnt she? A. They said that it was a mistake.
Q Wasnt she a slave before the war? A. That is my information.
Q Lewis Weaver lives in Goingsnake district dosnt he? A. Yes sir.

The applicant applies for the enrollment of himself, husband and seven children. She is identified on the 1880 roll as well as the 1896 roll 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 seven children the first five are identified with her on the roll of 1896, they are minors and are living at this time. They will now be listed for enrollment as Cherokees by blood. When she filed certificates of birth for her two youngest children, Keek P. and Albert Kirk, these children also will be listed for enrollment as Cherokees by blood. Her husband Thomas Kirk is shown to have married her in accordance with Cherokee law in 1883; she states that neither of them were ever previously married; he is identified on the roll of 1896. The Cherokee Representatives present, content that their law does not provide for the conferment of citizenship to colored men by inter-marriage. In a case where an inter-married colored man named Tom Johnso was identified on the roll of 1880 and in every other particular identified in a satisfactory manner since the roll of 1880, that man was placed on a straight card. In the present case, this man is not on the roll of 1880, and for the further consideration of the question raised in this and other similar cases by the Cherokee Representatives the application for the enrollment of this man Thomas Kirk, who is shown to be a colored man, he being through his mother, a colored woman, a half brother of one Lewis Weaver, who is on the Goingsnake roll of 1880 as a colored man, they having the same mother. This applicant will be placed on a doubtful card and listed thereon as a Cherokee by intermarriage.

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

Subscribed and sworn to before me this the 18th of December, 1900.
Commissioner.

D963

Supl.-C.D.#963.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 24, 1902.

SUPPLEMENTAL in the matter of the enrollment of THOMAS KIRK as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 25, 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 13th day of March, 1902, On said date the case was continued by agreement until the 24th day of March, 1902. Receipt has been acknowledged of Commission's letter. The applicant this day, to-wit, the 24th day of March, 1902, has been called and failing to respond either in person or by attorney, it is deemed that the case is completed, and the same will be reported to the commission for final decision based upon the evidence now of record.

---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 above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J O Rosson

D. 663.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 6, 1902.

In the matter of the application of Thomas Kirk for the enrollment of himself as a citizen of the Cherokee Nation.

Cherokee Nation represented by W. W. Hastings.

COMMISSION: This cause having been heretofore continued until this day, the applicant fails to appear in person or attorney, and the Cherokee Nation appears by its attorney, W. W. Hastings, and submits the cause upon the evidence and record as now made up.

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

Arthur G. Croninger

Subscribed and sworn to before me this 8th day of May, 1902.

F. L. Reuter
Notary Public.

Cherokee-D-963.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, February 21, 1905.

In the matter of the application for the enrollment of Thomas Kirk as a citizen by intermarriage of the Cherokee Nation.

Thomas Kirk, being first duly sworn, testified as follows:

Q. What is your name? A. Thomas Kirk.
Q. What is your post office address? A. Tahlequah, Indian Territory.
Q. What is your mother's name? A. Emily Weaver.

(Emily Weaver, the mother of the applicant, is found Memorandum case number 348.)

Q. What was your father's name? A. Kirk.
Q. His full name? A. Robert Kirk, so mother told me. I never saw him. That is what she told me.
Q. Your mother claims rights as a Cherokee by blood, doesn't she? A. I declare, I am not able to tell you.
Q. You do not know? A. No sir, I do not. They come down here and I didn't come with them, and I don't know how they put in.
Q. I think if I were you I would find out. You ought to know something about your own mother, it seems to me.

WITNESS EXCUSED.

John H. Greece, being first duly sworn, testified as follows:

Q. What is your name? A. John H. Greece.
Q. What is your post office address? A. Tahlequah.
Q. You are a Cherokee Indian? A. Yes sir.
Q. How old are you? A. I was born in '67.
Q. You appear here as a witness for Thomas Kirk? A. Yes sir.
Q. What do you know about this case? A. I don't know anything about it. He just wanted me to identify him as the Thomas Kirk in his citizenship business; to prove that there was no Thomas Kirk but him.
Q. I do not think there is any question as to his identity. There is a Thomas Kirk on the roll in Tahlequah District. That is he, is it not? A. Yes sir.
Q. Have you ever held any official position in the Cherokee Nation? A. No sir.
Q. Do you know anything as to his blood? A. No sir, I don't.

Q. You do not know whether he is a Cherokee by blood or a Freedman? A. No sir.
Q. How long have you known Thomas Kirk? A. Ever since I was big enough to remember anything, but I never had any dealings with him until about 12 or 13 years ago.

Mr. Davenport:

Q. Where has Thomas Kirk been living? A. He is living in Tahlequah District, but he has been living in Going Snake District.
Q. He was a man grown when you first got acquainted with him? A. Yes sir. I first saw him when I was small.
Q. Did I understand you to say that he is the only Thomas Kirk making application as a Cherokee or Freedman? A. The only one I know of.
Q. Are you in position to know whether he is the only one or not? A. I don't know.
Q. You do not know what roll he properly belongs on, do you? A. No sir, I don't.

WITNESS EXCUSED.

John Newton, being first duly sworn, testified as follows:

Q. What is your name? A. John Newton.
Q. What is your post office? A. Westville.
Q. Cherokee Nation? A. Yes sir.
Q. Do you know the applicant, Thomas Kirk? A. Yes sir.
Q. How long have you known him? A. For ten years.
Q. What do you know about him --- as to whether he is a Cherokee by blood or not? A. His mother applied as a Freedman on the 15th. of November. She claims her right as a Freedman.
Q. You do not know anything as to the blood of Thomas Kirk? A. No sir, I couldn't say anything as to his blood.
Q. Has he been living in the Cherokee Nation as long as you have known him? A. Yes sir.

Mr. Davenport:

Q. Was his mother Emily Weaver? A. Yes sir.
Q. You have known him how long? A. Ten years.
Q. And since you got acquainted with him he has been living continuously in the Cherokee Nation? A. Yes sir.
Q. You do not know, from your own personal knowledge, what roll these people belong on? A. I had this case brought here before the Commission. I had an attorney here, by the name of Couch, and paid the expenses and paid him $50.00 to prosecute this case, and we prosecuted it under the Freedman Act.

WITNESS EXCUSED.

Thomas Kirk ----- # 3.

Thomas Kirk recalled.

Q. On what do you base your right to enrollment, today? A. I follow my mother. Wherever they place her, I will be, too.

Q. If the Commission should find that you are entitled to be enrolled as a Cherokee Freedman, and also that you are entitled to be enrolled as a Cherokee by intermarriage, do you wish to be finally enrolled as a Cherokee by intermarriage or as a Cherokee Freedman? A. Why, as a Freedman.

Q. In other words --- let us have this thing straight now ---you desire to have your rights determined, first, as a Cherokee by blood or a Freedman; and then, in case the Commission finds that you are entitled to be enrolled either as a Freedman or as a citizen by blood, that you wish to be enrolled as such, and that your application as a citizen by intermarriage be cancelled? A. That is what I am here for --- anywhere they see fit to put me.

Q. Well, but we can't keep this case going untillyou make up your mind. This has got to be settled right now. If the Commission should hold that you are entitled to be enrolled as a Freedman, do you want to be enrolled as that and let your application as an intermarried citizen go? A. Yes sir.

Q. You want your citizenship to follow that of your mother? A. Yes sir.

Q. If the Commission refuses you as a Freedman or by blood, then you want your application for intermarried rights to be passed upon? A. Yes sir.

Mr. Davenport:

Q. When you married your wife, under whom you claim your intermarried rights, what proceedings did you have before your marriage? A. I obtained a tribal license.

WITNESS EXCUSED.

Eula Jeanes Branson, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 20th. day of February, 1905, and that the above and foregoing is a true and correct transcript of her stenographic notes taken in said cause on said date.

Eula Jeanes Branson.

Subscribed and sworn to before me this the 21 day of February, 1905.

Edwin Jones

Notary Public.

Cherokee D-963

Cherokee D-2443.

Muskogee, Indian Territory, June 30, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the applications for the enrollment of Thomas Kirk and Rachel Woodall as citizens of the Cherokee Nation, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to their identification on the Cherokee tribal rolls, and as to their residence since birth.

You are advised that the applicant, Thomas Kirk, has this day been directed to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Saturday, July 16, 1904, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire, in rebuttal of that offered by the applicant.

Respectfully,

Commissioner in Charge.

Leonard Hall

FOR ENROLLMENT AS

CHEROKEE CITIZENS

Orig. application filed Dec 13/00

Amended application Dec 13/00

Marriage license or certificate

Notice of final consideration 2/13/03

MAR 9 1907

See another card

Cher D 964

1864

FILED
DEC 15 1900

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
[illegible] CIVILIZED TRIBES,
[illegible], I. T., [illegible] 18th, 1900.

In the matter of the application of [illegible] Cannon for the enrollment of herself as a citizen of the Cherokee Nation; said Cannon [illegible] by her father [illegible], in tribal [illegible]:

[illegible] Cannon.
[illegible] 1.
[illegible] A Cadda.
[illegible] live [illegible] county.
[illegible] have enrolled, just yourself? A Just [illegible].
[illegible] a native by blood? A Yes, sir.
[illegible] in the Cherokee Nation? A I was born [illegible] school [illegible] mother died and I come [illegible] before.
[illegible] the Cherokee Nation? A I [illegible] I filed case.
[illegible] Yes, sir.
[illegible] two or three years until my grandmother died.
[illegible] the Choctaw Nation and you have been there ever [illegible] been going to the orphan school [illegible].
[illegible] of your father [illegible] William Bradford Hampson.
[illegible] that he is dead, but I heard not long [illegible] that he is living.
[illegible] Hodge Hampson.
[illegible] Yes, sir, I was then I [illegible] four years old.
[illegible], sir.
[illegible] or white man? A White man.
Com'r:--The applicant presents an official copy of an Act of the Cherokee Council [illegible] February [illegible], 1896, readmitting certain persons to citizenship, [illegible] by blood, and among them appears the name of Zee May Hampson. This is identified as official evidence of her readmission [illegible].
[illegible] your name at the time? A Yes, sir.
[illegible] filed herewith.
[illegible] live after you were readmitted in 1896? A Out [illegible] about six miles north of Tahlequah.
[illegible] you go to the orphan school here before or after that? A [illegible], I went home in 1898 on account of my eyes being so weak I could not study.
[illegible] You mean you went back to the Choctaw Nation? A Yes, sir.
[illegible] Well now, you are married are you? A Yes, sir.
[illegible] your certificate of your marriage? A Yes, sir, I have it.
Com'r:--The applicant files letters of guardianship showing that on the 9th of November, 1898, Eliza Ward, was appointed by the Judge of Tahlequah District, as the guardian of the applicant.
Q When did you marry? A Last July.
Q Have you your marriage certificate? A Yes, sir.
Q Who is Eliza Ward who was made your guardian, is she your Aunt? A Yes, sir.
Q Does she live in the Cherokee Nation? A No, sir, she lives in the Choctaw Nation.
Com'r:--The applicant presents a license issued by the Cherokee or the United States Court, Central District, Indian Territory, dated January 22, 1900, authorizing marriage tween herself and William L. Cannon. The certificate shows that they were united in marriage on the 1st of July, of the present year by the Rev. William H. DeWeese. This is filed herewith.

Zoe May Cannon--2.

Q Now, where have you lived since you have married? A In the Choctaw Nation.
Q Where have you lived since you left school on account of your eyes? A With my Aunt in the Choctaw Nation.
Q Are a minor? A Yes, sir.
Q Is your husband a white man? A Yes, sir.
Q What is he doing in the Chowtaw Nation? A Farming.
Q Is he a renter or own land? A Renter.
Does he consider that his permanent home? A No, sir.
Q Has he ever lived up here in the Cherokee Nation? A No, sir.
Q Has he taken any steps to make his home here in the Cherokee Nation? A He has talked about it.
Q You do not know just what he is doing? A No, sir.
Q Has he been up here to see about coming? A He is coming up here next week. He came up to Fort Gibson last winter.
Q What is he doing, looking to make a home here? A He has not done anything up here.
Q What reason have you to believe that he intends coming up here here? A That is his intention if I get on, of course he can't if I can't.
Q Has he always said he wanted to make his home in the Cherokee Nation? A I have a place out here.
Q How much land have you fenced in out there? A I do not know, there are four dozen of us.
Q Are you now getting rent from that place? A My cousin took it in [illegible] I do not know anything of the rent.
Q You have always claimed that place here? A Yes, sir.
Q Do you consider that your country is there? A Yes, sir, I do not know how or on what condition.
Q You have never got any rent from it? A No, sir.
Q Your husband can't enter upon it nor can he? A I do not know how it is.
Q You do not know of any home that you and your husband can come and occupy now as your? A No, sir.
Q Is the land that you have control of? A No, sir.
Q Are you on any roll, are you on the 1896 roll? A I think I am.
Q Were you at the orphan institute in 1896? A Yes, sir.
[illegible] No. 1, page 10[illegible], [illegible], Arrington, Orphan Roll, Seline.

[illegible] Brooklyn Street--The applicant herein is shown to have been readmitted to citizenship by the Council of Blood, on January 2[illegible], 1888. She gives her age at present as [illegible] years, and she established her marriage in July of the present year by the license and certificate filed herewith. A part of her child hood was spent with her Aunt, who is shown to have been her guardian, in the Choctaw Nation, where she is residing at the present time. She is identified on the orphan roll of 1896, and she has divided her time between the Cherokee Nation and the Choctaw Nation. Her mother being dead, she has been dependent upon her Aunt. For the further consideration of her rights with reference to her residence and under the conditions stated in the testimony she will now be listed for enrollment as a Cherokee by blood, upon a doubtful card, and the final decision will be made known to her at her post office address.

---oo0OOoo---

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

J. D. Wesson

Subscribed and sworn to before me this 15th day of December, 1900.

[illegible] Commissioner.

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

FILED
MAR 13 1901

A TING CHAIRMAN

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 13, 1901.

Supplementary testimony in the matter of the application of Zoe May Cannon. Zoe May Cannon, being sworn and examined by Commissioner T. B. Needles, testified as follows:-

Q What is your name? A May Cannon.
Q How old are you? A I will be 19 next birthday.
Q What is your postoffice? A Gallo.
Q Are you the identical May Cannon that applied to be enroled as a Cherokee citizen on the 22nd day of August, at Fort Gibson?
A Yes sir.

Interrogated by Mr. McPherson, attorney for applicant:
Q Where did you live in 1899? A I left school in 1899.
Q Where? A Orphans' Home, Cherokee Nation, Saline; I left there in December, 1899.
Q Where was that school situated, in what nation? A In the Cherokee Nation.
Q What relation are you to Fannie Hampton? A A sister.
Q What relation are you to Eliza Ward? A A niece, her sister's child.
Q How long did you remain at that school? A Three years.
Q Is your sister a recognized Cherokee Indian? A Yes sir.

Commissioner:
Q In your sworn examination on the 22nd day of August, 1900, when you applied before the Commission, the testimony shows that you went to the Orphan Home two or three years, and came back in 1899?
A Yes sir.
Q That's a mistake, is it? A Yes sir.
Q It should be 1898? A Yes sir. I went to the Orphan Home in 1895.
Q And returned in 1899? A Yes sir.
Q Your statement made in the testimony that you came home in '98 was a mistake? A Yes sir.
Q It should be 1898? A Yes sir.

By J. L. Baugh, representative of the Cherokee Nation:
Q Have you any property in the Cherokee Nation? A I am heir to a place here. I have one-third interest in it.

Commissioner-
Q Your name is May Cannon now? A Yes sir.
Q Are you married? A Yes sir.
Q Your maiden name was Hampton? A Yes sir.
Q What is your husband's name? A Will Cannon.
Q What is the name of your father? A William B. Hampton.
Q What is the name of your mother? A Nancy B.
Q You applied twice, have you, - you appear to have applied at Tahlequah? A Yes sir.
Q And then you applied before that at Fort Gibson? A Yes sir.
Q What is your proper name? A Zoe May Cannon, but I don't go by that name.
Q We want to know what your name is? A Zoe May Cannon.

Commissioner- It appears that the applicant was enrolled at Fort Gibson, on the 22nd of August, 1900, D-Card No. 167, and that she again presented herself for enrollment at Tahlequah, and was enrolled on D-Card No. 964. It is ordered that the enrollment made at Fort Gibson, Card No. 167 be cancelled.

Witness, Eliza Ward, being sworn by Commissioner Needles, testified as follows:

Q What is your name? A Eliza Ward.

3- N. N. C.

Q What is your age? A 51.
Q What is your postoffice? A Gadis.
Q You know Zoe May Cannon? A Yes sir.

Interrogated by Mr. McPherson, attorney for applicant-
Q What relation is she to you? A My niece, sister's daughter.
Q Are you an Indian? A Yes sir.
Q What tribe? A Cherokee.
Q Were you the guardian of Zoe May Cannon? A Yes sir.
Q About what time were you appointed? A It was about 92 or '93.
Q About how old was Zoe May Cannon at that time? A She was about 11 or 12 years old; I don't remember exactly.
Q Where were you living at that time? A Tahlequah.
Q Cherokee Nation? A Yes sir.
Q Did you remove from the Cherokee Nation? A Yes sir.
Q After that time? A Yes sir.
Q About what age was Zoe May Cannon, or Hampton, she was at that time, when you removed from the Cherokee Nation? A When I moved to the Cherokee Nation back, she was about the same; we moved back in the same year.
Q About how old was she? A 10 or 11 years old.
Q Did you take her with your family? A Yessir.
Q Was she living ----------? A Right at the time I went back, she went home with my aunt that lived on Grand Lake.
Q What Nation? A Cherokee Nation, and she stayed with her nearly two years, and then she come to me again.
Q And then she must have gone to you when she was about 13 or 14 years old? A Yes sir.
Q How long did she remain with you? A About a few weeks.
Q In the Choctaw Nation? A Yes sir. I had her sister with me. She went to school.
Q Were you her guardian also? A Yes sir.
Q How long did she stay in the Choctaw Nation? A A few weeks.
Q Where did she go then? A To the Orphan Home, Cherokee Nation.
Q Where? A Saline.
Q How long did she remain there? A Three years.
Q About what time did she go there? A It was in '95, I think, as well as I remember.
Q She lived only a week in the Choctaw Nation at that time? A Yes sir, at that time.
Q Where did she live with before you were appointed her guardian?
A With her grandma in the Cherokee Nation.
Q What is her grandmother's name? A Martha Beck.
Q How did she come to live with you? A Her father gave her to me after her grandmother's death.
Q After her grandmother died, she went to live with you? A Yes sir.
Q And you were appointed her guardian? A Yes sir.
Q Where do you live? A In the Choctaw Nation.
Q You know anything about a farm in which Zoe May Cannon is part owner? A Yes sir.
Q Where is it situated? A About six miles north or little west of Tahlequah, Cherokee Nation.
Q How did she come in possession of that? A After my mother's death. It was my mother's farm.
Q Your mother was Martha Beck? A Yes sir.
Q Then Zoe May Cannon is the daughter of your sister? A Yes sir.

I, the undersigned, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of my stenographic notes in said case.

C. K. Nottenkamper

Subscribed and sworn to before me this 13th day of March, 1901.

Commission

Supl.-C.D.#964.

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

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

The applicant was notified by registered letter February 25, 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 13th day of March, 1902. On said day the case was continued by agreement with the representative of the Cherokee Nation until the 20th day of March, 1902. Applicant this day, to-wit: the 20th day of March, 1902, appears in person and by her Attorney, S. F. Parks, Vinita, I.T. Mr. W. W. Hastings, Cherokee Representative, present.

ZOE MAY CANNON, the applicant, being duly sworn, testified as follows:

MR. PARKS:

Q What is your name? A Zoe May Cannon.
Q What was your maiden name? A Zoe Hampton.
Q What is your husband's name? A William L. Cannon.
Q Where did you marry him? A Caddo.
Q What Nation? A Choctaw.
Q How long ago? A Be two years ago next July.
Q Where do you live now? A In the Canadian District.
Q Have you a farm down there? A Yes, sir.
Q Well, how long after your marriage to this man was it until you came back to the Cherokee Nation? A I came back the last of December.
Q Did you own any land down there, any place down there?
A No, sir.
Q Were you renting? A Yes, sir.
Q Your husband was renting? A Yes, sir.
Q Did you have any property here? A Nothing only just interest in a place.
Q Who carried you down there? A Aunt Eliza.
Q Eliza who? A Ward.
Q What relation was she? A Aunt, my mother's sister.
Q She was your aunt? A Yes, sir.
Q Was she your guardian? A Yes, sir.
Q Was she a citizen of that Nation? A She was a Cherokee.
Q Is she a citizen of the Choctaw Natio n? A She married a Choctaw.

MR. HASTINGS:

Q What is your age? A About 20 next May.
Q When were you married? A Last July, be two years this July, I was marrie in 1900.
Q You were married down there? A Yes, sir.
Q Choctaw Nation? A Yes, sir.
Q Up to that time you had no farm or improvements in the Cherokee Nation? Yes, sir, an interest in a place.
Q What intesest did you have in a place, an heirs interest?
A Yes, sir.
Q Somebody died? A My grandmother died.
Q Your father had no interest up here? A No, sir.

Q Where were you? A Choctaw Nation.
Q You were readmitted here in February, 1888, according to this records; that is true is it? A Yes, sir.
Q And you first come up here since you married to make it your home? A Yes, sir, I have lived here several years; I lived with my grandmother.
Q What was her name? A Martha Beck.
Q When did you live with her. A I don't know what year it was.
Q What year did you come up here? A Th t is what I don't know.
Q Where did your mother die? A She died in the Choctaw Nation.
Q When? A Been dead about 15 years.
Q Was she dead when you were admitted to citizenship?
A Yes, sir.
Q Where is your father? A I haven't saw him in about nine years.
Q Well, did you live with him after your mother's death?
A Yes, sir.
Q Did he marry again? A No, sir.
Q Where is he living? A He is at Galveston.
Q Did you ever go down to Texas with him? A No, sir.
Q You never lived outside of the Indian Territory?
A No, sir.
Q But you lived in the Choctaw Nation? A I lived with my Aunt, guardian in the Choctaw Nation, she was my aunt.
Q You lived with your grandmother up here?
A I lived with her until my mother died.
Q When did she die? A She died about the year 1890.
Q Now, how ong did you live with your grandmother? A I lived with her about, until my mother's death.
Q Was that a year, one or 40, your best judgment; you think you stayed with her one year or two years? A Oh, yes, I stayed with her nine or ten years.
Q Were you living here when you were admitted to citizenship?
A Yes, sir.
Q And you continued to live here until about 1890. A Yes, sir.
Q That was when your grandmother died? A Yes, sir.
Q And you went to the Choctaw Nation and lived there with your aunt?
A Yes; I went to the school to the Orphans Home, and we lived out here in Canadian district with an old lady three years.

MR. PARKS:

Q Did you say that you went to the Choctaw Nation immediately after your grandmother died? A No, sir, I didn't go immediately.
Q Where did you go then? A I stayed with Mr. Jenkins, he lived on her place.
Q You say you went to school at the Orphan Asylum? A Yes, sir.
Q How long did you go there? A Nearly three terms.

S. F. PARKS? being duly sworn, testified as follows on behalf of applicant:

My name is S. F. Parks; 30 years old; live at Vinita. I am acquainted with her applicant and her sister, Fannie Hampton, pointing at the girl sitting behind me. I have known them since about the year 1890. I knew these girls about the time they came to the Cherokee Nation. I taught school in the neighborhood in which their grandmother, Mrs. Beck, resided and where she died. I was at the home of these girls after their grandmother died. The applicant and her sister went to school to me at a public school in the Cherokee Nation as Cherokee girls. The sister of the applicant was in school at the Cherokee orphan Asylum some two years ago, when I was Principal of that School. I knew their aunt who was appointed guardian for them while she lived at Tahlequah.

Commission: The attorney for the pplicant 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 ten 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.

---oooOOOooo---

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.

Rosson

In the matter of the application of Zoe [illegible]. Cannon for the enrollment of herself.

[illegible] enrollment.

[illegible]

[illegible]. [illegible]. Parks,

Attorney for Applicant.

Close the Commission to the Five Civilized Tribes, Muscogee, Indian Territory.

In the matter of the application of Zoe . Cannon, for the enrollment of herself.

Statement of Facts.

The testimony in this case shows that the applicant, Zoe . Cannon, whose maiden name was Hampton, was admitted to citizenship in the Cherokee Nation in February 1888, by the National Council of the Cherokee Nation; that, at the time of the admission of the applicant, she was residing in the Cherokee Nation with her grandmother, Mrs. Beck; that thereafter her grandmother, Mrs. Beck died in the Cherokee Nation leaving the applicant with her aunt, Mrs. Martha Ward; that thereafter Mrs. Martha Ward, took out letters of guardianship for this applicant and her sister, Fannie Hampton, in the Cherokee Court in Tahlequah District under Judge Shirley, the then district judge of Tahlequah District; that thereafter the applicant was placed in the Cherokee Orphan Asylum, where she remained some time; that the guardian of the applicant Mrs. Martha Ward removed by the Choctaw Nation and that after her removal, the applicant made that her home while not in school; that before the applicant reached her majority, she married and returned to the Cherokee Nation, where she now resides.

A R G U M E N T.

The contention of the applicant is that she is a Cherokee by blood and has heretofore been admitted to all the rights and privileges as such by the Cherokee Council; that at the time of her admission, she was a minor and an orphan and that as such she is entitled to enrollment by the Commission.

The applicant contends she not her father or her guardian, during her minority, could change her domicile after it has been fixed.

Van Matre vs Sankey, 68 [illegible] Reports. Page 196. "Domicile"- An infant cannot of his own [illegible] change his domicile."

The Cherokee Nation in the passage of its laws, always respected and upheld the rights of minors and orphans and in the passage of laws, has always made a proviso in favor of this class of citizens.

"Senate Bill # 54.

An Act requiring persons readmitted to citizenship in the Cherokee Nation to locate within six months."

Be it enacted by the National Council that all persons, who have been or may be hereafter readmitted to citizenship in the Cherokee Nation, are hereby required to permanently locate within the limits of the Cherokee Nation within six months after the passage of this act, or from the date of readmission 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."

This applicant, during her minority, was carried to the Choctaw Nation by her guardian, where she married, but the testimony shows that before she reached her majority, she returned to the Cherokee Nation where she now resides.

Her effects- an interest in an improvement in the Cherokee Nation- all she possessed, remained in the Cherokee Nation.

Respectfully submitted

S J Parks

Attorney for applicant.

Cherokee D 964

J.A.C.

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

In the matter of the application of Zoe May Cannon for enrollment of herself and child, Leonard L. Cannon, as citizens by blood of the Cherokee Nation:

D E C I S I O N .

The record in this case shows that on December 13, 1900, Zoe May Cannon appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment of herself as a citizen by blood of the Cherokee Nation; further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 12, 1901; further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 13, 1902; also further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 24, 1904.

The evidence shows that the said Zoe May Cannon was readmitted to citizenship as a citizen by blood of the Cherokee Nation on February 1, 1898, by the duly constituted authorities of said nation; that at the date of said readmission and until 1899, the said Zoe May Cannon was residing in the Cherokee Nation; that in 1899 she went to the Choctaw Nation with her aunt; that in 1895 she returned to the Cherokee Nation, entering the Orphans' Home at Tahlonteskee in said nation, where she was residing on June 28, 1898, and until sometime in the year 1899; that in 1899 she again went to the Choctaw Nation, where she has resided since that time up to and including the date of this application. The said Zoe May Cannon is duly identified upon the Cherokee Census roll of 1896.

The evidence further shows that the said Zoe May Cannon was lawfully married on July 1, 1900, to William L. Cannon, a white man; that Leonard L. Cannon is the child of the said Zoe May Cannon and William L. Cannon and was born to them since the date of this application, on April 18, 1901, and is duly identified by birth affidavits on file with the Commission; that said Leonard L. Cannon was born and has always resided in the Choctaw Nation up to and including the date of the filing of the affidavits of his birth.

It is, therefore, the opinion of this Commission that the said Zoe May Cannon and Leonard L. Cannon 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.

Muskogee, Indian Territory,
this SEP 20 1905

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 964.

Muskogee, Indian Territory, September 30, 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 Zoe May Cannon for the enrollment of herself and her minor child, Leonard L. Cannon, 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. 121.

IN THE MATTER OF THE APPLICATION OF

Joe N. Cannon

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

964

a. Original testimony, Dec. 3/00
Memo of application, Dec 13/00
c. Letters of Guardianship
d. Certified copy of certificate of admission
e. Marriage [illegible]
f. [illegible] Feb. 1904
g. Birth cert. - [illegible] J. Cannon.

Receipt for copy of testimony.
Notice of final consideration, 3/19/02

Cher D 965

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., December 13, 1900.

In the matter of the application of John L. C. Fields for enrollment as a Cherokee citizen; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A John L. C. Fields.
Q What is your age? A 58.
Q What is your postoffice address? A Vinita.
Q What district do you live in? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation? A By marriage, yes sir.
Q Who do you desire to enroll? A Myself.
Applicant presents a duly authenticated copy of a marriage license and marriage certificate certifying that he was married to one Sarah Schrimsher, a native Cherokee, on the 29th day of September, 1876.
Q Did your wife die before 1880? A Yes sir, she died in '78.
Q Is your name on the roll of 1880? A Yes sir.
Q Were you living in the Cherokee Nation in 1880? A Yes sir. I wasn't here in 1896.
Q When did your wife die? A In '78.
Q Have you married since? A Yes sir, I married Elizabeth Queen, a Cherokee citizen by blood.
Q A Cherokee citizen by blood? A Yes sir.
Q Have you any certificate of marriage to her? A ~~Yes~~, No sir.
Q Have you a marriage license? A No sir, I married her as a citizen of the Cherokee Nation.
Q When? A In 1886.
Q Any certificate of marriage at all? A No sir.
Q Is she living? A No sir.
Q Have you married since? A No sir.
Q When did she die? A She died in '89; Jan. 15th.
Q Where did you marry? A On her farm close to mine at Big Cabin Creek.
Q Was her name Queen when you married her? A She had married a man by the name of Foster; sometimes she went by the name of Kelley. Her first husband was a Kelley.
Q Where do you live? A My home is on Big Cabin Creek at present.
Q How long have you lived in the Cherokee Nation? A I lived in the Cherokee Nation from 1873 until 1888.
Q Continuously? A Yes sir.
Q Where ~~have~~ you lived since that? A I left hereunder the doctors order to leave for my health, and travelled for about 38 months on crutches ———
Q When did you return to the Cherokee Nation after you left it in 1888? A About eight days ago, but while I was gone I had left all my effect here in the Cherokee Nation.
Q Been living during that time outside of the Cherokee Nation? A Yes sir, but during the time of my absence I had property and my effects were here. I owned a farm in the Cherokee Nation during that time.

Commissioner Needles-
John L. C. Fields presents a certificate of marriage and a license certifying that he was married to one Sarah Schrimsher in the year 1876. Her name is not found upon the roll of 1880, he averring that she died in 1878. He avers that he was married afterwards to one Elizabeth Queen, a Cherokee citizen by blood, in the year 1886. Her name cannot be found upon the roll of 1880. The name of said John L.C. Fields cannot be found upon the Census roll of 1896, nor any of his wives. He avers that his last wife, Elizabeth Queen, died in the year 1889. He also avers that he removed from the Cherokee Nation in the year 1888, where he had lived from the date of his first marriage in 1876; and on account of his health and did not return to the Cherokee Nation until eight days ago. He also avers that his effects were left in the Cherokee Nation.

Department of the Interior.

2- E.L.C.F.

By reason of the testimony as to residence, also as to the fact that neither he nor either of his wives can be found upon the authenticated roll of 1880, or the Census roll of 1896, final judgment as to the enrollment of said John L. C. Fields will be suspended, and his name will be placed upon a doubtful card.

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

E. C. Rothenberger

Subscribed and sworn to before me this 14th day of December, 1900.

Commissioner.

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

FILED
JAN 31 1901

ACTING CHAIRMAN.

Department of the Interior.
Commission to the Five Civilized Tribes.
[illegible], I. T., January 30, 1901.

[illegible] testimony in [illegible] of [illegible].

[illegible]
T. [illegible] to [illegible]:
[illegible]? A [illegible].
[illegible]? A 35.
[illegible] office [illegible]? A [illegible].
[illegible] Nation? A Yes sir.
[illegible] Yes sir.
[illegible] Elizabeth Owens? A Yes sir.
[illegible] A [illegible].
[illegible] A Yes sir.
[illegible] A [illegible]
[illegible]
[illegible] A She was Elizabeth Bowen.
[illegible] A Max Bowen.
[illegible] Mr. Fields? A I don't know [illegible].
Q Did they have a divorce? A I don't know that.
[illegible] Elizabeth Bowen or [illegible]? A [illegible].
You know that Elizabeth [illegible] was [illegible]?
A Yes sir.
[illegible] you know that? A I get the [illegible].
[illegible]? A A [illegible] of [illegible].
[illegible] A [illegible].
[illegible] Fields lived with Elizabeth Owens until she died? A
He left for [illegible] left. He
left her here in the Cherokee Nation? A Yes, sir.
Q [illegible] he was away? A Yes sir.

[illegible] representative of the Cherokee Nation-
[illegible] that [illegible]? A I don't know whether they were or not.
[illegible] with more clear up to the time he left the country?
A [illegible]. I don't know I was away [illegible].
Q [illegible] Nation? A Yes sir. I never heard that
[illegible]. She looked for him back as long as she lived,
[illegible].
Q [illegible] she live after he left? A About one year as well
[illegible].
Q [illegible] light? A No sir.
Q [illegible] Elizabeth Owens.

Cross-examination-
Q [illegible] Mr. Fields left? A No sir, I don't know.
Q [illegible] to go to? A He went to California.
Q [illegible] was that? A I don't know whether it was in [illegible] or
[illegible] there.
A [illegible]- Before I gave the wrong date, I left here in [illegible], the
[illegible] of May, and he died the 15th day of January, following
[illegible].
Q You stayed away until eight days before you appeared before the
Commission? A Yes sir, I was taken down sick.
[illegible] roll; No. 339, [illegible], Lizzie Bowen, Delaware district.

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

E. G. Rothenberger

Subscribed and sworn to before me this 30th day of January, 1901.

Commissioner.

Cherokee D 965

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

In the matter of the application of John L. C. Fields 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 December 13, 1900, John L. C. Fields appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, January 30, 1901; also further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 13, 1902.

The evidence shows that John L. C. Fields was lawfully married under a Cherokee license and in accordance with the laws of the Cherokee Nation on September 29, 1876, to Sarah Schrimsher, a citizen by blood of the Cherokee Nation, and that they lived together as husband and wife until her death, in 1878. There is some evidence as to a subsequent marriage of the said John L. C. Fields to one Elizabeth Queen, supposed to be a citizen by blood of the Cherokee Nation, but proof of such marriage is not made by the evidence.

The evidence further shows that the said John L. C. Fields lived in the Cherokee Nation from 1873 until 1888, when he left said nation and removed to California; that he has not resided in the Indian Territory since the year 1888 and was not residing therein on June 28, 1898, nor at the date of this application. He is not identified upon any of the tribal rolls of said nation.

Paragraph 9, Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides:

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

It is, therefore, the opinion of this Commission that the application for the enrollment of John L. C. Fields 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 16

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. [illegible]

[illegible], I. T., [illegible], [illegible]

[illegible], [illegible],

[illegible], I. T.

[illegible] Sir:

[illegible] quarter around Vinita, and [illegible] John [illegible] [illegible] lives there. He claims to have a farm on Cabin Creek. He has been living in California for a number of years and just returned here a few days before he applied to the Commission.

Yours truly,

C. D. 965

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 John L. C. Fields,

for enrollment as Cherokee citizen.

Case No. D 965.

To John L. C. Fields, Vinita, I. T.,

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of **Muskogee, I. T.** Indian Territory, on March 13, 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 7, 1902.

N. W. Harris Jr

Attorneys for the Cherokee Nation.

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 Silas D. Renichar, for enrolment as Cherokee citizen

C.C. No. D 966

To Silas D. Renichar, Chanoe, 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 13th, 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 3, 1902.

W. W. Harlinger

Attorneys for the Cherokee Nation.

ATTORNEYS
L. B. BELL
W. W. HASTINGS
J. S. DAVENPORT
J. C. STARIE, SECRETARY

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D. C. 9.205.

Muskogee, I. T., March 8, 1907.

W. Daniel, Esq.,
Vinita, I. T.

Dear Sir:

I closed herewith find a notice which I want served on John L. C. Fields. This man is known as Louis Fields. If you can not find him, but I want you to make inquiry around there so you can come down here and testify that he does not live around Vinita. Make inquiry about his farm he claims to have on Cabin Creek, and find out how long he has been gone to California, and then be here as a witness on March 15th, as we want to prove that this man came from California to Tahlequah to register, and we then went back to California.

Yours truly,

W.W.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D-965.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

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 John L. C. Fields for the enrollment of himself as a citizen by intermarriage 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-55.

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

ALLISON L. ASPINWALL
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 965.

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 John L. C. Fields for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior August 16, 1902.

Respectfully,

Tams Bixby

Acting Chairman.

D 965

IN THE MATTER OF [illegible] APPLICATION OF

John L. C. Fields

[illegible]

CHEROKEE CITIZENS

N 985

IN THE MATTER OF THE APPLICATION OF

John L. C. Fields

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony Dec 13/00

B Memo of application Dec 13/00

C Certified copy of marriage record

F Supplemental testimony Jan 22/

Certificate of Census taker

Notice of final consideration, 3/13/02

Cancelled and applicant

Transferred to Cherokee R 7391

Cher D 966

see Cher 6630

Cher D 966

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., December 13, 1900.

In the matter of the application of Silas G. Rennecker for the enrollment of himself, wife and children as Cherokee citizens; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Silas G. Rennecker.
Q How old are you? A 28 years old.
Q What is your postoffice address? A Chanoe, I.T.
Q What district do you live in? A Goingsnake.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A No sir, adoption.
Q Who do you want to enroll? A Myself, wife and children.
Q Have you any certificate of marriage? A Yes sir.
Applicant presents a duly authenticated marriage license and marriage certificate certifying that he was married to one Miss Ida Kelley, a citizen of the Cherokee Nation, according to the laws thereof, on the 18th day of March, 1895.
Q How old was your wife when she died? A She was about 17 I guess.
Q What was hr father's name? A John Kelley.
Q She living? A Yes sir.
Q What is her mother's name? A Clara.
Q She living? A Yes sir.
Q Ida Kelley's dead is she? A Yes sir.
Q You married since? A Yes sir.
Q Your present wife's name? A Sarah.
Q What was her name before you married her? A Scott.
Q Cherokee citizen by blood or white woman? A Cherokee by blood.
Q What is her age? A She's 22.
Q You want to enroll her? A Yes sir.
Q What is her father's name? A John Scott.
Q He living? A Yes sir.
Q What is her mother's name? A Jennie.
Q She living? A Yes sir.
Q What are the names of your children? A Robert R.
Q How old is he? A He's three years old.
Q What is the name of the next one? A Andrew J.
Q How old is he? A He's one year old.
Q Who is the mother of these two children? A Sarah Scott.
Q When did you marry her? A Married her in 1897.
Q Have you any certificate of marriage? A Yes sir.
Applicant also presents certificate of marriage certifying that he was married to one Sarah Scott, a Cherokee citizen, 19 years of age, on the 19th day of June, 1897.
Q Any proof of birth of these children? A Yes sir.
Q Did you live with your first wife until she died? A No sir.
Q You separated from her? A She separated from me; that is, when I left up there we went to her father's, and when I left there, I told her she could come back to Goingsnake with me, and she refused to come, and I come back and lived here ever since.
Q Is she living? A No sir, she's dead.
Q Did she die before you married Sarah Scott? A Yes sir.
Q How long did you live with her, Ida Kelley? A I lived with her about six or seven months.
Q Married her in 1895? A Yes sir.
Q You say that she left you? A It wouldn't be exactly. I give her the privilege of coming with me back to Goingsnake. We were at her father's in Cooweescoowee, but we lived in Goingsnake after we were married.
Q Where were you married? A At Vinita.
Q At her father's? A No sir.
Q You were living in Goingsnake? A Yes sir.
Q And then afterwards you lived with her father? A We moved to her father's and went out there with the intention of living there

and a disagreement arose between me and her family, and I gave her the privilege of coming back and she wouldn't come, and I left, and come back to Goingsnake.
Q Did you have a home in Goingsnake? A Yes sir.
Q What a farm? A Yes sir, two of them.
Q Youware a non citizen, were you? A Yes sir, before I married her.
Q How did you get two farms in six months? A I improved them since.
Q Did you have them at the time you left her? A No sir.
Q Did you have any farm to bring ~~#####~~ her too? A I had a place rented. My father was living on the place.
Q And you wanted her to come there? A She w couldn't do it.
Q Did you try to get her to come afterwards? A No sir.
Q Did you ever have any children by her? A No sir.
Q How long did she live after your marriage; when did she die? A After I come back, I had been at home about a month or so, and I heard she was dead.
Q Did you go to her funeral? A No sir, she was buried when I heard of it.
Q How far did you live from her? A She lived within 15 miles of Coffeyville; it is somewhere about 75 miles from me I guess.
Q You had no ~~#####~~ license when you married Sarah Scott? A No sir, married her as a citizen.
1880 roll; page 447, #986, Ida Kelly, Goingsnake district.
1880 roll; page 470, #1482, Sarah Scott, Goingsnake district.
1896 roll; page 827, #167, Silas Rennecker, Goingsnake district
1896 roll; page 788, #1907, Sarah Scott, Goingsnake district
Q How long have you lived in the Cherokee Nation? A About 18 years.
Q Lived here continuously since your marriage? A Yes sir.
Q Are these two children living? A Yes sir.

Commissioer Needles-
The name of Silas G. Rennecker appears upon the Census roll of 1896, and he presents satisfact ry proof of his marriage to one Ida Kelley, a Cherokee citizen by blood, on the 18th day of March, 1895, and the name of the said Ida Kelly is found upon the authenticated roll of 1880. It is averred that she is now deceased. Applicant also presents a certificate of marriage to one Sarah Scott, a Cherkee citizen by blood, in the year 1897, and the name of Sarah Scott is found upon the authenticated roll of 1880 and upon the Census roll of 1896. He avers that by said marriage he has two children, Robert R. abd Andrew J., whose nmes do not appear upon the Census roll of 1896, having been born after said roll was compiled, but makes satisfactory proof of the birth of said children. The said applicant avers in his testimony that he lived with his firstwife six or seven months, and they were separated until her death, after which he married the said Sarah Scott. They are all duly identified according to page and number of the roll as indicated in the testimony, the said ~~#####~~ Sarah Rennecker nee Scott, and her two children, Robert R. and Andrew J. by her husb and Silas G. Rennecker, will be duly listed for enrollment as Chrokee citizens by blood. By reason of the separation of said Silas G. Rennecker from his former wife, Ida, final judgment as to the enrollment of the said Silas G. Rennecker as a Cherokee citizen by intermarriage, will be suspended, and he will be placed upon a doubtful card.

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

E. G. Rothenberger

3- S.C.R.

Subscribed and sworn to before me this 15th day of December, 1900.

Commissioner.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

(78)

Date DEC 13 1900 1900.

1 Name Silas G. Remerker Choice Ina Nz

District GOING SNAKE. Year 1896 Page 827 No. 167

Citizen by blood no Mother's citizenship

Intermarried citizen no

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Un 1896 roll as Silas Remerker

"B"

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JAN 10 1901

ACTING CHAIRMAN

S U P P L E M E N T A L T E S T I M O N Y .

D 965.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T.' DECEMBER 17th, 1900.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Silas G. Reneckar as an intermarried citizen of the Cherokee Nation:

I. J. VANMATRE, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A I. J. Vanmatre.
Q How old are you? A Fifty years old.
Q What is your post office? A Westville.
Q Are you a citizen ~~ex~~ of the Cherokee Nation? A Yes, adopted citizen.
Q Do you know Silas Reneckar? A Yes, sir.
Q Do you know his wife, Ida Kelley? A Yes, sir.
Q Are they any relation to you? A My wife, yes.
Q What relation are they? A My wife is her Aunt.

INTERROGATORIES BY W. W. HASTINGS, Cherokee Representative:

Q How long have you known her? A About 15 years.
Q Did you know her when she and this man were living together as husband and wife? A Yes, sir.
Q How far did you live~~x~~ from her at that time? A About one mile.
Q Do you know the cause of their separation? A Disagreement somewhat with her father. Some contract he had made with him.
Q The cause of their separation was his disagreement with her father? A Yes, sir.
Q What kind of contracts? A About helping him going to housekeeping and the like.
Q Had her father agreed to help this man about going to housekeeping? A Yes, sir.
Q And didn't do it? A No, sir.
Q And this man quit the woman? A He went out there and found out he would not ~~fulfillment~~ fulfill his contract and then went back.
Q This man wanted his wife to move back where? A Going Snake; his father lived in Cooweescoowee district out west of Vinita.
Q And the husband moved out there with his wife's father? A Her father came down here and made this proposition to this fellow.
Q Were you present? A Her father came down here and made this proposition to this fellow if he would move out there.
Q Were you present? A I was.
Q You heard the proposition made? A Part of them. The woman went with her father before and about two weeks he went out there and found out he would not fulfill his contracts and he said it would be better ~~xxx~~ for them to come back down to where his father was and she said she would not go. When he got ready to come she would not go and he wanted her to come and she would not go.
Q Were you there with your wagon to take her down? A Yes, sir.
Q How long had they been living together, then? A About six months
BY COMMISSIONER NEEDLES:
Q They were living together six months? A About that.
Q Did she return to live with him after that? A She did not live with him two or three months after that.
Q She lived two or three months after that? A Yes, sir.

BY W. W. HASTINGS:

Q Did he go out there where she was when she died? A He did not know it.

---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 of the above named witness and that theforegoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 10th day of January, 1901.

Commissioner.

"L"

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 13 1900

ACTING CHAIRMAN.

Cherokee Nation

Tahlequah District

This is to certify that I did on
this day join in the holy bonds
of matrimony Mr. Thos. Timmons
a citizen of the Cherokee Nation
age 20 years and Miss Sarah
Scott a citizen of the Cherokee Nation age 19
according to the customs and laws
of the Cherokee Nation

Given under my hand and official seal
at Tahlequah this 19th day June 1877

A. D. Stigler

Clerk Tahlequah District

I L B Bell Mayor did join in the holy bonds of Matrimony Mr A. G. [illegible] Remain a citizen of the United States and Miss Ada Kelly a citizen of the C.N. According to the Authority given in the within License.

Given under my hand this 19 day March 1878.

L. B. Bell
Mayor

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

FILED
DEC 13 1900

ACTING CHAIRMAN.

[illegible]

"C" I & L B Bell Mayor did join in the holy bonds of matrimony Mr. L. G. [illegible] Remaen a citizen of the United States and Miss Ada Kelly a citizen of the C.N. According to the authority given in the within License.

Given under my hand this 15 day March 1878.

L. B. Bell
Mayor

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

FILED
DEC 13 1900

ACTING CHAIRMAN

Filed for record this 3d day of January 1896.

MARRIAGE LICENSE.

CHEROKEE NATION, Going Snake DISTRICT.

TO ANY PERSON LEGALLY AUTHORIZED--GREETING:

You are hereby authorized to join in the Holy Bonds of Matrimony and celebrate the rites and ceremonies of Marriage between Mr. S. G. Ronacer a citizen of the United States, and Mrs. Ada Kelley a citizen of the Cherokee Nation, and you are required to return this License to me for record within thirty days from the celebration of such marriage, with a certificate of the same appended thereto and signed by you.

Given under my hand and Seal of Office, this the 2nd day of March 1895.

W. W. Wright

Clerk Going Snake District.

Indian Sentinel Print

R.

C. D-966.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 13, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Silas G. Reneckar for the enrollmentof himself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 25, 1902, thathis 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, I. T., on the 13th day of March, 1902. Receipt has been acknowledgedof the Commission's letter. The applicant hasbeen called and fails to respond, either in person or by attorney.

MR. HASTINGS: Comes now the representative of the Cherokee Nation, and moves for a continuance of this case until March 19th, for the reason that when an effort was made by the representative of the Cherokee Nation to find out the fatherof the wife of the applicant, so as to show cause of separation, the wrong first name was obtained, and an answer to the communication was not given, and that recently the proper name has been ascertained and a continuance until that time is requested in order to subpoena the witness to be present.

BY COMMISSION: The request will be complied with and the case continued until March 19th, 1902.

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

Wm Hutchinson

D. 966.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 19, 1902.

In the matter of the application of Silas G. Reneckar for the enrollment of himself as a citizen of the Cherokee Nation.

Cherokee Nation represented by W. W. Hastings.

The applicant was notified by registered letter February 25, 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 13th day of March, 1902. Receipt was acknowledged of the Commission's letter, but the applicant failed to appear on said day, to wit the 13th day of March, 1902, either in person or by his attorney. On said date the Cherokee Nation by its representative moved for a continuance in this case until the 19th day of March, 1902, in order that it might introduce further testimony in the matter of said application, which continuance was granted by the Commission. The Cherokee Nation makes satisfactory proof of service on the said Silas G. Reneckar that it would, by its representatives at the offices of the Commission in the town of Muskogee, Indian Territory, on the 19th day of March, 1902, introduce testimony tending to disprove his right to be enrolled as a citizen of the Cherokee Nation. The said Silas G. Reneckar has this day, to wit the 19th day of March, 1902, been called, and fails to respond, either in person or by attorney.

THOMAS KELLEY, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Thomas Kelley.
Q What is your age, Mr. Kelley? A 66 years old.
Q Your postoffice? A Hudson.
Q Do you know Silas G. Reneckar? A Yes, sir.
Q Is he an applicant to be enrolled as a citizen by adoption of the Cherokee Nation? A Yes, sir.
Q Do you know his wife? A Yes, sir, she is my daughter.
Q What was her name? A Ida.
Q Was her name Ida Kelley? A Yes, sir.
Q Were they married? A Yes, sir.
Q Where? A In Vinita.
Q About when? A He was married in March, 1895, I think it was.
Q How long did they live together? A They lived together about seven months, is the best of my recollection.
Q Where were they living when they separated? A At my house.
Q What was the cause of that separation? A I don't know the cause at all more than that he just saddled up his horse and rode off.
Q You never knew of any disagreement? A None at all.
Q Did she hear from him after that? A No, sir. She never did.
Q You know where he went to? A He went to Goingsnake District.
Q Were you living up near Vinita? A Yes, sir.
Q When he left? A Yes, sir.
Q No reason at all assigned? A None that I knew of.
Q What became of your daughter afterwards? A She died shortly after, well that fall, I guess a couple of months after he left she taken poison and killed herself.
Q She took poison about two months afterwards? A Yes, sir.
Q She never saw nor heard of him after he left up until the time she died? A No, sir.
Q She continued to live at your house? A Yes, sir.

The applicant having this day, to wit the 19th day of March, 1902, been called, and failing to respond either in person or by attorney, it is deemed the case is completed and will be reported to the Commission for final decision based upon the evidence now of

record.

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

Arthur G. Croninger

Cherokee D 966

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

In the matter of the application of Silas G. Rennecker 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 December 13, 1900, Silas G. Rennecker appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment of himself, among others, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, December 17, 1900; also further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 13, 1902; also further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 19, 1902. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that Silas G. Rennecker was lawfully married, under a Cherokee marriage license and in conformance with the laws of the Cherokee Nation, on March 18, 1895, to one Ida Kelly, who is identified upon the 1880 authenticated roll of the Cherokee Nation as a native Cherokee; that they lived together as husband and wife for about six months, when he abandoned her; that about a month after said abandonment, the said wife died; that the said Silas G. Rennecker is duly identified upon the 1896 census roll of the Cherokee Nation.

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".

Section 667 of the Compiled Laws of the Cherokee Nation (1892) is, as follows:

> "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 evidence further shows that the said Silas G. Rennecker was afterwards married, on June 19, 1897, to one Sarah Scott, who is identified upon the 1880 authenticated roll of the Cherokee Nation as a native Cherokee, and that since that time and up to and including the date of this application they have lived together as husband and wife.

Section 11, of the Act of Congress above referred to, shows that said rolls of Cherokee citizens are to contain the names of those only who are entitled to share in the lands of the Cherokee Nation and is, as follows:

> "That when the roll of citizenship of any one of said nations or tribes is fully completed, as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location and value of same;-"

An Act of the Cherokee Council, approved December 16, 1895, provides:

"That from and after the passage of this act, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Section 659 to Section 669, inclusive, pages 329 to 334, of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee b- (blood) who may marry Cherokees by blood, Delawares or Shawnees by blood who are recognized citizens, and all laws or parts of laws conflicting herewith are hereby repealed."

It is, therefore, the opinion of this Commission that the application for the enrollment of Silas G. Rennecker, 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 _____

Cherokee D-966.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 31, 1902.

In the matter of the application of Silas G. Reneckar 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 Silas G. Reneckar.
Q How old are you? A Thirty. Thirty the twenty-eighth day of last August.
Q What is your postoffice? A Chance.
Q You are an applicant for enrollment as an intermarried citizen? A Yes sir.
Q What is your wife's name? A Ida Bell, my former wife.
Q Is she a Cherokee by blood? A Yes sir.
Q Is she living? A No sir.
Q When did she die? A She died in '95 I believe.
Q When were you married to her? A In '95, March 18th.
Q March 18, 1895? A I think it was.
Q Were you married under a Cherokee license? A Yessir.
Q Were you ever married before you were married to this wife? A No sir.
Q Was she ever married before she was married to you? A No sir.
Q Did you and she live together from the time of your marriage up until her death? A No sir.
Q Were you separated? A Yes sir.
Q How long did you live together after you were married? A We lived together until along about the first of August. We were married March 18th and we lived together until August.
Q What was the cause of the separation? A It was disagreements between me and her father.
Q Did you take her up to her father's? A No sir.
Q Didn't you and she move up there? A We moved up there, yes, but she went about two weeks before I did. Her father was down on a visit and we concluded to move up there and she went on and I went up about two weeks afterwards.
Q Did you move up there for the purpose of making your home with the old folks? A No, not with the old folks.
Q Well, in the neighborhood? A Yes sir.
Q How long did you stay there? A I stayed there somewhere in the neighborhood of about three weeks.
Q Then where did you go? A I went back to where I raised a crop. I raised a crop on my brother's place in Goingsnake.
Q Where did you leave your wife? A I left her with her father. I asked her to go: she wouldn't go of course, and I and her father got in a racket and had some words.
Q How long did you stay there? A I stayed there about three months, but I don't expect it was that long.
Q She committed suicide did she? A Yes sir.
Q Since her death have you married again? A Yes sir.
Q When did you marry the last time? A I believe I married in '96, the 19th day of January I believe.
Q What is your last wife's name? A She was a Scott.
Q Is she a white woman or Cherokee? A She is a Cherokee.
Q What is her given name? A Sarah.
Q Have you and this last wife lived together since your marriage up until the present time? A Yes sir.
Q You and she have never separated? A No sir.

Q How long did you know your present wife before you and she were married? A Why, not very long.
Q Did you know her while your first wife was living? A No sir.
Q Didn't know her until after her death? A I had seen her, but wasn't acquainted with her.
Q You and this last wife have never been separated have you? A No sir.
Q You and she were living together as husband and wife on the first of September, 1902? A Yes sir.
Q Have you lived in the Cherokee Nation, Mr. Reneckar, all the time since your marriage to your first wife up to the present time? A Yes, I come some time before.
Q You have never lived outside of the nation since your first marriage? A No sir, never have.
Examination by Mr. Hastings: You left your wife up to her father's up near Centralia? A Yes sir.
Q What was her father's name? A Tom Kell.
Q Tom Kell is quite an old man? A I guess he is what you would call a middle aged man, about forty-five.
Q He gave his age as sixty-six when he testified? A Well, I don't know.
Q Are you so bad that you are off twenty years on your father-in-law's age? A He don't show his age.
Q At the time you left had you had any disagreement with him? A Yes sir.
Q Had you had any disagreement with your wife? A No sir, only I and her father.
Q You went there to live? A Yes sir, I raised a crop in Goingsnake.
Q You wanted him to give you something under the terms of the marriage and after he didn't give it to you, after you had married his daughter, you and the old man had a falling out? A No sir. Where we lived I made a crop and I and her were living together. He asked me to go down there; he said I spent her strip money and wanted to get her money. I said that wasn't so, that transaction was before I knew anything about it, and if he wanted me to I would prove it.
Q You went there? A Yes sir.
Q You intended to move up there? A Yes sir.
Q Then you pulled out for Goingsnake? A Yes sir, I asked her to go. Her father after he got me here he tried to take the horse away from me that I traded for.
Q Your wife took poison shortly after that? A Yes sir, that is what I understood.
Q It was on your account? A Well, I don't know.
Q You left her about the first of August? A Something like that.
Q You never tried to get her to go down after that? A No sir.
Q She killed herself shortly after that? A Yes sir.
Q Within three months you were married again? A I don't know; the marriage license will show; they are in the Court. He come down there and said that he would do all this.
By the Commission: Who do you mean? A Tom Kell.
He said he would give me a wagon and horse, another horse. I had two. I gave him a thirty-five dollar saddle for one horse. When I got there he didn't do a thing; he just wanted me to live there and do his niggering; it didn't suit me.
By Mr. Hastings: Now comes the representative of the Cherokee Nation and gives notice to the applicant that they intend to take some additional testimony in this case on the 10th day of November, 1902, at Muskogee.

3-Silas G. Reneckar-

Martha Van Matron, being sworn and examined by the Commission, testified as follows:

Q What is your name? A Martha Van Matron.
Q How old are you? A Thirty-five.
Q What is your postoffice address? A Chance.
Q Do you know Silas G. Reneckar who is an applicant for enrollment as an intermarried citizen of the Cherokee Nation? A Yes sir.
Q Did you know his first wife who was formerly Ida Kell? A Yes sir.
Q Are you any relation of Ida Kell? A Yes sir.
Q Do you know where Silas Reneckar and his wife Ida lived after they were first married? A Yes sir, they lived on Tyner's Creek.
Q In what district? A Goingsnake.
Q Did he afterwards move up to where her father lived? A Yes sir.
Q Do you know about what year he and his wife finally separated?
A I don't know exactly.
Q As near as you can recollect? A It was in August I think.
Q What year? A In '96 I believe, as well as I remember.
Q Well, were you present the morning of their separation when he finally left her? A Yes sir.
Q What was said there that morning by him and his wife? A Well, I don't know exactly what all was said.
Q Did they have any talk about leaving? A He tried to get her to go with him and she wouldn't. She said she had no business down there.
Q How did he leave? A He left there in a wagon, our wagon that I went up in.
Q Were you neighbors in Goingsnake? A Yes sir.
Q Did you take him up there? A He went horseback along with us and stayed with us nights.
Q He came back when you did? A Yes sir.
Q How long did he stay up there where his father-in-law was? A About three weeks.
Q Do you know anything about his having any falling out when he was there? A Yes, they had a little disagreement in some way, I don't know just what it was.
Q They didn't have any fight? A No sir.
Q Did you hear him ask his wife to go back when he left there?
A Yes sir.
Q Did he insist upon her going? A Yes sir.
Q Did she refuse? A Yes sir, she told him she didn't have any business down there.
Q Do you know how she and he got along while they were living together in Goingsnake? A I never heard of any trouble.
Q What was he doing in Goingsnake? A He had a crop there.
Q Did he provide well for her while he was down there? A Yes sir.
Q Is he a pretty good worker? A Yes sir, he is a good worker.
Q Did you ever hear her complain of his treatment while down there?
A No sir, never did.
Q Did you ever hear her complain of his treatment at any time? A No sir.

Examination by Mr. Hastings: How far did you live from them in Goingsnake? A About a mile.

Q This man didn't have any home down there? A No, only the land.
Q She didn't have any place to go to? A Oh, yes, he rented.
Q Didn't he take his things up to her father's? A I don't know.
Q He went to her father's to live? A Yes sir.
Q He didn't have any home there? A Why, he had rented a place.
Q He was a good dutiful husband? A Yes sir.
Q Kind always? A He was when I was over there.
Q And this kind and dutiful husband was the cause of this woman killing herself and he married within four months after her death?
A Why, I can't say why she killed herself.

Q Where did you stay, at Thomas Kell's? A Yes sir.
Q What was the trouble between this man and Tom? A I don't know,- some farming affairs. I dont know just what.
Q The trouble was between Silas and his father-in-law and not between Silas and his wife? A Yes sir.
Q Silas' wife didn't have any trouble with her father? A No sir. He said if she didn't want to stay there with her father and mother he would take her to his sister's.
Q She expected him to return when he left? A I don't know about that.
Q Wasn't that your understanding from what you heard. You didn't regard it as a final deparation between the two? A I kind of thought it was.
Q What made you think it? A She wouldn't go; he didn't have anything only in Goingsnake.
Q Well now, what did she say there that indicated that she wasn't going to live with him? A Well, she just told him she wouldn't go; she didn't have any business down there.
Q Did he say he wouldn't come back anymore? A I don't remember that he did.
Q Did he say he never intended to live with her anymore? A No sir.
Q Did he ever try to get her to come down there after that? A I don't know as he did.
Q This trouble was about some matter that he had with his father-in-law, Tom Kell? A Yes sir.
Q It wasn't with his wife? A No sir.
Q They hadn't had any trouble? A No sir, the trouble was between him and her father.
Q What was said? A I couldn't tell you.
Q Did he use some pretty sharp words? A Yes sir.
Q Did he curse the old man? A I don't know; I don't think he did, he might have.
Q What is your best judgment about that, I want to know the truth. I will ask you after refreshing your memory if he didn't swear? A I don't remember.
Q Did that quarrel between them come up about that strip money? A No sir, the trouble was about a horse.
Q What was the nature of it? A He agreed to give him a horse.
Q The old man didn't give him the horse? A No sir; Renecker had the horse that morning.
Q He had one horse up there didn't he? A Yes sir.
Q Didn't he take that horse back down here? A Yes sir.
Q How did he take that horse back? A He led it behind a wagon.
Q He had it saddled up? A No sir, his father-in-law had the saddle.
Q He traded that off? A Yes sir.
Q Did he take any things up there, household furniture or anything when he went up to her father's? A I don't remember.
Q You said they went up in a wagon? A Yes sir.
Q Do you mean to tell me you don't know whether he took anything along or not? A I don't know.
Q I am going to ask you under oath if you are going to tell this Commission that you don't know whether he took any goods along or not? A She didn't go in my wagon; she went in her father's.
Q Did she take any? A She did, yes.
Q He moved up there with his household furniture from Goingsnake? A Yes sir.
Q They went up there with the intention of staying there at that time? A Yes sir.
Q And he quit her because she wouldn't go back there and becuase he had a dispute with her father. Didn't he threaten to fight the old man? A I don't know ashe did; I don't think he did.
Q Do you remember. Will you say that he didn't? A No, I wont' say he did or didn't. I don't remember just what he said.
Examination by the Commission: Did Mr. Reneckar, when he went back to Goingsnake did he take his household furniture or anything when

S-Silas G. Renecker-

he went back there with you? A Why, I don't remember just what he did take back.

Q You don't remember anything about that? A No sir, I don't.

By the Applicant: I took the horse up there with me? A Yes, you did.

Q Traded for it before I went there? A Yes sir.

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

E. L. Rothenberger

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

B. O. Jones
Notary Public.

Cherokee D 966

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Silas G. Rennecker 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 December 13, 1900, Silas G. Rennecker appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment of himself, among others, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, December 17, 1900; also further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 13, 1902; also further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 19, and October 31, 1902. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that Silas G. Rennecker was lawfully married, under a Cherokee marriage license and in conformance with the laws of the Cherokee Nation, on March 18, 1895, to one Ida Kelly, who is identified upon the 1880 authenticated roll of the Cherokee Nation as a native Cherokee; that they lived together as husband and wife for about six months, when he abandoned her; that about a month after said abandonment, the said wife died; that the said Silas G. Rennecker is duly identified upon the 1896 Census roll of the Cherokee Nation.

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."

Section 667 of the Compiled Laws of the Cherokee Nation (1892) is as follows:

"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 evidence further shows that the said Silas G. Rennecker was afterwards married, on June 19, 1897, but not in accordance with Cherokee laws, to one Sarah Scott, who is identified upon the 1880 authenticated tribal roll of the Cherokee Nation, as a native Cherokee, and that since that time and up to and including September 1, 1902, they have lived together as husband and wife.

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

"No white person who has intermarried with a Cherokee citizen since the sixteenth day of December, eighteen hundred and ninety five shall be entitled to enrollment or to participate in the distribution of the tribal property of the Cherokee Nation."

It is, therefore, the opinion of this Commission that the application for the enrollment of Silas G. Rennecker 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.

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Commissioner.

Muskogee, Indian Territory,

this _____

Department of the Interior,
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lêna Severs	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	388
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Largen	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	598
Samuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A. Patton	679
William H Ford	173	Benjamin G. Holland	763
Thomas N. Wilson	185	William Gordon	798
Ulsie Ann Smith	206	Maggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	229	Susie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	253	William H. Burrow	967

Mary Pettit	977
Bettie Mitchell	985
John J. Harrison	993
Jasper N. Bateman	1079
Susan Ballard	1065
Lucy Eva Simmons	1073
Ellen Thornton	1089
Sarah E. Hair	1090
Norman S. Drake	1092
Susan Hogg	1094
David L. Scott	1099
James C. Taylor	1111
Roxie Shepard	1128
Robert G. Elgin	1136
William Hall	1137
Mary Ella Lattimore	1141
Maggie J. Keys	1149
Joseph M. Correll	1177
Jane Ratley	1225
George E. Norton	1234
Mahala D. Thompson	1247
Charles M. Trammel	1264
Flora Carlile	1265
William H. Norrid	1275
Olivia Benge	1276
Dollie Wilson	1278
Moses Bell	1279
Sarah Fleetwood	1290
Rosa E. Fargo	1299
William M. Oliver	1333
Andrew J. Couch	1340
Lina Hyles	1347
Mary M. Miller	1350
Mary E. Taylor	1368
Polly Ann Benge	1369
Margaret Moton	1385
Minnie McKinney	1390
Nettie Seabolt	1418
Lawrence G. Faulkner	1433
Sarah A. Holt	1449
Jennette Polecat	1492
Ellen Seabolt	1508
Charles W. Nettles	1509
Lena Sittingdown	1511
Tim Creeden	1513
Odie Pidcock	1517
Silas A. Saterfield	1529
Laura J. Jeremiah	1530
Etta Hicks	1540
Mary A. B. McKinney	1550
Millie Moton	1554
Andrew Walters	1573
John H. Holder	1610
Mary M. Burr	1612
Thomas L. Bonham	1644
Florence Headrick	1663
Dora B. Brewer	1709
Annie Cordrey	1717
Adam Eckert	1722
Isaac Timmons	1726
Gent Gibson	1727
Amos Anderson	1731
William J. Mounts	1734
James D. Alexander	1745
Willis E. Miles	1769
Lora Adair	1781
John Yarborough	1796
Lillie M. Dassler	1802
Bryant C. Redington	1804
Malisa A. Maxwell	1808
Richard Dukes	1811
Fannie Pettit	1816
Genevia Pool	1817
Mollie Crossland	1822
Lizzie Benge	1828
John H. Welty	1847
Edward P. White	1884
Lauren P. Green	1887
Charles Rosser	1898
Fay Adair	1913
Henrietta Irving	1920
Bird Trippard	1925
John C. Carlile	1937
John W. Gilstrap	1954
Sarah Young	2018
Nancy A. Coleman	2049
James N. Whisenhunt	2118
Hiram Stephens	2157
Asa L. Guinn	2159
Rebecca J. Flying	2172
Thomas J. Measles	2192
Julia Coody	2215
Sarah Crutchfield	2224
Henry E. Lee	2251
Sarah Gritts	2256
John A. Madden	2261
Henry C. Pennel	2271
Matilda S. Cleland	2302
Dona A. Frazier	2312
Laura B. Cordrey	2320

Lafayett D Kindred	2328
Pearl V Sisson	2339
Nancy J Sevier	2380
Mollie Hair	2385
Dora Sayers	2471
William T Jone	2501
Sarah L. Martin	2502
William J Shoemaker	2506
Maud Baldridge	2511
James L Townsend	2513
George L Morgan	2568
Andrew A. Brown	2575
Louis K Fair	2623
James L Mitchell	2644
Martha E McNair	2659
Millard F. Eggleson	2668
Elisha M. Gray	2686
Jessie M. Ballard	2694
Annie Mayes	2798
Belle Sixkiller	2809
James P. Riley	2825
William Broaddus	2854
William A. Martin	2865
Joseph Q. Buchanan	2888
Marcellus L. Baker	2905
Etta M. Hill	2915
John R. Smith	2922
Ira W. Wallen	2926
John B. Laurence	2959
Lula O. Hitchcock	2961
Bell L. Muskrat	2975
Eliza O'Field	2977
Margaret Suagee	2993
Winfield S. Nance	3007
Benjamin F. Kelley	3010
Mollie Daugherty	3039
Charles H. Leatherman	3043
Alice A. Edwards	3100
Dorinda Adair	3106
William R Gray	3118
Dora B. Caulk	3143
Jesse M. Gallman	3161
Martha E. Garrett	3162
Artie E. Large	3164
Andrew A. Kelley	3191
Anna B Ryne	3193
Eliza Henderson	3198
David E. Jenkins	3212
Lizzie Falling	3233
Robert L. Payne	3252

William A J Trotter	3257
Albert P Goforth	3298
Anna B Martin	3307
William Brown	3344
Jennie B Bluejacket	3345
William Little	3377
Julia M A Russell	3386
Andrew J Smith	3393
William N Blakemore	3396
Lizzie Denton	3417
Belle Hudson	3435
Thomas S Heady	3437
William M Roseborough	3444
Madison G Hawkins	3467
Japhat F Ellis	3491
Emma McAffrey	3543
William T Huitt	3570
Myra F Chouteau	3580
Phillip Donohoo	3581
Fred L Kelley	3593
Annie Herod	3594
Maggie V. Fields	3615
Lou Payne	3616
Frederick W. Strout	3692
Andrew L McCamish	3713
Sarah Dirtthrower	3731
William P. Coble	3758
Robert L. Madison	3761
Mariah McDowell	3795
Elizabeth R. Thornton	3811
Donithan A. Wilson	3841
Charles F. Covey	3868
Tamsey M. Williams	3886
Mary J. Wolfe	3889
Lathan Lumbard	3891
Micajah P. Haynes	3897
Annie L. Wingfield	3903
Mary Fields	3907
William W. Dudley	3944
Minnie M. McLaughlin	3950
Henry B. Lindsey	3978
Wilbert H. Parkison	3999
Seth R. Hall	4011
Wiley Hanna	4016
Martha M. Woods	4093
Lizzie Gray	4117
Nancy C. Carey	4131
Annie E. Kenney	4165
William H. Ward	4169
Nannie Brewer	4189

Nancy J. Kinney	4225
Sydney E. Bell	4232
Isaac H. Jordan	4235
Charles Parks	4244
Dora Frenchman	4262
James R. Fugate	4275
Maud Adams	4277
Elizabeth Black	4281
Anna Thornton	4291
Robert T. Morrison	4294
Perley Israel	4295
William A. Long	4304
Mollie Swannock	4319
Frances Guess	4324
Allen H. Gibson	4327
John McFall Jr	4343
Albert W. Fitzsimmons	4360
George S. Ford	4386
Quinn Carr	4387
William A. Powell	4390
Austin Hasley	4400
Anna Bible	4414
Elizabeth Riley	4428
John P. Sudderth	4449
Anderson Keen	4450
Ida M. Adams	4451
Martha J. Randall	4457
Mollie Conner	4477
Jane McGhee	4491
Jennie Riley	4525
Hannah Randall	4528
Charles W. Childers	4542
Nannie B. Riley	4543
John W. McDaniel	4544
Minnie Armstrong	4548
Ada Chouteau	4549
Mary Thompson	4571
Ota Armstrong	4593
Mary Spencer	4594
Clarkson F. Woody	4603
James M. McConnell	4604
Annie E. Coker	4605
Jennie Long	4606
Julia Gilstrap	4607
Laura E. Smith	4608
Annie Nicholas	4609
Minnie R. Taylor	4611
Mary E. Rogers	4614
Emma Downing	4615
William Steere	4619

Roxie J. Ketchum	4623
Lizzie Love	4626
Robert K. Wann	4632
Frederick Metzner	4633
John C. Bratcher	4634
Pierow L. Jones	4641
Ada Bertholf	4642
Alice Robbins	4644
Jane Dougherty	4649
Samuel Francis	4650
Clemon C. Peck	4652
Mont C. Frazier	4653
Frank J. Mayberry	4656
Charles W. Moore	4660
Jefferson D. Edmondson	4661
Alonzo H. Boone	4662
Thomas C. Mock	4668
Sallie Allison	4669
Elizabeth E. Burgess	4671
Lafayette Breeden	4673
James M. Boling	4676
Francis A. Neilson	4681
John F. Smith	4689
Rufus S. Steward	4691
John I. Haddock	4694
Maggie O. Walkley	4695
George W. Talbert	4698
Mary Miller	4700
Henry C. White	4707
Mattie E. Hill	4760
Alice A. Bible	4772
Katie Coker	4785
John Creek	4801
Ruby R. Bean	4804
William J. Dodson	4836
Blackburn Reed	4882
Viola Lowther	4891
William B. Ritchson	4910
Henry D. McDonald	4950
Della McDaniel	4956
Dorothy Rattlinggourd	4991
Ida McCay	5093
Henry M. Lyon	5100
Alice J. Wofford	5101
Nancy Morris	5137
Ella Sullivan	5140
Winfield Williams	5144
Bessie M. Smith	5145
May Humphrey	5207
Donnie Burgess	5235

Nora B Burgess	5236
John E Etter	5239
Harriette Roger	5240
Amanda Foreman	5244
William H Well	5261
John T Gaylor	5266
Annie Sweeten	5269
Rosalee Hendrick	5278
Emma Chamber	5328
James H Thoma	5329
Melville B Baird	5332
James R Goodall	5356
Charles Horton	5390
James W Goddard	5417
Dora Cox	5425
Nannie G Alberty	5438
Sallie Ward	5455
William H Sutherlin	5484
Lizzie Hall	5487
Cyrus B Essex	5489
Eda Taylor	5493
Laura Taylor	5494
Elector D. Miller	5496
Emberson M Arnold	5498
Stella Henry	5499
William E. Oneal	5506
John M Sharp	5509
John L. Davis	5514
Sarah E Downing	5518
Samantha C Glass	5524
Harry Jones	5525
Aggie Paris	5532
James W Hallford	5535
Phoebe Coker	5537
Anthony K Douglas	5538
Joseph H Johnson	5541
Harvey O Figgs	5547
Alice Glass	5553
Addison Reeves	5566
Alice Coats	5572
Julia Kidd	5575
William R Greer	5576
Rosa M Sixkiller	5581
Nancy Inlow	5587
Daisey H. Owen	5599
Annie R C Owen	5600
Jesse McKnight	5602
Cicero J Strange	5610
Henry Westenhaver	5611
Emma H. Roach	5612
William A Polson	5613
Pauhna P Pitcher	5614
Charley Headrick	5615
William N Stinson	5616
Lenora A Henry	5621
Effie M Adams	5622
John H Shimp	5624
Thomas B Dickson	5625
Minnie Henry	5628
Thomas J Simpson	5629
Cap L Lane	5630
Reuben E DeLozier	5631
John Heape	5640
Perry G Brock	5645
Mary J Newcomb	5650
George W Seigel	5660
Martha A Parks	5666
Zelda C Mills	5674
Lizzie Rogers	5675
Emma Pigeon	5676
Nellie Bluejacket	5677
Lucy Bacon	5679
Thomas B Wood	5681
Asa W Simerson	5683
William J. Kuhn	5686
Elsie Couch	5688
William H. Robinson	5692
Rachel Washington	5693
Isaiah B Blackwood	5700
John R Johnson	5701
Dennis W Smith	5702
William H. Chesnut	5705
William H. Durham	5707
Albert B. Buckmaster	5710
Maud Crutchfield	5730
Joseph S. Layne	5731
Lena Bell	5737
Juan N. Corn	5748
Robert N. Crafton	5750
Benjamin F. Coffee	5756
Frank McSpadden	5760
Charles D. Pendleton	5775
Harden H. Green	5776
Emma J. Ward	5778
Robert C. Fuller	5781
Henry F. Extine	5796
Ida Wyly	5802
Richard L Fite	5815
Edward Lutz	5816
John F Woodworth	5829

Horace H. Huddleston	5832
William R. Sartain	5837
Joseph A. Lawrence	5843
William H. Hinton	5846
Joseph Lehr	5851
Enin M. Young	5852
Mary C. Barnes	5853
Matilda Thompson	5861
William W. Young	5872
Earley F. Ellis	5874
Rosa B. Alberty	5877
Sarah Cannon	5879
Mamie Beck	5887
Jack H. Merchant	5888
John D. Merchant	5889
Sarah E. Ghormley	5894
Jerry Young	5906
James H. Brickey	5916
Mary Hicks	5919
George W. Weems	5922
Albert Crain	5923
James M. Jones	5932
Alfred W. Shelly	5935
John M. Stratton	5936
Waddie Hudson	5937
Robert C. Johnson	5939
Mary T. Thompson	5941
Edith A. Parris	5943
Addie Hubbard	5949
John A. Lowry	5962
John R. W. Brantley	5963
James T. Carroll	5964
Christopher F. Jordan	5965
Minerva E. Stover	5966
John W. Twilley	5967
Joseph W. Mounce	5970
Cornelius P. Potter	5971
Amanda C. Thompson	5972
John M. Rusk	5976
Harrison L. Hughes	5978
Sjlas B. Dildine	5983
Lewis M. Payne	5985
Nancy Beamer	5988
Sarah F. Selvidge	6002
Posy F. Buckner	6005
John A. Moreland	6010
Alice Welch	6015
Mary C. Thompson	6022
Ida Beck	6029
William R. Tittle	6030

George C. Duffield	6031
Amelia Reece	6033
Alexander West	6036
John Tooth	6037
Florence G. Lateley	6038
John T. Ham	6042
Mary L. Jordan	6048
John W. Bradshaw	6076
James L. Dean	6079
Amanda J. Thompson	6082
Malissa Hubbard	6089
Jane Benge	6111
John D. Ryals	6113
John C. DeLozier	6117
Jessie Willis	6118
Mary A. Clark	6124
Mary J. Tipton	6126
Leander Newton	6136
William A. Qualls	6138
Henderson B. Thomas	6144
Hugh T. Watkins	6163
Nancy Keys	6172
Berry Hutchins	6186
Eli Parker	6189
Sarah E. Shaw	6194
Julia Keys	6211
Boon J. Grey	6214
John Grubb	6216
William M. Costephens	6230
Jane Bean	6232
Lillie I. Taylor	6236
Abbie B. Adair	6239
Mack C. Watkins	6246
Robert W. Murray	6261
John G. Petty	6269
Lucinda Poorboy	6279
Sarah Mayes	6286
Henry W. Pycatt	6300
Isaac A. Wilson	6308
John T. Hall	6310
Edward L. King	6315
Katie Still	6325
Emmer Carlile	6338
Bird Webster	6347
Fannie Morris	6353
Leonard Lee	6357
James R. Miller	6362
James Brackett	6370
Nora Allen	6371
John T. Washington	6373

James J. Snider	6375	Jane E. Lee	6717
William H. Winget	6376	Rosa Phillips	6723
Ida R. Wilkerson	6383	Kate Brown	6735
George A. McBride	6384	Lucy B. Barnett	6743
Matilda Cookson	6387	Elizabeth Snider	6745
William A. Fisk	6392	William T. Neil	6747
William O. Ames	6394	William R. Scott	6751
Thomas Wilkerson	6396	Emma Fish	6770
Alice C. Springston	6407	Maggie Ketcher	6779
Fanny N. Witt	6413	Dora A. McDonald	6783
Lillie M. Adair	6424	Rosa B. Willis	6785
Mark F. Matheson	6428	Daniel Hubbard	6787
Ida L. Wilson	6431	Mary R. Tadpole	6801
George E. Marrs	6441	Magnus A. McSpadden	6811
Ulysses S. Reeves	6443	Sarah E. Pathkiller	6824
Daniel A. Smith	6447	Clora Twist	6845
Henry J. Dawson	6450	Mattie M. Welch	6846
Sarah Adair	6452	Cora Griffin	6850
Ida F. Wilson	6455	John S. Hyatt	6853
Mary E. Taylor	6459	Jefferson K. Tyner	6855
Catherine Henson	6468	Flora R. Miller	6859
Charles C. Fitzsimmons	6471	Lizzie Craig	6872
Mary E. Campbell	6476	Jacob C. Johnson	6876
Columbus N. Long	6478	George W. Ware	6897
Mary Wilkerson	6480	James B. Deatherage	6901
Myrtle Ward	6484	Lucinda F. Hartness	6943
Belle Manus	6499	Frances E. Tehee	6961
Martha E. McLain	6508	James M. Burt	6965
Mary A. Brown	6517	Rady Tipton	6975
Marion M. Ballew	6530	Laura Hendricks	6976
Mellie Mayfield	6540	Laura A. Smith	6979
Sarah Blevins	6541	Lorenzo C. Darnell	6988
Frank Powell	6542	Robert M. Mitchell	7004
Georgia Jackson	6546	William Henry Reeve	7005
Leonard S. Simpson	6549	James Pyle	7009
Almira Ussrey	6560	Willie Hilderbrand	7015
James McInerney	6561	Alice M. Roberson	7031
Fannie Carlile	6578	Charles Morris	7043
Sadie A. Mayfield	6580	Minerva J. Trent	7051
Silas A. Bryan	6581	John H. Keith	7078
William S. Martin	6585	Katie E. Ratley	7080
Emma J. Thompson	6589	Etta Patrick	7081
Lydia McDaniel	6593	Nannie Martin	7090
David W. Lamb	6595	Rosa B. Harris	7094
Gus R. Hart	6603	Samuel Brown	7100
Poca Phillips	6632	William H. Turner	7101
Lois E. Daniel	6678	Florence Mayes	7104
William W. Turner	6689	Maggie McCoy	7112
Lillie B. Blackstone	6714	Mary Belle Cordry	7113
Mary Lillard	6715	Benjamin Haner	7119

Jane Maher	7138
Terry V. Fortune	7146
Cora L. Hall	7147
Otto L. Zaccal	7149
Eula M. Nelson	7155
Mary L. Lester	7158
Anna West	7159
Lena M. Connally	7161
Frances M. Crowell	7163
Laurie L. McClure	7171
Benjamin B. Graham	7176
Ada Phen	7180
William L. Whisenhunt	7184
Frances B. Perry	7191
Philip Shultz	7210
Hester A. Miller	7212
Minnie B. Edmonds	7213
Eliza Jordan	7217
William T. Ross	7218
Thomas M. Price	7225
James G. Wilson	7231
Frank Rhomar	7263
John W. Thompson	7267
Melissa Booth	7271
Solon L. Jackson	7273
Henry W. Coughran	7282
Sarah Ross	7291
Mary S. Smith	7322
John A. Martin	7323
Myrtle Robinson	7330
Allen L. Buckner	7331
James L. Goad	7350
Elijah Johnson	7351
Mary E. Kimbrough	7360
Jennie Burr	7367
Krasay Sapsucker	7378
Sarah J. Johnson	7394
William I. Branan	7409
Wyatte T. Brady	7412
Lena O. Holderman	7413
Mary F. Hummingbird	7420
Bertha A. Allen	7425
Robert J. Tyner	7426
Fannie B. Martin	7434
Myrtle Wolfe	7435
Mary Blevins	7479
Sarah Ketcher	7488
Charles D. England	7512
May Cochran	7544
Rebecca Oglesby	7549

Robert B. Collins	7556
Nancy J. Brown	7579
Mary B. Walkingstick	7642
Robert J. Kelleam	7653
Mollie Morton	7797
Mattie Gitty	8006
Mack Alfred	8015
Ida Harmon	8016
Ida McCoy	8417
Rosie Foreman	8903
Annie Jackson	9034
Margaret T. Langley	9092
Ida M. Davis	9266
Nora Crapo	9289
Margaret Harmon	9378
Mary B. Langley	9438
Ella Gravitt	9439
William M. Wilson	9444
David O. Scott	9446
Harriett Forbes	9447
John Carver	9449
Thomas J. Davis	9451
Clara M. Boudinot	9453
Mary E. Keys	9454
John G. Amsworth	9456
Mary J. Christy	9460
Malinda Seabolt	9462
Mary Cumpton	9464
Mollie P. Mulkey	9465
Andrew Brimmer	9467
James F. Flippin	9471
William Bird	9473
Mollie C. Forbes	9476
William H. Thomason	9478
Mollie Devine	9481
Mary P. Guthrie	9482
Detlev N. Leerskov	9484
Nannie Cowart	9485
Leona Catcher	9489
Alexander B. Clapp	9502
Tennie Sanders	9503
Virgil A. Wiltshire	9505
Joshua K. Carr	9510
Herbert Kneeland	9518
Hugh E. Hope	9519
Thomas J. Ritter	9522
Martha Baldridge	9529
James R. Poindexter	9535
Maud Foreman	9539
Belle Bryant	9542

Joseph P. Smith	9550
George F. Watkin	9552
Florence Henry	9553
Jesse H. Johnson	9560
Lydia B. Barger	9561
Mary Jane Thoma	9562
Jane E. Petty	9563
Laura McCiary	9566
Joel D. Smith	9568
William F. Cave	9572
William Bugher	9577
James M. Smith	9582
John E. Nazworthy	9583
Beverly I. Lafon	9587
Robert L. Gentry	9590
John C. Barker	9591
John P. Greenwood	9593
Henry Hayes	9596
Ella Cornwell	9598
Asa A. Hedrick	9599
William C. M. Robinson	9600
Woodrow Hadley	9612
William T. Gregory	9613
Charles M. Keys	9616
Bate O. Reed	9618
Joseph E. Feland	9623
Florence C. Smith	9625
Charles M. Cox	9630
Otis S. Skidmore	9634
William H. Hundley	9635
Thomas A. McDonald	9636
Annie Sanders	9638
Mack H. Martin	9640
Mary Ward	9653
George Givens	9658
Pheney Poorboy	9660
Charley Kiper	9671
Andrew J. Snider	9672
William T. Barton	9684
Daniel Crail	9770
Mary M. Motte	9771
Lecia E. Herrin	9854
Gailen E. Carrick	9855
Rosa B. Barger	9857
Rachel Foreman	9858
Serepta C. Willis	9861
Virgie Seabolt	9864
Annie Cannon	9867
Isabella McCoy	9874
Robert E. Dry	9875

William G. Brown	9879
John B. Delay	9881
Pairlee Thompson	9882
Guenther W. Werther	9883
Margaret Crittenden	9884
Moses L. Morris	9889
Sarah L. Rogers	9891
Stephen Duncan	9892
Gideon D. Sleeper	9895
William A. Maddin	9896
John H. Horton	9904
Howe L. Rogers	9905
William Rush	9912
George W. Edens	9916
William H. Hall	9920
Edith B. Pheasant	9935
Carrie A. Collins	9936
Lucinda Spriggs	9937
Ella F. Hail	9939
John W. Harris	9949
Hannah Raper	9942
John J. Coughran	9945
Youra F. Wayhourn	9946
Louisa J. Taylor	9947
William M. Evans	9948
William F. Pierce	9940
May T. Chambers	9950
Albert Stevenson	9954
Henry Kiefer	9955
Sarah Bean	9956
Zeno M. Cox	9964
Jerusha E. Blair	9965
Elias Kyle	9991
Ida Cushman	9992
James W. Fleming	9994
Samuel Holmes	9995
Walter H. Talley	9997
Hannah J. Miller	9998
Clara V. Ward	10002
Stephen W. Pittsenberger	10005
Mary E. Palmour	10008
William T. Partin	10011
Nellie Fields	10013
Sarah A. Dawes	10015
Willard E. Hutchins	10016
Jesse Talbert	10020
Julia E. Setser	10021
Amanda E. Howell	10022
Mamie J. Rogers	10023
Nannie Rogers	10024

James B Bradshaw	10025	Millie A Carnes	10113
Ida L White	10026	Lucy E Robards	10114
Addie B Miller	10027	Edward H Fitzgerald	10115
William R Condry	10028	John T Pickard	10117
James D Canary	10029	Charles Rains	10118
John Kelley	10031	Nancy Mayfield	10123
Kate Craig	10033	Anna B Tittle	10124
John A Butts	10034	Richard A Clark	10126
John J Dameron	10035	Emma B Martin	10128
William Warner	10036	Walter L. Bates	10129
George A Allen	10037	Nellie Brewer	10130
Watie Shetley	10038	William Hefferman	10131
John E. Carter	10039	Levi Ackley	10132
John M Boyd	10043	Bessie Davis	10133
William Fister	10047	Eva Brackett	10135
Darius B Troth	10049	Caleba Carnes	10136
Harry A Kelley	10050	Jacksie M. Waybourn	10138
Mary E Purcell	10051	Minnie Shutt	10139
Myron L Bronson	10052	Charles L. McClure	10140
George W. Taylor	10053	William W. Russell	10141
Josie Lowther	10054	Delia Jenkins	10142
Fannie D. Perry	10055	John A. Hood	10143
Minnie B Williams	10056	Oba Maxfield	10145
Solomon Copeland	10058	Mary L. Cloud	10146
Etha B. Wood	10059	Callie Inlow	10147
James Pace	10060	Everett M. Lowrence	10148
Wiley B. McElhaney	10062	Dora E. Hays	10150
Nancy Patrick	10063	Julia M. Schrimsher	10151
James R. Stout	10072	Parmelia E. Lyman	10153
George Parker	10073	Charles F. Trickey	10161
Laura Morton	10074	Louisa J. Palmour	10169
John D. Kelly	10075	George L. Walker	10170
Nettie Swift	10078	Annie Taylor	10171
Maggie Baldridge	10079	Josie Winters Hall	10174
David R. Stubblefield	10080	Alice Nichols	10181
Thomas J. C. Thompson	10081	Lizzie Dry	10182
Cora P. Harlan	10082	Emma Murray	10183
William L. Singleton	10083	Annie Winton	10187
Lester Evans	10084	Marian Evans	10188
Ellen Mayfield	10085	Elizabeth J. McClain	10192
Ella Bray	10087	Eliza J. Price	10199
David J. Matthews	10094	Rissie Still	10200
Thomas Brown	10100	Hannah E. Langley	10201
Houston J. Payne	10103	Alma Keith	10203
Malinda E. Scudder	10104	Flora A. Terrill	10204
Henry Odell	10105	Talesphora A. Paradee	10205
Fred Macy	10107	Samuel Shadix	10206
Mary Russell	10108	Mary E. Childers	10207
Thomas B. Brown	10109	Robert M. Hamilton	10208
Samuel L. Milligan	10111	Julia Billingslea	10209

Nannie Martin		10210
Sarah A. Fields		10214
Susie Henderson		10216
Charles H. Rienhardt		10218
William H. Watkins		10221
Frank M. Rucker		10222
Henry C. Reed		10224
Laura B. Timberlake		10226
George A. Brown		10228
Drucilla Lowrey		10232
Almira Mouse	D	9
Lenora Prather	D	16
Andrew M. Cooter	D	17
Martin L. Stokes	D	28
Peter Walters	D	44
Columbus M. Reeves	D	58
Sarah Barnes	D	103
George T. Kiddy	D	108
Henry C. Agent	D	139
Joseph Phipps	D	147
Henry Hilton	D	149
David A. McGlamery	D	161
Maggie Doublehead	D	169
Annie Lovett	D	180
Nora Hood	D	184
John A. Johnson	D	232
Nathaniel G. Simpson	D	242
Oncico W. Head	D	244
Etta Taylor	D	245
Susan V. Sullivan	D	262
Levi H. Tackett	D	263
William H. Connelley	D	264
Julia A. Sullivan	D	284
May Fields	D	297
Katie Hummingbird	D	308
William F. Sager	D	320
Lovick P. Garrison	D	334
Henry Grubb	D	338
Lucy F. Lacey	D	340
Callie Blevins	D	341
James S. Alfrey	D	355
Shadrack C. Wallen	D	368
Ada Hall	D	376
Jane M. Hicks	D	396
Fannie L. Dupree	D	403
Willis Battles, Jr.	D	404
Joshua W. Ellis	D	413
Nina B. Owen	D	450
John M. Ridenour	D	458
Emery S. Thompson	D	464
Joseph Reed	D	468
Adolphus J. Hallum	D	483
Alexander Walker	D	490
Albert J. High	D	491
America Matoy	D	501
Moses L. Grazier	D	503
Myrtle Hall	D	509
Wallace Thursday	D	544
Thomas W. Baker	D	546
Mattie E. Keys	D	550
William S. Edwards	D	560
Susan L. Reed	D	572
William H. Lyman	D	574
Gracia Davis	D	577
Edward C. Bolen	D	582
Dora Guthrie	D	585
Samuel H. Hawkins	D	594
Lula M. Purcell	D	600
Ben Estes	D	603
Thomas M. Reynolds	D	621
Arthur Dodge	D	622
Carrie L. McNair	D	624
Constantine N. Walker	D	641
Joseph Davis	D	648
Leander A. Keys	D	650
James J. Barndollar	D	655
Nathan J. Brink	D	682
William S. Miles	D	688
Emma Waybourn	D	698
Dora E. Rogers	D	708
James W. Turley	D	709
Lizzie Ward	D	711
Robert J. Holly	D	713
Belle I. Quinton	D	728
Francis M. Boothe	D	734
Amos W. Lord	D	746
Agnes N. Childers	D	749
John E. Renfrow	D	752
William Coon	D	759
Louis Bruere	D	779
Georgia A. Waybourn	D	786
Eliza Fields	D	787
William H. Brown	D	788
William A. Cox	D	793
Charles A. Robison	D	799
Artha Williams	D	800
Adam Gearhart	D	806
Cicero F. Rogers	D	855
Annie Garrett	D	856
George S. Yarborough	D	875

Rhoda A. Sanders	D	878
Manuel Spencer	D	884
Benjamin H. Hulbert	D	891
Mary Brassfield	D	935
James L. Tindle	D	944
Silas G. Reneckar	D	966
Eliza Wofford	D	967
Jasper L. Newton	D	971
John N. Guinn	D	974
Hannah Parson	D	989
Nellie C. Helterbrand	D	1003
Thomas J. Welch, Jr.	D	1006
Lizzie Christian	D	1010
George Hazlewood	D	1013
James M. Jones	D	1022
Reuben A. Evans	D	1032
Carrie H. Cobb	D	1049
John M. Burns	D	1069
Sarah E. Henson	D	1083
Laura D. Henson	D	1086
Hettie E. Downing	D	1090
Benjamin F. Crain	D	1099
Benjamin Strickler	D	1129
Nancy Spaniard	D	1130
Annie Wilson	D	1131
Ora H. Maxwell	D	1135
Reuben W. Moore	D	1136
Cora Childs	D	1146
Janie Hughes	D	1179
Francis B. Reid	D	1180
Martha Carey	D	1195
Christina Johnson	D	1199
Louvenia Ironside	D	1208
Martha J. Henson	D	1218
David A. Martin	D	1228
Fred D. McEnery	D	1235
Nathaniel R. Martin	D	1261
James H. Requa	D	1266
Frank Carver	D	1267
Etta B. Payne	D	1270
Mary Garrett	D	1271
Joe W. Goodman	D	1272
Mathew J. Flanigan	D	1274
Lizzie C. Holland	D	1285
Etta Downing	D	1291
William Caywood	D	1296
Clarence W. Turner	D	1307
Alfred Chaney	D	1313
Euphemia Sweetwater	D	1314
Etta Russell	D	1319
Ella Vann	D	1320
Linnie Wofford	D	1330
Minnie Downing	D	1332
Katie Rider	D	1334
Samuel G. Mill-	D	1337
Alfred H. Woods	D	1342
Cynthia Whitekiller	D	1352
Susie McSpadden	D	1361
Martha J. Houston	D	1363
Samuel M. Collier	D	1367
Katy Payne	D	1369
Joseph H. Warren	D	1375
Mattie Miller	D	1433
S. F. Moore	D	1434
Addie Schrimsher	D	1448
Fannie Vann	D	1458
Marcella Blakeney	D	1474
G. W. Williamson	D	1555
C. F. Walker	D	1558
Louisa Blevins	D	1567
Frank Cowles	D	1581
Mary Francis Madding	D	1637
Thomas Rodman	D	1661
Katie Still	D	1866
Ira Creach	D	1913
D. A. Mounts	D	1967
J. C. Sefton	D	1991
Jennie Holland	D	2024
Lou Sanders	D	2216
Caroline Barnes	D	2591
Lacey Crane	D	2592
Daisy Cash	D	2595
Hiram A. Landers	D	2599
Charles Neel	D	2603
Mattie Robinson	D	2605
Jennie Rich	D	2606
Alexander C. Russell	D	2607
Pricilla Ross	D	2608
Tom W. Reeves	D	2609
Mary Smart	D	2612
Rufus Tidmore	D	2613
Jasper Turquitt	D	2614
Mabel West	D	2618
Ophelia West	D	2619
Cora Whisenhunt	D	2620
Katy Martin	D	2667
Willis Butler	D	2686
David Barger	D	2687
Dixie Conner	D	2698
John Culwell	D	2699

Herbert I. Couch	D	2700	Samuel A. Parkhurst	D	2821
Albert C. Dykes	D	2703	Ellen Rogers	D	2822
Delora Drew	D	2704	Elijah Rolland	D	2827
Frank F. Dandel on	D	2705	Endora Steele	D	2828
James Gafford	D	2708	William M. Stucker	D	2829
Anna L. Harlin	D	2715	Salhe Tauuncacie	D	2831
William R. Lapsey	D	2717	Mary Tassle	D	2832
Bertha Landrum	D	2718	John F. Wolf	D	2835
Lila More	D	2722	Ruth A. Ward	D	2840
John D. Mathews	D	2723	Winnie Daugherty	D	2884
Mary McIntosh	D	2725	Mary Guthrie	D	2885
Bertha Nidiffer	D	2730	Lydia Long	D	2886
Richard Nichols	D	2731	Edda Roberts	D	2887
William S. Ross	D	2738	Manda Ward	D	2889
Irene Riley	D	2739	Elmira J. Alberty	D	2905
William H. Rowley	D	2740	Thomas C. Cordray	D	2906
Colombus C. Seroggins	D	2741	Edward Fowler	D	2907
Della Summers	D	2743	Dora Foreman	D	2908
William S. Sage	D	2744	Parker Holt	D	2909
Eliza Thomas	D	2748	John Haston	D	2910
John P. Thurman	D	2749	Georgie Harlin	D	2911
Mary E. Davis	D	2770	Percillia Johnson	D	2913
Jessie Frick	D	2771	Bettie Morton	D	2915
Enna Buffington	D	2788	Samantha Spade	D	2917
Will Black	D	2789	Mariah Ward	D	2918
Maggie E. Davis	D	2792	Ellen Watt	D	2919
Thomas Dotts	D	2793	Nora Morten	D	2920
William Daws	D	2794	Lizzie Anderson	D	2981
Nancy Dawson	D	2796	Francis Duval	D	2984
Lena Fields	D	2797	Wade S. Hayes	D	2987
Effie Grayham	D	2798	James A. Hankins	D	2988
Alice C. Hill	D	2799	Joseph Hardee	D	2991
Bertha H. Harlin	D	2800	Tennie Horn	D	2992
Margrett C. Hudson	D	2801	Eveline Hall	D	2993
Joseph A. Kelley	D	2803	John E. Leftwich	D	2995
Andrew O. Kepler	D	2804	Mattie Henson	D	2994
Josephine King	D	2805	John D. Colvard	D	2998
Sarah Jane Birdsong	D	2806	Charles W. Phillips	D	2999
Marion Maddox	D	2807	Sarah Shanks	D	3000
John A. McKenzie	D	2808	Nettie Young	D	3009
Ione McGee	D	2809	Jerry P. Ables	D	3048
Ollie Miller	D	2810	Almedie Ross	D	3052
William A. Martin	D	2811	John S. J. Fowler	D	3055
Jesse P. Morrow	D	2812	Leaner Hood	D	3056
Oliver Mason	D	2813	James D. Jackson	D	3057
Edna Whitehead	D	2814	Emma G. Nelson	D	3058
Charley Nuckolls	D	2815	Alice Simco	D	3059
Etta M. Nidiffer	D	2817	George O. Wallace	D	3060
Louizer Ossowee	D	2818	Fannie Clay	D	3078
William H. Patterson	D	2820	Ellen Drew	D	3079

Luc Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Leha C. Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R. Mizer	R	266
Martha Spade	D	3092	Belle A. Powell	R	352
Juhan Wyrick	D	3093	Austin L. Hill	R	420
Samuel Harlan	D	3157	Mary L. Dudley	R	439
Lizzie Phariss	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A. Payne	R	484
Sarah E. Davis	D	3176	Rebecca Benge	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E. Thornton	D	3183	Dora Crane	R	628
Mamie Thompson	R	4	Andrew Sitrell	R	642
Jimmie G. Thompson	R	5	John Sitrell	R	642
William T. Kelly	R	10	Lillie May Wilson	R	643
Alice Tidwell	R	19	Ollie A. Barger	R	656
Rosenna McLaughlin	R	41	Ida Hawkins	R	671
Martha A. Perdue	R	45	Lizzie Davis	R	761
Gabriel L. Payne	R	61	Clara M. Emmons	R	803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated 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, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

.....

Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 25, 1902.

Mr. Silas G. Reneckar,

Chance, Indian Territory,

Sir:-

You are hereby notified that the application of yourself

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

the 13 day of March, 1902.

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

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

Cherokee D-966
Register.

Yours truly,

~~Acting Chairman~~

Commissioner in Charge.

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.

[illegible] I. T. [illegible], I. T.

C. D. 966

Mr. Thomas Kelly,

Centralia, I. T.

Dear Sir:-

[illegible] postoffice is Chanca, I. T. has applied for enrollment as a citizen by inter-marriage, and claims to have been married to your daughter Ida, now deceased, on March, 18th, 1895, and that he lived with her about seven months. Since your daughters death he has married to another woman; I am interested to know whether or not this man is entitled to enrollment as a Cherokee citizen by inter-marriage, and I wish you would write me the cause of the separation between him and your daughter Ida, and in fact give me any information that would affect his right to enrollment as a Cherokee by inter-marriage.

Yours very 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. 965

VINITA, IND. TER. 190

Muskogee, I. T. March, 12, 1902.

The Post Master,

Chanoe, I. T.

Dear Sir:-

We are today sending a registered letter to Silas G. Rennecker, who gets his mail at Chanoe, I. T. If this man is not there, kindly return the letter promptly, and note on it the reason why it can not be delivered.

Yours very truly,

SSION TO THE FIVE CIVILIZED T...

FILED

MAR 30 1902

ACTING CHAIRM

C. D. 9—6

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 Silas G. Rennecker,
for enrollment as Cherokee citizens:
Case No. D 966

To Silas G. Rennecker, Chanoa, 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, 19, 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, 12, 1902.

Attorneys for the Cherokee Nation.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT } ss

In the matter of the application of .....

.....for enrollment as a Cherokee Freedman.

No. F. D. .....

....., of lawful age, being duly sworn on oath states that on the ..... day of ....., A. D., 190.., he registered to ..... whose postoffice is ..... Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at ..... Indian Territory; and that on the ..... day of ....., 190.., he received the return card which is hereto attached, signed by the said ....., showing that he had received said notice.

.....

Subscribed and sworn to before me on this the ..... day of ..... A. D. 190..

.....

Notary Public.

Cherokee -[illegible].

Muskogee, Indian Territory, October 11, 1902.

[illegible] [illegible],

Chi[illegible]ee, Indian Territory.

[illegible] Sir:

The Act of Congress, approved July 1, 1902, (Public No.241), [illegible] by the citizens of the Cherokee Nation August 12, 1902, provides that "the roll of citizens of the Cherokee Nation shall be made as of September first, nineteen-hundred and two."

In accordance with said provision you are hereby directed to appear before the Commission to the Five Civilized Tribes at its offices at Muskogee, Indian Territory, prior to October 31, 1902, and testify relative to your right to enrollment as a citizen by intermarriage on September 1, 1902. It will also be necessary that you introduce further evidence as to the cause of your separation from your wife, and whether or not you abandoned her.

This evidence should be introduced as soon as possible, as it is necessary in determining your right to share in the allotment of the lands of the Cherokee Nation, and until the same is furnished no further action will be taken looking toward your final enrollment

Silas G. Bennecker-2.

as a citizen by intermarriage of the Cherokee Nation.

Please present this letter when you appear before the Commission.

Respectfully,

Commissioner in Charge.

Cherokee D-966

Muskogee, Indian Territory, November 3, 1902.

Silas C. Renneckar,

Chance, Indian Territory.

Dear Sir:-

The Commission is in receipt of your letter of October 22, stating that the witness, whose testimony you desire to introduce as further evidence in the matter of your application for enrollment as a citizen of the Cherokee Nation, is sick and unable to appear before the Commission on the date named in the Commission's recent notice to you. You ask what to do under the circumstances.

In reply, you are advised that as soon as your witness is able to make the trip to Muskogee, you should have him appear before the Commission and give testimony as called for in the Commission's recent letter to you.

The deposition of this witness will not be accepted. The Commission desires to impress upon you the importance of introducing such testimony at the earliest possible date as your case cannot be taken up for final consideration until such evidence has been supplied.

Respectfully,

Acting Chairman.

[illegible]

Gunnison

11 [illegible] 1883

Chaffee County

Sir

I have received intelligence from her husband that she has been going to bring a disease into my right to inherit the inheritance of the children's estate I think it will be that I will have not to charge as the superintendent I asked her if she received letters and she said not a word about it I could not prove that her father did not blame us for her death he could blame himself the accident burnt one of the little children by swinging the stove door open and he got mad and scolded her and she went to her sister a little days distant and got

the [illegible] and [illegible]

[illegible] being [illegible] left and

of the other [illegible]

[illegible] burned and then

they [illegible] sometime

to [illegible] it [illegible] the [illegible]

of her mother that kept [illegible]

[illegible]

[illegible]

[illegible] and [illegible]

against [illegible]

[illegible] there [illegible]

was killed [illegible] feeling

[illegible] take to [illegible]

them back [illegible] to

the [illegible] that appear [illegible] the

As I [illegible] this [illegible]

she told her pa that she would not be in his way [illegible] and started for her sisters

Yours Respectfully

[illegible]

Cher. D 966

Muskogee, Indian Territory, January 10, 1907.

Silas G. Reneckar,

Chance, Indian Territory.

Dear sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. D

Commissioner.

Cherokee D 966

Muskogee, Indian Territory, March 14, 1907.

Silas G. Reneckar,

Chance, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 26, 1907.

Respectfully,

RPI

Commissioner.

Cherokee
S et al.

Muskogee, Indian Territory, March 14, 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 January 10, 1907, rejecting the application for the enrollment of James Patson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

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

Respectfully,

Encl.C-100
MTM

Commissioner.

INDEXED 1966

Rennackar, Silas G.,
Chance, I.T.,
Nov.26, 1902.

Relative to his right as an intermarried Cherokee.

[illegible] Think this
[illegible] abundance first
wife — The father of said
wife no doubt became embittered
by death of [illegible] while they
[illegible] were separated
other disinterested witnesses
[illegible] the same [illegible]

[illegible]

med. They

[illegible]

I don't think
this case of
abandonment.
C. R. L.

Cher D 967

967.

D

Four copies with 872

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I. T. DECEMBER 13th, 1900.

In the matter of the application of Eliza Wofford for the enrollment of herself and children as citizens of the Cherokee Nation, said Wofford being sworn and examined by Commissioner Breckinridge testified as follows:

Q Give me your full name? A Eliza Wofford.
Q How old are you? A 28 years old.
Q What is your postoffice? A Tahlequah.
Q Do you live in Tahlequah district? A No sir, Saline district.
Q Who is it you want to have enrolled? A My little boy here and myself, two children.
Q Yourself and two children? A Yes sir.
Q Are you a Cherokee by blood? A No sir.
Q White woman? A Yes sir.
Q When were you married? A I have not the papers here.

Com'r: The applicant presents a license issued by the clerk of the United States Court First Judicial District, Indian Territory, May 24, 1894, authorizing marriage between Eliza Hughes and Than Wofford. The certificate shows that they were married on the 1st of June of the same year, by the Rev. William D. Thompson. These documents are filed herewith.

Q Were you ever married before you married this husband? A No sir.
Q Was he a Cherokee by blood? A Yes sir.
Q Is he alive or dead? A He is alive.
Q Are you not living with him at this time?
A Yes sir, we are living together.
Q Why don't you apply for his enrollment?
A He says he is not going to enroll himself.
Q Have you lived with him ever since you and he were married?
A Yes sir.
Q Was he ever married before he married you?
A I do not know whether he was or not.
Q Where is your husband? A He is sick.
Q Sick at home? A He is up in town.
Q You do not know whether he was ever married before or not?
A No sir.
Q How old is your husband? A I do not know how old he is.
Q About how old is he? A I guess he is about 40.
Q Give me the name of his father? A Aleck I believe.
Q Is he dead? A Yes sir.
Q Give me the name of his mother? A I do not know her name.
Q Is she dead? A Yes sir, both of them.
Q Give me the names of his children? A Samuel.

Q How old is that child? A She is five years old.
Q The next one? A That is all I have got.
Q You said two children? A Yes sir.
Q Here is the other child? A I never was married lawfully but once; I have got two children.
Q You have one child of this marriage? A Yes sir.
Q Now what is the name of that other child you were applying for?
A Ira Jackson Collins.
Q Is this child, Ira Jackson Collins, a child of yours? A Yes sir.
Q You say you were never lawfully married to the father of this child? A No sir.
Q How old is this child? A It is two years old, soon will be.
Q You said he lived together about six years? A Yes sir.
Q Did you ever live with any man before that? A No sir.
Q You lived in the same house? A Yes sir, Kent House.
Q Did you hold each other out to the world as husband and wife?
A Yes sir.
Q You never got a divorce from that man Collins?
A He was not lawfully married.
Q You do not think you were? A No sir.
Q You held each other out as husband and wife?
A Yes sir, we just lived together as husband and wife.
Q You were known as his wife, and went by his name? A Yes sir.

1880 roll page 425, #2693, Than Wofford, Tahlequah.
1896 roll, page 1270, #3768, Nathaniel Wofford, Tahlequah.

Q Who do you say is the father of this child, Ira Jackson Collins?
A Clark L. Collins.
Q Is he living now? A Yes sir.

Com'r Breckinridge: - The applicant applies for the enrollment of herself and two children; one of the children, Samuel Wofford is a child of Than Wofford, to whom she is shown to have been married June 1, 1894. The other child, Ira Jackson Collins, is her child by Clark L. Collins, with whom she lived a number of years ago. She is a white woman. Her present husband, Than Wofford, is identified on the rolls of 1880 and 1896 as a native Cherokee. No application is made for him as he is said to express an unwillingness to apply. He is identified on the roll of 1880 with a wife Rose, who is not known to be dead at this time. The applicant has professed a lack of knowledge as to whether her husband was previously married. Reference to case 872 in the case of Clark L. Collins, shows a strong presumption of a common law marriage in the Cherokee Nation between the applicant and the man with whom she has lived. No divorce was ever obtained between the applicant and the man with whom she first lived, and therefore it is extremely doubtful whether her present marriage confers upon her any right of citizenship, and if not right is conferred upon her, no right is conferred upon the child of hers, Samuel. The applicant herself is not identified on the roll of 1896, nor is the child, Samuel, though it is old enough to be upon that roll, and her marriage occurred six years ago. Giving her the benefit of whatever doubt may exist in the case, she will now be listed for enrollment upon a doubtful card, she being classed as a Cherokee by adoption. And when a certificate of the birth of the child, Samuel, who as stated is not identified on the roll of 1896 is supplied to the commission, this child Samuel, will be listed as a Cherokee by blood, upon a doubdtul card, to await the determination of the status of his mother, and a copy of this testimony will be filed with Case 872, the same being the case of Clark L. Collins et al., said Collins being, according to the testimony, the man with whom this woman lived as his wife for a number of years prior to her marriage to Wofford, and as she states, the first man with whom she ever lived in the professed relation of a wife.

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

(signed) J. O. Losson.

Subscribed and sworn to before me this 17th day of December, 1900.

(signed) C. L. Breckinridge,
Commissioner.

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

(signed) Arthur G. Croninger.

Subscribed and sworn to before me this 13th day of January, 1902.

(signed) T. B. Needles,
Commissioner.

--- ---

I, the undersigned, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I copied the above and foregoing, and that the same is a true and correct copy of said copy.

Marie E. DeNiet

Sworn to and subscribed before me this 14 day of Sept. 1903.

Edward Merriz
Notary Public.

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

FILED
DEC 13 1900

ACTING CHAIRMAN.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 13 1900 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

(28) Wife's name Celia Wofford, Tahlequah I.T.

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

Names of Children:

2 Samuel Wofford Dist. Year Page No. Age 3

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Doubtful

No 2 affidavit of birth to be supplied

R.

C. 1-6-7

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., MARCH 13, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Eliza Wofford for the enrollment of herself and child as citizens of the Cherokee Nation.

The applicant was notified by registered letter February 24, 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, I. T., on the 13th day of March, 1902, and that on said date she might appear before the Commission, either in person or by attorney, when an opportunity would be given her to introduce any additional testimony affecting her application. The application having this day, to-wit: the 13th day of March, 1902, been called and failing to respond, it is deemed that her case is completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

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

(signed) Wm. Hutchinson.

I, the undersigned, being sworn, state that as stenographer to the Commission to the Five Civilized Tribes I copied the above and foregoing and that the same is a true and correct copy of the original.

Marie E. Miller

Sworn to and subscribed before me this 14 day of Sept 1903.

Edward Merrick
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, INDIAN TERRITORY, MAY 2, 1902.

In the matter of the application for the enrollment of Taylor Wofford as a citizen by blood of the Cherokee Nation.

Than Wofford appearing before the Commission, and being duly sworn and examined, testified as follows:

Q What is your name? A Than Wofford.
Q What is your age? A 47.
Q What district do you live in? A Tahlequah.
Q Have you been enrolled by this Commission as a citizen by blood of the Cherokee Nation? A Yes sir.
Q Who do you want to have enrolled now? A Taylor Wofford.
Q What relation is he to you? A He is my son.
Q How old is he? A 19 I reckon.
Q What is his postoffice address? A Tahlequah.
Q Does he live with you? A Yes sir.
Q What district does he live in? A Tahlequah District.
Q Is he married? A No sir.
Q What degree of Cherokee blood does he claim? A Why, let's see. I don't know. My father is a half-breed, you know what degree that would make me.
Q Is Taylor Wofford a white man? A Yes sir.
Q What would make him about one fourth? A Yes.
Q Who was the mother of Taylor Wofford? A Rosa Thorn.
Q Was she a Cherokee by blood? A No sir, she was a white woman.
Q Were you and Rosa Thorn married? A No sir.
Q How long did you live together?
A About seven years; yes, eight years.
Q Did you live together as man and wife during that seven years?
A Living together as man and wife during that seven years, yes.
Q I understand you to say though that there was no regular marraige?
A No.
Q Were you recognized in the community as man and wife, during that time? A Yes sir.
Q Were you ever divorced from Rosa Thorn? A No, I was not married.
Q Were you living with her in 1880? A Yes.
Q You were living with her at the time this boy was born, were you?
A Yes sir.

The 1880 authenticated roll of citizens of the Cherokee Nation examined, and the parents of Taylor Wofford, identified thereon as follows: father on page 825, #2693, Tahlequah District, Than Wofford, native Cherokee, 26 years of age; the mother on page 825, #2694, Tahlequah District, as Rosa Wofford, adopted white, 21 years of age.

The 1896 census roll of citizens of the Cherokee Nation examined and the name of Taylor Wofford found thereon, page 1269 #3767, Tahlequah District, native Cherokee, 13 years of age.

Q Has Taylor Wofford lived all his life in the Cherokee Nation?
A Yes.
Q He is living in the Cherokee Nation with you at this time?
A Yes sir.

COMMISSION: Taylor Wofford is identified upon the 1896 census roll, and his parents are identified upon the 1880 roll as indicated in the testimony.
The testimony is referred to as showing the relation existing between the parents of this applicant.

This record will be forwarded to the Commission at Muskogee, and Taylor Wofford will be properly listed.

A copy of this testimony will also be filed with the application heretofore made for the enrollment of Eliza Wofford the present wife of Than Wofford, and her child, Sam Wofford, Cherokee, 1967.

I, R. A. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the testimony and proceedings had in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(signed) A. R. Cheever.

Sworn to and subscribed before me this 16th day of May, 1902.

(signed) Bruce C. Jones,
Notary Public.

(Seal)

I, the undersigned, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I copied the above and foregoing and that the same is a true and correct copy of the original.

Nacie E. Miller

Sworn to and subscribed before me this 14 day of Sept. 1903.

Edward Merrick
Notary Public.

£967

Price on this the 22nd day of June 1895.

Given under my hand and seal of
office

Registrar General.

Registrar General's Office.

Cherokee D 967

Executive Department, Cher. Nat.

Tahlequah, Indian Territory.

I hereby certify that the Divorce Records of this office have been carefully examined by me and I find no evidence of a divorce having been granted Than Wofford from his former wife Rose; I further certify that I am legal custodian of all records of this Department.

Given from under my hand and seal of office on this the 23rd day of June 1902.

J. T. Parks

Executive Secretary.

Marriage License.

United States of America,
INDIAN TERRITORY, } ss.
First Judicial Division.

No. 358

To Any Person Authorized by Law to Solemnize Marriage—Greeting:

YOU ARE HEREBY COMMANDED to solemnize the Rite and publish the Banns of Matrimony between Mr. John Wofford of Tahlequah in the I. T. aged 38 years, and Miss Eliza Hughes of Tahlequah in the I. T. aged 22 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and Official Seal, this 24 day of May, A. D., 189 4

Joel Phillips
Clerk of the U. S. Court.

By J. T. Phillips Deputy

Certificate of Marriage.

United States of America,
INDIAN TERRITORY, } ss.
First Judicial Division.

I Wm. E. Thompson a Minister of the Gospel

DO HEREBY CERTIFY, that on the First day of June, A. D., 1894 I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this First day of June A. D., 1894

My credentials are recorded in the Office of the Clerk of the United States Court, Indian Territory, First Judicial Division, Book A, Page 80

Witness Geo. W. Thompson

Wm. E. Thompson
a M. E. Minister

NOTE.—This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court in the Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars ($100.)

PHOENIX PRINTING CO., MUSKOGEE.

CORRECTION

THIS DOCUMENT

HAS BEEN

REPHOTOGRAPHED

TO ASSURE

LEGIBILITY

CERTIFICATE OF RECORD.

United States of America,

INDIAN TERRITORY, } **SS.**

/ 28 **JUDICIAL DIVISION.**

I, JOSEPH W. PHILLIPS, Clerk of the United States Court in the Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 6th *day of* June *189* 4, *at* *M., and duly recorded in Book* C *Marriage Record, Page* 305.

Witness my hand and seal of said Court at Muscogee *in said Territory, this* 9th *day of* June *A. D. 189* 4

J. W. Phillips *Clerk.*

By J. F. Dodson *Deputy.*

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 13 1900

Marriage License.

United States of America,
INDIAN TERRITORY,
First Judicial Division. } ss.

No 358

To Any Person Authorized by Law to Solemnize Marriage—Greeting:

YOU ARE HEREBY COMMANDED to solemnize the Rite and publish the Banns of Matrimony between Mr. John Wiffard of Tahlequah in the I. T. aged 38 years, and Miss Eliza Hughes of Tahlequah in the I. T. aged 22 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and Official Seal, this 24 day of May, A. D., 189 4

Joel Phillips
Clerk of the U. S. Court.

By J. T. Phillips Deputy

Certificate of Marriage.

United States of America,
INDIAN TERRITORY,
First Judicial Division. } ss.

I Wm. G. Thompson a Minister of the Gospel

DO HEREBY CERTIFY, that on the First day of June, A. D., 1894 I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this First day of June A. D., 1894

My credentials are recorded in the Office of the Clerk of the United States Court, Indian Territory, First Judicial Division, Book 4 Page 80

Witness G. W. Thompson

Wm. G. Thompson
a Minister

NOTE.—This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court in the Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars ($100.)

PHOENIX PRINTING CO., MUSKOGEE

Cherokee D 967

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

In the matter of the application for the enrollment of Eliza Wofford as a citizen by intermarriage of the Cherokee Nation and of her child, Samuel Wofford, 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 December 13, 1900, Eliza Wofford appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment, among others, of herself as a citizen by intermarriage of the Cherokee Nation and of her child, Samuel Wofford, as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 13, 1902. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that the said Eliza Wofford was lawfully married on June 1, 1894, to Than Wofford, who is identified upon the 1880 authenticated roll of the Cherokee Nation as a native Cherokee and who is also identified upon the 1896 census roll of the Cherokee Nation.

The evidence further shows that the said Eliza Wofford has lived with her husband in the Cherokee Nation since said marriage on June 1, 1894, and that she was residing in said nation at the date of this application.

The evidence further shows that Samuel Wofford, born April 5, 1895, is the child of the said Than Wofford and Eliza Wofford; that he was born and has always resided in the Cherokee Nation up to and including the date of the filing of the affidavits of his birth and is duly identified by birth affidavits on file with the Commission.

It is, therefore, the opinion of this Commission that the said Eliza Wofford should be enrolled as a citizen by intermarriage of the Cherokee Nation and that Samuel Wofford 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.

_____
Acting Chairman.

_____
Commissioner.

_____
Commissioner.

Muskogee, Indian Territory,
this _____

SCJ

Cherokee 1-1-07.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHEROKEE LAND OFFICE,
MUSKOGEE, I. T., AUGUST 31, 1903.

In the matter of the application of Eliza Wofford for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her son, Samuel Wofford, as a citizen by blood of the Cherokee Nation.

SUPPLEMENTAL TESTIMONY.

Cherokee Nation not represented;
Principal applicant present in person.

ELIZA WOFFORD, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Eliza Wofford.
Q How old are you? A 31 years old.
Q What is your postoffice address? A Peggs.
Q Do you claim to be a citizen by intermarriage of the Cherokee Nation? A Yes sir.
Q Have you a son named Samuel? A Yes, here he is.
Q You claim your right to enrollment through your marriage to Than Wofford, do you? A Yes sir.

COMMISSION: The records of the Commission show that Than Wofford is regularly enrolled as a citizen of the Cherokee Nation on Cherokee Card 7889 and his name appears upon the final roll of citizens by blood of the Cherokee Nation as number 18802.

Q Are you and Than Wofford living together now? A Yes sir.
Q Were you ever married before you married him? A No sir.
Q Was he ever married before he married you? A He said he was never married before; he told me and the preacher that married us; that's all I know.
Q When were you and Than Wofford married?
A My marriage certificate ought to be here to show.
Q About what year was it?
A It's been about 9 years this last June if I am not mistaken.
Q You and he have never been separated? A No sir.
Q Didn't Than Wofford live with a woman by the name of Rose about 8 years as his wife? A I don't know, I think he lived with her awhile, but he wasn't married to her; I think he lived with several women.
Q What is Rose's last name now, is she living?
A Yes, I think her name is Thorne.

---

abel F. Maxwell, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the supplemental testimony in this case and that the above is a true and complete transcript of her stenographic notes thereof.

(signed) Mabel F. Maxwell/

Subscribed and sworn to before me this 2nd day of September, 1903.

(signed) Samuel Foreman,
Notary Public.

(Seal)

MFM.

I, the undersigned, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I copied the above and foregoing and that the same is a true and correct copy of the original.

Marie E. D'Neil

sworn to and subscribed before me this 14 day of Sept. 1903.

Edward C. Merrick
Notary Public.

Cherokee D-967

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

In the matter of the application for the enrollment of Samuel Wofford 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 December 13, 1900, Eliza Wofford appeared before the Commission at Tahlequah, Indian Territory, and made application for the enrollment of herself as a citizen by intermarriage and for the enrollment of her two minor children, Samuel Wofford and Ira Jackson Collins, as citizens by blood of the Cherokee Nation. The application for the enrollment of Ira Jackson Collins is differently classified and he is not embraced in this decision. The application of Eliza Wofford as a citizen by intermarriage of the Cherokee Nation is not passed upon at this time nor are her rights defined in this decision. Further proceedings in the matter of said application were had at Moodys, Indian Territory, on May 2, 1902, and at Tahlequah, Indian Territory, on August 31, 1903.

The evidence shows that Samuel Wofford is the minor son of Eliza Wofford and Than Wofford, the latter a citizen by blood of the Cherokee Nation. The said Than Wofford is identified on the Cherokee authenticated roll of 1880; Samuel Wofford, the applicant herein, was born subsequent to said roll and is identified by birth affidavit made a part of the record herein.

The evidence further shows that Samuel Wofford has resided in the Cherokee Nation continuously with his father since birth.

Section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of all persons now living whose names are found upon the 1880 authenticated roll, and their descendants born since the date of said roll.

It is, therefore, the opinion of this Commission that Samuel Offord should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of law above quoted, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED: Tams Bixby.

Chairman.

T. B. Needles.

Commissioner.

C. R. Breckinridge.

Commissioner.

W. E. Stanley.

Commissioner.

Dated at Muskogee, Indian Territory,
this MAR 10 190

Department of the Interior,
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lena Severs	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	388
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Largen	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	598
Samuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A. Patton	679
William H. Ford	173	Benjamin G. Holland	763
Thomas N. Wilson	185	William Gordon	798
Ulsie Ann Smith	206	Maggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	229	Susie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	253	William H. Burrow	967

Mary Pettit	977
Bettie Mitchell	985
John J. Harrison	993
Jasper N. Bateman	1029
Susan Ballard	1065
Lucy Eva Simmons	1073
Ellen Thornton	1089
Sarah E. Hair	1090
Norman S. Drake	1092
Susan Hogg	1094
David L. Scott	1099
James C. Taylor	1111
Roxie Shepard	1128
Robert G. Elgin	1136
William Hall	1137
Mary Ella Lattimore	1141
Maggie J. Keys	1149
Joseph M. Correll	1177
Jane Ratley	1225
George E. Norton	1234
Mahala D. Thompson	1247
Charles M. Trammel	1264
Flora Carlile	1265
William H. Norrid	1275
Olivia Benge	1276
Dollie Wilson	1278
Moses Bell	1279
Sarah Fleetwood	1290
Rosa E. Fargo	1299
William M. Oliver	1333
Andrew J. Couch	1340
Lina Hyles	1347
Mary M. Miller	1350
Mary E. Taylor	1368
Polly Ann Benge	1369
Margaret Moton	1385
Minnie McKinney	1390
Nettie Seabolt	1418
Lawrence G. Faulkner	1433
Sarah A. Holt	1449
Jennette Polecat	1492
Ellen Seabolt	1508
Charles W. Nettles	1509
Lena Sittingdown	1511
Tim Creeden	1513
Odie Pideock	1517
Silas A. Saterfield	1529
Laura J. Jeremiah	1530
Etta Hicks	1540
Mary A. B. McKinney	1550

Millie Morton	1554
Andrew Walters	1573
John H. Holder	1610
Mary M. Burr	1612
Thomas E. Bonham	1644
Florence Hendrick	1663
Dicey B. Brewer	1709
Annie Cordrey	1717
Adam Eckert	1722
Isaac Timmons	1726
Gent Gibson	1727
Amos Anderson	1731
William J. Mounts	1734
James D. Alexander	1745
Willis E. Miles	1769
Lora Adair	1781
John Yarborough	1796
Lillie M. Dassler	1802
Bryant C. Redington	1804
Malsa A. Maxwell	1808
Richard Dukes	1811
Fannie Pettit	1816
Genevia Pool	1817
Mollie Crossland	1822
Lizzie Benge	1828
John H. Welty	1847
Edward P. White	1884
Lauren P. Green	1887
Charles Rosser	1898
Fay Adair	1913
Henrietta Irving	1920
Bird Trippard	1925
John C. Carlile	1937
John W. Gilstrap	1954
Sarah Young	2018
Nancy A. Coleman	2049
James N. Whisenhunt	2118
Hiram Stephens	2157
Asa L. Guinn	2159
Rebecca J. Flying	2172
Thomas J. Measles	2192
Julia Coody	2215
Sarah Crutchfield	2224
Henry E. Lee	2251
Sarah Gritts	2256
John A. Madden	2261
Henry C. Pennel	2271
Matilda S. Cleland	2302
Dona A. Frazier	2312
Laura B. Cordrey	2320

Lafayett D. Kindred	2328
Pearl V. Sisson	2339
Nancy J. Sevier	2380
Mollie Hair	2385
Dora Sayers	2474
William T. Jones	2501
Sarah L. Martin	2502
William J. Shoemaker	2506
Maud Baldridge	2511
James L. Townsend	2513
George L. Morgan	2568
Andrew A. Brown	2575
Louis K. Fair	2623
James L. Mitchell	2644
Martha E. McNair	2659
Millard F. Eggleson	2668
Elisha M. Gray	2686
Jessie M. Ballard	2694
Annie Mayes	2798
Belle Sixkiller	2809
James P. Riley	2825
William Broaddus	2854
William A. Martin	2865
Joseph Q. Buchanan	2888
Marcellus L. Baker	2905
Etta M. Hill	2915
John R. Smith	2922
Ira W. Wallen	2926
John B. Laurence	2959
Lula O. Hitchcock	2961
Bell L. Muskrat	2975
Eliza O'Field	2977
Margaret Suagee	2993
Winfield S. Nance	3007
Benjamin F. Kelley	3010
Mollie Daugherty	3039
Charles H. Leatherman	3043
Alice A. Edwards	3100
Dorinda Adair	3106
William R. Gray	3118
Dora B. Caulk	3143
Jesse M. Gallman	3161
Martha E. Garrett	3162
Artie E. Large	3164
Andrew A. Kelley	3191
Anna B. Ryne	3193
Eliza Henderson	3198
David E. Jenkins	3212
Lizzie Falling	3233
Robert L. Payne	3252

William A. J. Trotter	3257
Albert P. Goforth	3298
Anna B. Martin	3307
William Brown	3344
Jennie B. Bluejacket	3345
William Little	3377
Julia M. A. Russell	3386
Andrew J. Smith	3393
William N. Blakemore	3396
Lizzie Denton	3417
Belle Hudson	3435
Thomas S. Heady	3437
William M. Roseborough	3444
Madison G. Hawkins	3467
Japhat F. Ellis	3491
Emma McAffrey	3543
William T. Huitt	3570
Myra F. Chouteau	3580
Phillip Donohoo	3581
Fred L. Kelley	3593
Annie Herod	3594
Maggie V. Fields	3615
Lou Payne	3616
Frederick W. Strout	3692
Andrew L. McCamish	3713
Sarah Dirtthrower	3731
William P. Coble	3758
Robert L. Madison	3761
Mariah McDowell	3795
Elizabeth R. Thornton	3811
Donithan A. Wilson	3841
Charles F. Covey	3868
Tamsey M. Williams	3886
Mary J. Wolfe	3889
Lathan Lumbard	3891
Micajah P. Haynes	3897
Annie L. Wingfield	3903
Mary Fields	3907
William W. Dudley	3944
Minnie M. McLaughlin	3950
Henry B. Lindsey	3978
Wilbert H. Parkison	3999
Seth R. Hall	4011
Wiley Hanna	4016
Martha M. Woods	4093
Lizzie Gray	4117
Nancy C. Carey	4131
Annie E. Kenney	4165
William H. Ward	4169
Nannie Brewer	4189

Nancy J Kinney	4225
Sydney E Bell	4232
Isaac H Jordan	4235
Charles Parks	4244
Dora Frenchman	4262
James R Fugate	4275
Maud Adams	4277
Elizabeth Black	4281
Anna Thornton	4291
Robert T Morrison	4294
Perley Israel	4295
William A Long	4304
Mollie Swannock	4319
Frances Guess	4324
Allen H. Gibson	4327
John McFall Jr	4343
Albert W. Fitzsimmons	4360
George S. Ford	4386
Quinn Carr	4387
William A. Powell	4390
Austin Hasley	4400
Anna Bible	4414
Elizabeth Riley	4428
John P. Sudderth	4449
Anderson Keen	4450
Ida M. Adams	4451
Martha J. Randall	4457
Mollie Conner	4477
Jane McGhee	4491
Jennie Riley	4525
Hannah Randall	4528
Charles W. Childers	4542
Nannie B. Riley	4543
John W. McDaniel	4544
Minnie Armstrong	4548
Ada Chouteau	4549
Mary Thompson	4571
Ota Armstrong	4593
Mary Spencer	4594
Clarkson F. Woody	4603
James M. McConnell	4604
Annie E. Coker	4605
Jennie Long	4606
Julia Gilstrap	4607
Laura E. Smith	4608
Annie Nicholas	4609
Minnie R. Taylor	4611
Mary E. Rogers	4614
Emma Downing	4615
William Steere	4619

Roxie J Ketchum	4623
Lazzie Love	4626
Robert K Winn	4632
Frederick Metzner	4633
John C Bratcher	4634
Pigrow L Jones	4641
Ada Bertholf	4642
Alice Robbins	4644
Jane Dougherty	4649
Samuel Francis	4650
Clemon C Peck	4652
Mont C Frazier	4653
Frank J Mayberry	4656
Charles W Moore	4660
Jefferson D Edmondson	4661
Alonzo H Boone	4662
Thomas C Mock	4668
Sallie Allison	4669
Elizabeth E Burgess	4671
LaFayette Breeden	4673
James M Boling	4676
Francis A Neilson	4681
John F Smith	4689
Rufus S Steward	4691
John I Haddock	4694
Maggie O Walkley	4695
George W Talbert	4698
Mary Miller	4700
Henry C. White	4707
Mattie E. Hill	4760
Alice A Bible	4772
Katie Coker	4785
John Creek	4801
Ruby R Bean	4804
William J Dodson	4836
Blackburn Reed	4882
Viola Lowther	4891
William B. Ritchson	4910
Henry D. McDonald	4950
Della McDaniel	4956
Dorothy Rattlinggourd	4991
Ida McCay	5093
Henry M. Lyon	5100
Alice J Wofford	5101
Nancy Morris	5137
Ella Sullivan	5140
Winfield Williams	5144
Bessie M. Smith	5145
May Humphrey	5207
Donnie Burgess	5235

Nora B Burgess	5236
John E Etter	5239
Harriette Rogers	5240
Amanda Foreman	5244
William H Wells	5261
John T Gaylor	5266
Annie Sweeten	5269
Rosalee Hendricks	5278
Emma Chambers	5328
James H Thomas	5329
Melville B Baird	5332
James R Goodall	5356
Charles Horton	5390
James W Goddard	5417
Dora Cox	5425
Nannie G. Alberty	5438
Sallie Ward	5455
William H. Sutherlin	5484
Lizzie Hall	5487
Cyrus B. Essex	5489
Eda Taylor	5493
Laura Taylor	5494
Elector D. Miller	5496
Emberson M Arnold	5498
Stella Henry	5499
William E. Oneal	5506
John M. Sharp	5509
John L. Davis	5514
Sarah E Downing	5518
Samantha C Glass	5524
Harry Jones	5525
Aggie Paris	5532
James W Hallford	5535
Phoebe Coker	5537
Anthony K Douglas	5538
Joseph H Johnson	5541
Harvey O. Riggs	5547
Alice Glass	5553
Addison Reeves	5566
Alice Coats	5572
Julia Kidd	5575
William R Greer	5576
Rosa M. Sixkiller	5581
Nancy Inlow	5587
Daisey H. Owen	5599
Annie R. C Owen	5600
Jesse McKnight	5602
Cicero J. Strange	5610
Henry Westenhaver	5611
Emma H. Roach	5612
William A. Polson	5613
Paulina P. Pitcher	5614
Charley Headrick	5615
William N Stinson	5616
Lenora A Henry	5621
Effie M Adams	5622
John H Shimp	5624
Thomas B. Dickson	5625
Minnie Henry	5628
Thomas J Simpson	5629
Cap L. Lane	5630
Reuben E DeLozier	5631
John Heape	5640
Perry G. Brock	5645
Mary J. Newcomb	5650
George W Seigel	5660
Martha A Parks	5666
Zelda C. Mills	5674
Lizzie Rogers	5675
Emma Pigeon	5676
Nelhe Bluejacket	5677
Lucy Bacon	5679
Thomas B. Wood	5681
Asa W. Simerson	5683
William J. Kuhn	5686
Elsie Couch	5688
William H. Robinson	5692
Rachel Washington	5693
Isaiah B Blackwood	5700
John R Johnson	5701
Dennis W Smith	5702
William H. Chesnut	5705
William H. Durham	5707
Albert B. Buckmaster	5710
Maud Crutchfield	5730
Joseph S. Layne	5731
Lena Bell	5737
Juan N. Corn	5748
Robert N. Crafton	5750
Benjamin F. Coffee	5756
Frank McSpadden	5760
Charles D. Pendleton	5775
Harden H. Green	5776
Emma J. Ward	5778
Robert C. Fuller	5781
Henry F. Extine	5796
Ida Wyly	5802
Richard L. Fite	5815
Edward Lutz	5816
John F. Woodworth	5829

Horace H Huddlestun	5832
William R Sartain	5837
Joseph A Lawrence	5843
William H Hinton	5846
Joseph Lehr	5851
Euin M. Young	5852
Mary C. Barnes	5853
Matilda Thompson	5861
William W. Young	5872
Earley F. Ellis	5874
Rosa B. Alberty	5877
Sarah Cannon	5879
Mamie Beck	5887
Jack H. Merchant	5888
John D. Merchant	5889
Sarah E. Ghormley	5894
Jerry Young	5906
James H. Brickey	5916
Mary Hicks	5919
George W. Weems	5922
Albert Crain	5923
James M. Jones	5932
Alfred W. Shelly	5935
John M. Stratton	5936
Waddie Hudson	5937
Robert C. Johnson	5939
Mary T. Thompson	5941
Edith A. Parris	5943
Addie Hubbard	5949
John A. Lowry	5962
John R. W. Brantley	5963
James T. Carroll	5964
Christopher F. Jordan	5965
Minerva E. Stover	5966
John W. Twilley	5967
Joseph W. Mounce	5970
Cornelius P. Potter	5971
Amanda C. Thompson	5972
John M. Rusk	5976
Harrison L. Hughes	5978
Silas B. Dildine	5983
Lewis M. Payne	5985
Nancy Beamer	5988
Sarah F. Selvidge	6002
Posy F. Buckner	6005
John A. Moreland	6010
Alice Welch	6015
Mary C. Thompson	6022
Ida Beck	6029
William R. Tittle	6030
George C. Duffield	6031
Amelia Reese	6033
Alexander West	6036
John Tootle	6037
Florence G. Langley	6038
John T. Ham	6042
Mary L. Jordan	6048
John W. Bradshaw	6076
James L. Dean	6079
Amanda J. Thompson	6082
Malissa Hubbard	6089
Jane Benge	6111
John D. Ryals	6113
John C. DeLozier	6117
Jessie Willis	6118
Mary A Clark	6124
Mary J. Tipton	6126
Leander Newton	6136
William A. Qualls	6138
Henderson B. Thomas	6144
Hugh T. Watkins	6163
Nancy Keys	6172
Berry Hutchins	6186
Eli Parker	6189
Sarah E. Shaw	6194
Julia Keys	6211
Boon J. Grey	6214
John Grubb	6216
William M. Costephens	6230
Jane Bean	6232
Lillie I. Taylor	6236
Abbie B. Adair	6239
Mack C. Watkins	6246
Robert W. Murray	6261
John G. Petty	6269
Lucinda Poorboy	6279
Sarah Mayes	6286
Henry W. Pyeatt	6300
Isaac A. Wilson	6308
John T. Hall	6310
Edward L. King	6315
Katie Still	6325
Emmer Carlile	6338
Bird Webster	6347
Fannie Morris	6353
Leonard Lee	6357
James R. Miller	6362
James Brackett	6370
Nora Allen	6371
John T. Washington	6373

James J. Snider	6375
William H. Winget	6376
Ida R. Wilkerson	6383
George A. McBride	6385
Matilda Cookson	6387
William A. Fisk	6392
William O. Ames	6394
Thomas Wilkerson	6396
Alice C. Springston	6407
Fanny N. Witt	6413
Lillie M. Adair	6424
Mark F. Matheson	6428
Ida L. Wilson	6431
George E. Marrs	6441
Ulysses S. Reeves	6443
Daniel A. Smith	6447
Henry J. Dawson	6450
Sarah Adair	6452
Ida F. Wilson	6455
Mary E. Taylor	6459
Catherine Henson	6468
Charles C. Fitzsimmons	6471
Mary E. Campbell	6476
Columbus N. Long	6478
Mary Wilkerson	6480
Myrtle Ward	6484
Belle Manus	6499
Martha E. McLain	6508
Mary A. Brown	6517
Marion M. Ballew	6530
Mellie Mayfield	6540
Sarah Blevins	6541
Frank Powell	6542
Georgia Jackson	6546
Leonard S. Simpson	6549
Almira Ussrey	6560
James McInerney	6561
Fannie Carlile	6578
Sadie A. Mayfield	6580
Silas A. Bryan	6581
William S. Martin	6585
Emma J. Thompson	6589
Lydia McDaniel	6593
David W. Lamb	6595
Gus R. Hart	6603
Poca Phillips	6632
Lois E. Daniel	6678
William W. Turner	6689
Lillie B. Blackstone	6714
Mary Lillard	6715

James L. Lee	6717
Rosa Phillips	6723
Kate Brown	6735
Laura B. Barnett	6743
Elizabeth Sanders	6745
William T. Neff	6747
William R. Scott	6751
Laura Fish	6770
Maggie Ketcher	6779
Dora A. McDonald	6783
Rosia B. Willis	6785
Daniel Hubbard	6787
Mary R. Tadpole	6801
Magnus A. McSpadden	6811
Sarah F. Pathkiller	6824
Clora Twist	6845
Mattie M. Welch	6846
Cora Griffin	6850
John S. Hyatt	6853
Jefferson K. Tyner	6855
Flora R. Miller	6859
Lizzie Craig	6872
Jacob C. Johnson	6876
George W. Ware	6897
James B. Deatherage	6901
Lucinda F. Hartness	6943
Frances E. Tehee	6961
James M. Burt	6965
Rady Tipton	6975
Laura Hendricks	6976
Lona V. Smith	6979
Lorenzo C. Darnell	6988
Robert M. Mitchell	7004
William Henry Reeve	7005
James Pyle	7009
Willie Hilderbrand	7015
Alice M. Roberson	7031
Charles Morris	7043
Minerva J. Trent	7051
John H. Keith	7078
Katie E. Ratley	7080
Etta Patrick	7081
Nannie Martin	7090
Rosa B. Harris	7094
Samuel Brown	7100
William H. Turner	7101
Florence Mayes	7104
Maggie McCoy	7112
Mary Belle Cordry	7113
Benjamin Haner	7119

James Maher	7128	Robert B Collins	7556
Terry A Parkinson	7146	Nancy I. Brown	7579
Cora L Hanks	7147	Mary B Walkingstick	7642
Otto J Zufall	7149	Robert T Kelleam	7653
Rufus M Norman	7155	Mollie Morton	7797
Mary F Foreman	7158	Mattie Girty	8006
Alma West	7159	Mack Alfred	8015
James M Connally	7161	Ida Harmon	8016
Francis M Crowell	7163	Ida McCoy	8417
Fannie E. McClure	7171	Rosie Foreman	8903
Benjamin B Graham	7176	Annie Jackson	9034
Ada Phariss	7180	Margaret T. Langley	9092
William L. Whisenhunt	7184	Ida M. Davis	9266
Frances B. Perry	7191	Nora Crapo	9289
Philip Shultz	7210	Margaret Harmon	9378
Hester A. Miller	7212	Mary B. Langley	9438
Minnie B. Edmonds	7213	Ella Gravitt	9439
Eliza Jordan	7217	William M. Wilson	9444
William T. Ross	7218	David O. Scott	9446
Thomas M. Price	7225	Harriett Forbes	9447
James G. Wilson	7231	John Carver	9449
Frank Rhomar	7263	Thomas J. Davis	9451
John W. Thompson	7267	Clara M. Boudinot	9453
Melissa Booth	7271	Mary E. Keys	9454
Solon L. Jackson	7273	John G Ainsworth	9456
Henry W Coughran	7282	Mary J. Christy	9460
Sarah Ross	7291	Malinda Seabolt	9462
Mary S. Smith	7322	Mary Cumpton	9464
John A. Martin	7323	Mollie P. Mulkey	9465
Myrtle Robinson	7330	Andrew Brimmer	9467
Allen L. Buckner	7331	James F. Flippin	9471
James L. Goad	7350	William Bird	9473
Elijah Johnson	7351	Mollie C. Forbes	9476
Mary E. Kimbrough	7360	William H. Thomason	9478
Jennie Burr	7367	Mollie Devine	9481
Kiasay Sapsucker	7378	Mary P. Guthrie	9482
Sarah J. Johnson	7394	Detlev N. Leerskov	9484
William I. Branan	7409	Nannie Cowart	9485
Wyatte T. Brady	7412	Leona Catcher	9489
Lena O. Holderman	7413	Alexander B. Clapp	9502
Mary F. Hummingbird	7420	Tennie Sanders	9503
Bertha A. Allen	7425	Virgil A. Wiltshire	9505
Robert J. Tyner	7426	Joshua K. Carr	9510
Fannie B. Martin	7434	Herbert Kneeland	9518
Myrtle Wolfe	7435	Hugh E. Hope	9519
Mary Blevins	7479	Thomas J. Ritter	9522
Sarah Ketcher	7488	Martha Baldridge	9529
Charles D. England	7512	James R. Poindexter	9535
May Cochran	7544	Maud Foreman	9539
Rebecca Oglesby	7549	Belle Bryant	9542

Joseph P. Smith	9550
George E. Watkins	9552
Florence Henry	9553
Jesse H. Johnson	9560
Lydia B. Barger	9561
Mary Jane Thomas	9562
James F. Petty	9563
Laura McCrary	9566
Joel D. Smith	9568
William T. Cave	9572
William Bugher	9577
James M. Smith	9582
John E. Nazworthy	9583
Beverly L. Lafon	9587
Robert L. Gentry	9590
John C. Barker	9591
John P. Greenwood	9593
Henry Hayes	9596
Ella Cornwell	9598
Asa A. Hedrick	9599
William C. M. Robinson	9600
Woodrow Hadley	9612
William T. Gregory	9613
Charles M. Keys	9616
Bate O. Reed	9618
Joseph E. Feland	9623
Florence C. Smith	9625
Charles M. Cox	9630
Otis S. Skidmore	9634
William H. Hundley	9635
Thomas A. McDonald	9636
Annie Sanders	9638
Mack H. Martin	9640
Mary Ward	9653
George Givens	9658
Pheney Poorboy	9660
Charley Kiper	9671
Andrew J. Snider	9672
William T. Barton	9684
Daniel Crail	9770
Mary M. Motte	9771
Lecia E. Herrin	9854
Gailen E. Carrick	9855
Rosa B. Barger	9857
Rachel Foreman	9858
Serepta C. Willis	9861
Virgie Seabolt	9864
Annie Cannon	9867
Isabella McCoy	9874
Robert E. Dry	9875

William G. Brown	9879
John B. Delay	9881
Pairlee Thompson	9882
Guenther W. Werther	9883
Margaret Crittenden	9884
Moses L. Morris	9889
Sarah L. Rogers	9891
Stephen Duncan	9892
Gideon D. Sleeper	9895
William A. Maddin	9896
John H. Horton	9904
Howe L. Rogers	9905
William Rush	9912
George W. Edens	9916
William H. Hall	9920
Edith B. Pheasant	9935
Carrie A. Collins	9936
Lucinda Spriggs	9937
Ella F. Hail	9939
John W. Harris	9949
Hannah Raper	9942
John J. Coughran	9945
Youra F. Waybourn	9946
Louisa J. Taylor	9947
William M. Evans	9948
William F. Pierce	9940
May F. Chambers	9950
Albert Stevenson	9954
Henry Kiefer	9955
Sarah Bean	9956
Zeno M. Cox	9964
Jerusha E. Blair	9965
Elias Kyle	9991
Ida Cushman	9992
James W. Fleming	9994
Samuel Holmes	9995
Walter H. Talley	9997
Hannah J. Miller	9998
Clara V. Ward	10002
Stephen W. Pittsenberger	10005
Mary E. Palmour	10008
William T. Partin	10011
Nellie Fields	10013
Sarah A. Dawes	10015
Willard E. Hutchins	10016
Jesse Talbert	10020
Julia E. Setser	10021
Amanda E. Howell	10022
Mamie J. Rogers	10023
Nannie Rogers	10024

James B. Bradshaw	10025	Millie A. Carnes	10113
Ida L. White	10026	Lucy E. Robards	10114
Addie B. Miller	10027	Edward H. Fitzgerald	10115
William R. Condry	10028	John T. Pickard	10117
James D. Canary	10029	Charles Rains	10118
John Kelley	10031	Nancy Mayfield	10123
Kate Craig	10033	Anna B. Tittle	10124
John A. Butts	10034	Richard A. Clark	10126
John J. Dameron	10035	Emma B. Martin	10128
William Warner	10036	Walter L. Bates	10129
George A. Allen	10037	Nellie Brewer	10130
Watie Shetley	10038	William Heffernan	10131
John E. Carter	10039	Levi Ackley	10132
John M. Boyd	10043	Bessie Davis	10133
William Fister	10047	Eva Brackett	10135
Darius B. Troth	10049	Caleba Carnes	10136
Harry A. Kelley	10050	Jacksie M. Waybourn	10138
Mary E. Purcell	10051	Minnie Shutt	10139
Myron L. Bronson	10052	Charles L. McClure	10140
George W. Taylor	10053	William W. Russell	10141
Josie Lowther	10054	Delia Jenkins	10142
Fannie D. Perry	10055	John A. Hood	10143
Minnie B. Williams	10056	Oba Maxfield	10145
~~Solomon Copeland~~	~~10058~~	~~Mary L. Cloud~~	~~10146~~
Etha B. Wood	10059	Callie Inlow	10147
James Pace	10060	Everett M. Lowrence	10148
Wiley B. McElhaney	10062	Dora E. Hays	10150
Nancy Patrick	10063	Julia M. Schrimsher	10151
James R. Stout	10072	Parmelia E. Lyman	10153
George Parker	10073	Charles F. Trickey	10161
Laura Morton	10074	Louisa J. Palmour	10169
John D. Kelly	10075	George L. Walker	10170
Nettie Swift	10078	Annie Taylor	10171
Maggie Baldridge	10079	Josie Winters Hall	10174
David R. Stubblefield	10080	Alice Nichols	10181
Thomas J. C. Thompson	10081	Lizzie Dry	10182
Cora P. Harlan	10082	Emma Murray	10183
William L. Singleton	10083	Annie Winton	10187
Lester Evans	10084	Marian Evans	10188
Ellen Mayfield	10085	Elizabeth J. McClain	10192
Ella Bray	10087	Eliza J. Price	10199
David J. Matthews	10094	Rissie Still	10200
Thomas Brown	10100	Hannah E. Langley	10201
Houston J. Payne	10103	Alma Keith	10203
Malinda E. Scudder	10104	Flora A. Terrill	10204
Henry Odell	10105	Talesphora A. Paradee	10205
Fred Macy	10107	Samuel Shadix	10206
Mary Russell	10108	Mary E. Childers	10207
Thomas B. Brown	10109	Robert M. Hamilton	10208
Samuel L. Milligan	10111	Julia Billingslea	10209

Nannie Martin		10210
Sarah A. Fields		10214
Susie Henderson		10216
Charles H. Rienhardt		10218
William H. Watkins		10221
Frank M. Rucker		10222
Henry C. Reed		10224
Laura B. Timberlake		10226
George A. Brown		10228
Drucilla Lowrey		10232
Almira Mouse	D	9
Lenora Prather	D	16
Andrew M. Cooter	D	17
Martin L. Stokes	D	28
Peter Walters	D	44
Columbus M. Reeves	D	58
Sarah Barnes	D	103
George T. Kiddy	D	108
Henry C. Agent	D	139
Joseph Phipps	D	147
Henry Hilton	D	149
David A. McGlamery	D	161
Maggie Doublehead	D	169
Annie Lovett	D	180
Nora Hood	D	184
John A. Johnson	D	232
Nathaniel G. Simpson	D	242
Oncico W. Head	D	244
Etta Taylor	D	245
Susan V. Sullivan	D	262
Levi H. Tackett	D	263
William H. Connelley	D	264
Julia A. Sullivan	D	284
May Fields	D	297
Katie Hummingbird	D	308
William F. Sager	D	320
Lovick P. Garrison	D	334
Henry Grubb	D	338
Lucy F. Lacey	D	340
Callie Blevins	D	341
James S. Alfrey	D	355
Shadrack C. Wallen	D	368
Ada Hall	D	376
Jane M. Hicks	D	396
Fannie L. Dupree	D	403
Willis Battles, Jr.	D	404
Joshua W. Ellis	D	413
Nina B. Owen	D	450
John M. Ridenour	D	458
Emery S. Thompson	D	464
Joseph Reed	D	468
Adolphus J. Hallum	D	483
Alexander Walker	D	490
Albert J. High	D	491
America Matoy	D	501
Moses L. Grazier	D	503
Myrtle Hall	D	509
Wallace Thursday	D	544
Thomas W. Baker	D	546
Mattie E. Keys	D	550
William S. Edwards	D	560
Susan L. Reed	D	572
William H. Lyman	D	574
Gracia Davis	D	577
Edward C. Bolen	D	582
Dora Guthrie	D	585
Samuel H. Hawkins	D	594
Lula M. Purcell	D	600
Ben Estes	D	603
Thomas M. Reynolds	D	621
Arthur Dodge	D	622
Carrie L. McNair	D	624
Constantine N. Walker	D	641
Joseph Davis	D	648
Leander A. Keys	D	650
James J. Barndollar	D	655
Nathan J. Brink	D	682
William S. Miles	D	688
Emma Waybourn	D	698
Dora E. Rogers	D	708
James W. Turley	D	709
Lizzie Ward	D	711
Robert J. Holly	D	713
Belle I. Quinton	D	728
Francis M. Boothe	D	734
Amos W. Lord	D	746
Agnes N. Childers	D	749
John E. Renfrow	D	752
William Coon	D	759
Louis Bruere	D	779
Georgia A. Waybourn	D	786
Eliza Fields	D	787
William H. Brown	D	788
William A. Cox	D	793
Charles A. Robison	D	799
Artha Williams	D	800
Adam Gearhart	D	806
Cicero F. Rogers	D	855
Annie Garrett	D	856
George S. Yarborough	D	875

Rhoda A. Sanders	D	878
Manuel Spencer	D	884
Benjamin H. Hulbert	D	891
Mary Brassfield	D	935
James L. Tindle	D	944
Silas G. Reneckar	D	966
Eliza Wofford	D	967
Jasper L. Newton	D	971
John N. Guinn	D	974
Hannah Parson	D	989
Nellie C. Helterbrand	D	1003
Thomas J. Welch, Jr.	D	1006
Lizzie Christian	D	1010
George Hazlewood	D	1013
James M. Jones	D	1022
Reuben A. Evans	D	1032
Carrie H. Cobb	D	1049
John M. Burns	D	1069
Sarah E. Henson	D	1083
Laura D. Henson	D	1086
Hettie E. Downing	D	1090
Benjamin F. Crain	D	1099
Benjamin Strickler	D	1129
Nancy Spaniard	D	1130
Annie Wilson	D	1131
Ora H. Maxwell	D	1135
Reuben W. Moore	D	1136
Cora Childs	D	1146
Janie Hughes	D	1179
Francis B. Reid	D	1180
Martha Carey	D	1195
Christina Johnson	D	1199
Louvenia Ironside	D	1208
Martha J. Henson	D	1218
David A. Martin	D	1228
Fred D. McEnery	D	1235
Nathaniel R. Martin	D	1261
James H. Requa	D	1266
Frank Carver	D	1267
Etta B. Payne	D	1270
Mary Garrett	D	1271
Joe W. Goodman	D	1272
Mathew J. Flanigan	D	1274
Lizzie C. Holland	D	1285
Etta Downing	D	1291
William Caywood	D	1296
Clarence W. Turner	D	1307
Alfred Chaney	D	1313
Euphemia Sweetwater	D	1314
Etta Russell	D	1319
Ella Vann	D	1320
Linnie Wofford	D	1330
Minnie Downing	D	1332
Katie Rider	D	1334
Samuel G. Mills	D	1337
Alfred H. Woods	D	1342
Cynthia Whitekiller	D	1352
Susie McSpadden	D	1361
Martha J. Houston	D	1363
Samuel M. Collier	D	1367
Katy Payne	D	1369
Joseph H. Warren	D	1375
Mattie Miller	D	1433
S. E. Moore	D	1434
Addie Schrimsher	D	1448
Fannie Vann	D	1458
Marcella Blakeney	D	1474
G. W. Williamson	D	1555
C. F. Walker	D	1558
Louisa Blevins	D	1567
Frank Cowles	D	1581
Mary Francis Madding	D	1637
Thomas Rodman	D	1661
Katie Still	D	1866
Ira Creach	D	1913
D. A. Mounts	D	1967
J. C. Sefton	D	1991
Jennie Holland	D	2024
Lou Sanders	D	2216
Caroline Barnes	D	2591
Lacey Crane	D	2592
Daisy Cash	D	2595
Hiram A. Landers	D	2599
Charles Neel	D	2603
Mattie Robinson	D	2605
Jennie Rich	D	2606
Alexander C. Russell	D	2607
Pricilla Ross	D	2608
Tom W. Reeves	D	2609
Mary Smart	D	2612
Rufus Tidmore	D	2613
Jasper Turquitt	D	2614
Mabel West	D	2618
Ophelia West	D	2619
Cora Whisenhunt	D	2620
Katy Martin	D	2667
Willis Butler	D	2686
Claud Barger	D	2687
Disie Conner	D	2698
John Culwell	D	2699

Herbert F. Couch	D	2700
Albert C. Dykes	D	2703
Delora Drew	D	2704
Frank F. Danderson	D	2705
James Gafford	D	2708
Anna L. Harlin	D	2715
William R. Lipsey	D	2717
Bertha Landrum	D	2718
Lila More	D	2722
John D. Mathews	D	2723
Mary McIntosh	D	2725
Bertha Nidiffer	D	2730
Richard Nichols	D	2731
William S. Ross	D	2738
Irene Riley	D	2739
William H. Rowley	D	2740
Colombus C. Scroggins	D	2741
Della Summers	D	2743
William S. Sage	D	2744
Eliza Thomas	D	2748
John P. Thurman	D	2749
Mary E. Davis	D	2770
Jessie Frick	D	2774
Enna Bullington	D	2788
Will Black	D	2789
Maggie E. Davis	D	2792
Thomas Dotts	D	2793
William Daws	D	2794
Nancy Dawson	D	2796
Lena Fields	D	2797
Effie Grayham	D	2798
Alice C. Hill	D	2799
Bertha H. Harlin	D	2800
Margrett C. Hudson	D	2801
Joseph A. Kelley	D	2803
Andrew O. Kepler	D	2804
Josephine King	D	2805
Sarah Jane Birdsong	D	2806
Marion Maddox	D	2807
John A. McKenzie	D	2808
Ione McGee	D	2809
Ollie Miller	D	2810
William A. Martin	D	2811
Jesse P. Morrow	D	2812
Oliver Mason	D	2813
Edna Whitehead	D	2814
Charley Nuckolls	D	2815
Etta M. Nidiffer	D	2817
Louizer Ossowee	D	2818
William H. Patterson	D	2820
Samuel A. Parkhurst	D	2821
Ellen Rogers	D	2822
Elijah Rolland	D	2827
Endora Steele	D	2828
William M. Stucker	D	2829
Sallie Tauuneacie	D	2831
Mary Tassle	D	2832
John F. Wolf	D	2835
Ruth A. Ward	D	2840
Winnie Daugherty	D	2884
Mary Guthrie	D	2885
Lydia Long	D	2886
Edda Roberts	D	2887
Manda Ward	D	2889
Elmira J. Alberty	D	2905
Thomas C. Cordray	D	2906
Edward Fowler	D	2907
Dora Foreman	D	2908
Parker Holt	D	2909
John Haston	D	2910
Georgie Harlin	D	2911
Percillia Johnson	D	2913
Bettie Morton	D	2915
Samantha Spade	D	2917
Mariah Ward	D	2918
Ellen Watt	D	2919
Nora Morten	D	2920
Lizzie Anderson	D	2981
Francis Duval	D	2984
Wade S. Hayes	D	2987
James A. Hankins	D	2988
Joseph Hardee	D	2991
Tennie Horn	D	2992
Eveline Hall	D	2993
John E. Leftwich	D	2995
Mattie Henson	D	2994
John D. Colvard	D	2998
Charles W. Phillips	D	2999
Sarah Shanks	D	3000
Nettie Young	D	3009
Jerry P. Ables	D	3048
Almedie Ross	D	3052
John S. J. Fowler	D	3055
Leaner Hood	D	3056
James D. Jackson	D	3057
Emma G. Nelson	D	3058
Alice Simco	D	3059
George O. Wallace	D	3060
Fannie Clay	D	3078
Ellen Drew	D	3079

Lue Fish	D	3081
Horace Gray	D	3082
Lula Pack	D	3083
Lelia C. Harris	D	3084
Thomas Jones	D	3086
Benjamin Law	D	3088
Martha Spade	D	3092
Juhan Wyrick	D	3093
Samuel Harlan	D	3157
Lizzie Phariss	D	3171
Jack Michael	D	3172
Sarah E. Davis	D	3176
Grace Guthrie	D	3181
Mary E. Thornton	D	3183
Mamie Thompson	R	4
Jimmie G. Thompson	R	5
William T. Kelly	R	10
Alice Tidwell	R	19
Rosenna McLaughlin	R	41
Martha A. Perdue	R	45
Gabriel L. Payne	R	61
Della Baldridge	R	105
Samuel Richey	R	107
Malissa Fields	R	144
Fred Zimmerman	R	220
Ella Anspach	R	241
Michael R. Mizer	R	266
Belle A. Powell	R	352
Austin L. Hill	R	420
Mary L. Dudley	R	439
Stephen Hazlett	R	465
Mary A. Payne	R	484
Rebecca Benge	R	563
Sarah Wilson	R	613
Dora Crane	R	628
Andrew Sitrell	R	642
John Sitrell	R	642
Lillie May Wilson	R	643
Ollie A. Barger	R	656
Ida Hawkins	R	671
Lizzie Davis	R	761
Clara M. Emmons	R	803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated 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, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

..... Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 25, 1902.

Mrs. Eliza Wofford,

Tahlequah, Indian Territory,

Madam:-

You are hereby notified that the application of yourself and one minor child

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

the 13 day of March, 1902.

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

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

Yours truly,

Cherokee D-967
Register.

Commissioner in Charge.

INDEXED. 1967.

7313

CHEROKEE.

Jones, Bruce C.,
Muskogee, (?) I. T.,
April 30, 1902.

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

Suggesting that the application of Eliza Wofford and son, Sam Wofford, should not be considered until the record in the application of Taylor Wofford is received.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Muskogee, Indian Territory, April 30, 1902.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

I would respedtfully suggest that consideration of the application heretofore made by Eliza Wofford and her son Sam Wofford, Cherokee D-967, be deferred until the record in the application of Taylor Wofford is received by the Commission. Taylor Wofford has not yet applied for enrollment, but will do so either here or at Whitmire.

Rosa Thorn, on Card Cherokee 6971, is the mother of Taylor Wofford. She appears on the 1880 roll as adopted white with Than Wofford, who is the father of Taylor and the husband of Eliza. The question is as to the relations existing in 1880 between Than Wofford and Rosa, now Rosa Thorne, and a determination of this question may, in one event, affect the legitimacy of the children of Rosa Torne by her present husband and their right to enrollment.

Respedtfully,

Bruce G. Powers

In Charge,
Cherokee Enrolling
Party No. 3.

Cherokee D 987

Muskogee, Ind. Ter., June 6, 1902.

Eliza Wofford,

Tahlequah, Ind. Ter.

Madam:

In the matter of the application for the enrollment of yourself and child, Samuel Wofford, as citizens of the Cherokee Nation, you are advised that it is necessary, for the proper consideration of your case, that you submit to this Commission additional testimony relating to the former marriage of your husband, Than Wofford, showing a decree of divorce from his first wife, if they were ever divorced, or proof of her death prior to the date of your marriage herein.

This testimony must be furnished on or before the 20th day of June, 1902.

Yours truly,

Acting Chairman.

Register.

Cherokee D 967

Muskogee, Ind. Ter., June 6, 1902.

Mr. J. T. Parks,

Executive Secretary Cherokee Nation,

Tahlequah, Ind. Ter.

Sir:

In the matter of the application of Eliza Wofford for the enrollment of herself and child as citizens of the Cherokee Nation, you are requested to furnish this Commission with a certified copy of a decree of divorce of her husband, Than Wofford, from his former wife, Rose, which is claimed to have been obtained in the Saline or Tahlequah district.

Yours truly,

Acting Chairman.

Vinita, Indian Territory, January 3, 1903.

Eliza Wofford,

Moodys, Indian Territory.

Dear Madam:

The Commission is in receipt of affidavit signed by yourself, dated December 27, 1902, relative to your inability to comply with the notice heretofore received by you from the Commission, requiring you to appear and give testimony as to your right to enrollment on September 1, 1902, as a citizen by intermarriage of the Cherokee Nation.

The affidavit is herewith returned to you for the reason that the Commission does not accept affidavits as evidence in applications for enrollment. You are notified that you should appear before the Cherokee Land Office of this Commission at Vinita, Indian Territory, at the earliest possible date and give personal testimony as called for in the Commission's notices heretofore mailed to you.

Respectfully,

Acting Chairman.

Encl. R.P.-12

Cherokee D-967

Muskogee, Indian Territory, February 14, 1906.

Eliza Wofford,

Tahlequah, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of February 7, stating that it will be impossible for you to appear before the Cherokee Land Office of this Commission at Vinita, Indian Territory, for the purpose of giving further testimony in the matter of your application for enrollment as a citizen of the Cherokee Nation, as directed in the Commission's recent notice to you. You ask that your case be postponed until the Land Office is moved to Tahlequah.

Your letter has been duly noted. You are advised that your right to enrollment will not be finally determined until the testimony as called for in the Commission's recent notice is introduced.

Respectfully,

Acting Chairman.

GRS

INDEXED.

Enc. M-138

[illegible]
No. 9

Cherokee Land Office,
Tahlequah, I. T.,
Sept. 2, 1903.

Transmits original jacket and record in case of Eliza Wolford, et al., Cherokee I 967.

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

Cherokee D-967

Tahlequah, Indian Territory, September 8, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

I have the honor to transmit herewith the original jacket and record in Cherokee case D-967, Eliza Wofford et al. With the record transmitted is testimony taken August 31, 1903.

The record in this case now appears to be complete and is forwarded that a decision may be prepared therein.

Respectfully,

W. J. Cook.
Clerk in Charge
Cherokee Land Office.

MFM

Enc. M-138

112

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 967

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 Eliza Wofford for the enrollment of her minor child, Samuel Wofford, 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 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-14

Cher. E 967

Muskogee, Indian Territory, January 10, 1907.

Eliza Wofford,

Tahlequah, Indian Territory

Dear Madam:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn._____D___

Commissioner.

Cherok e D~~978~~ 116

Muskogee, Indian Territory, March 14, 1907.

Eliza Wofford,

Tahlequah, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 26, 1907.

Respectfully,

RPI

Commissioner.

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 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 January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

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

Respectfully,

Encl.C-100
MTM

Commissioner.

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

REGISTERED
JUL 15 1902
TAHLEQUAH, I. T.
REGISTERED No 26.

REGISTERED
JUL 9 1902
MUSKOGEE, IND. TER.

Eliza Wyford
Chandler
I. T.

Eliza Watkins et al.

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony Dec 13/0

B Memo of application Dec 13/0

C Marriage.

D. Affidavit of birth,

E Notice of final consideration, 3/13/0

Cher D 968

[illegible]

[illegible] A [illegible] sir

[illegible] A [illegible] sir.

[illegible] A [illegible] sir.

[illegible] A [illegible] t ?

[illegible] A [illegible] Council [illegible] ing-

[illegible] d; when

[illegible] A In 1907 [illegible]

[illegible] st [illegible] A [illegible]

I [illegible] t.

A [illegible] was paid, [illegible]

[illegible] sir; [illegible]

[illegible]

[illegible] A [illegible] s.

[illegible] A [illegible]

[illegible] sir.

[illegible] sir.

[illegible] A [illegible] sir, [illegible] in [illegible] a.

[illegible] A [illegible] and

5. ([illegible])

William [illegible] A Yes sir.

[illegible] d.

[illegible] d; [illegible] d; [illegible] right

[illegible] A Yes sir.

[illegible] children are all living [illegible] A Yes sir

[illegible] 763 #1370 [illegible] McCoy Coinsmake

[illegible] 825 #134 Jerome McCoy Coinsmake

[illegible] 763 #1372 Dela F. McCoy "

[illegible] 763 #1373 Gina A. McC "

[illegible] d in [illegible] A Yes sir.

[illegible] in 1934 A Yes sir.

[illegible] in 1937 A [illegible]

Q You were admitted [illegible] A Yes sir.

Q These children were all born after you were admitted? A No sir, one of them was born before, William H.

Q Now were you re-married to your wife under the Georgia law after you were admitted? A No sir.

Q Is she mentioned at the same time you were admitted? A Yes sir

J[illegible]es Willis Moore et al. [illegible] 2

C[illegible] [illegible]: [illegible] ment of the [illegible] [illegible] the roll of 1896 [illegible] [illegible] in 1887 [illegible] ized [illegible] [illegible] 7 [illegible]; [illegible] certificate of admission, and he will be listed for enrollment as a [illegible] by blood on a doubtful card, to await an official copy of the records of the [illegible] Court [illegible] [illegible] addition [illegible] in 1887; [illegible] since they were married; [illegible] ~~xxxx~~ and that [illegible] have never re-married [illegible]; [illegible] [illegible] on a doubtful card, to await official evidence of the applicant's admission and to consider the question of [illegible] the conditions stated; the three children [illegible] are all [illegible] identified on the roll of 1896 with their parents; [illegible] on a doubtful card, to await [illegible] of their father's admission, as stated; [illegible] also to supply the Commission with an official copy of the marriage license and certificate, which he says he can procure by writing back to Georgia.

[illegible], 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 December 15, 1900.

Commissioner.

F.

C. D-968.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 13, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of James W. McCoy for the enrollment of himself, wife and children as citizens of the Cherokee Nation.

The applicant was notified by registered letter February 25, 1902, that his application for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 13th day of March, 1902, 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 his application. The applicant having this day, to-wit: the 13th day of March, 1902, been called, and failing to respond, it is deemed that his case is completed, and same will be reported to the Commission for final decision based upon the evidencenow of record.

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

Wm Hutchinson

C.F.B.

Cherokee D 968

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

In the matter of the application for the enrollment of James Willis McCoy, William M. McCoy, Lela F. McCoy and Sina A. McCoy, as citizens by blood of the Cherokee Nation.

-:-

D E C I S I O N.

The record in this case shows that on December 14, 1900, James Willis McCoy appeared before the Commission at Tahlequah, Indian Territory, and made application for the enrollment of himself and his three minor children, William M., Lela F., and Sina A. McCoy, as citizens by blood of the Cherokee Nation, and his wife, Martha Jane McCoy, as a citizen by intermarriage, of said Nation; as the status of intermarried citizens is not at this time fixed, the rights of Martha Jane McCoy 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 at Muskogee, Indian Territory, March 13, 1902.

The evidence in this case shows that James W. McCoy and his son, William M. McCoy, were admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, on June 1, 1888; that they have continuously resided in the Cherokee Nation from 1893, up to and including the date of this application, and are duly identified upon the 1896 census roll of the Cherokee Nation.

The evidence further shows that Lela F. McCoy and Sina A. McCoy are minor children of the said James W. McCoy and have continuously resided in the Cherokee Nation since birth. They are also duly identified on the 1896 census roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that James Willis McCoy, William M. McCoy, Lela F. McCoy, and Zina A. McCoy, 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 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIG) Tarne Dixby.
Chairman

(SIG) T. F. [illegible]
Commissioner.

C. R. Breckinridge
Commissioner

Muskogee, Indian Territory,
this JAN 28 [illegible]

C.7.13.

COPY. Cherokee D 968

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Martha J. McCoy as a citizen by intermarriage of the Cherokee Nation.

-:-

O R D E R .

THE RECORDS OF THIS OFFICE SHOW: That, at Tahlequah, Indian Territory, on December 14, 1900, James Willis McCoy appeared before the Commission to the Five Civilized Tribes and made application for the enrollment, among others, of his wife, Martha J. McCoy, as a citizen by intermarriage of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That the said Martha J. McCoy died on the first day of August, 1901.

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

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

IT IS THEREFORE ORDERED: That, under the provisions of the law above noted, the application for the enrollment of Martha J. McCoy as a citizen by intermarriage of the Cherokee Nation, should be, and the same is, hereby dismissed, without prejudice.

(SIGNED). Tams Bixby.
COMMISSIONER

Dated at Muskogee, Indian Territory,

this SEP 29 1905

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-968.

Muskogee, Indian Territory, January 26, 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 26, 1905, granting the application for the enrollment of James Willis McCoy and his minor children, William M., Lela F., and Sina A. McCoy, as citizens by blood of the Cherokee Nation.

You are hereby 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 principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Chairman.

Encl. L-24.

REFER IN REPLY TO THE FOLLOWING:
Cherokee D-968.

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

Muskogee, Indian Territory, September 29, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of an order of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, dismissing the application for the enrollment of Martha J. McCoy as a citizen by intermarriage of the Cherokee Nation, she having died prior to September 1, 1902.

Respectfully,

Commissioner.

LS
Incl. S-87

RECEIVED

James [illegible] McCoy et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

Original Intermarry Dec 14/00

Means of application Dec 14/00

Certificate of marriage record

[redacted]

Notice of final consideration 3/4/02

DISMISSED Note No. 2

SEP 24 1905

FEB 11 1905

Note Nos 1, 3, 4 & 5

Cher D 969

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

FILED
JAN 7 1901

A[illegible]ING CHAIRMAN

167
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384
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12. 24.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T. December, 13th 1900.

In the matter of the application of William Hilderbrand, for the enrollment of himself as a Cherokee citizen. He being sworn before Commissioner Needles testified as follows-

Q What is your name? A. William Hilderbrand.
Q What is your age? A. 40.
Q What is your post office address? A. Cripple Creek, Colorado.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
Q By blood? A. Yes sir.
Q Who do you want to have enrolled? A. Just myself.

1880 roll, page 114, No.1348, Wm. Hilderbrand, Coowescoowee, Dist.

Q How long have you lived in the Cherokee Nation? A. I was born in it and lived here until 1883.
Q Have you lived outside since 1883 continuously? A. Yes sir.
Q Are you married? A. No sir.
Q Where have you been living since 1883? A. Throughout the western States and Territories.
Q Is there any statement thatyou desire to make in regard to your residence? A. I left home here on account of my health. I had hemorrhage of the lungs while I was here and by the advice of physicians I left and went to Colorado and have lived there and in other western States ever since. I have consulted with different physicians out there about coming back to the Cherokee Nation to live and they all advised me not to do it, that is not to come here to make it my home if I want to live.

BY CHEROKEE REPRESENTATIVE W. W. HASTINGS:

Q What have you been doing in Colorado? A. Mining and engineering, also bookkeeping---anything that I could get to do.

By the Commission-

Q Have you ever voted in Colorado? A. No sir.
Q Are you married? A. No sir.

By W. W. Hastings-

Q Was you married before you left here? A. Yes sir.
Q Is your wife dead? A. I dont know if she is or not; I took her to Colorado with me and she left me out there.
Q You say you took her with you when you went to Colorado? A. Yes sir.
Q Were you bed-ridden when you left here? A. No sir not exactly bed-ridden, but I had had hemorrhages of the lungs several times and was in very day health---cant say that I was exactly bed-ridden.
Q Did you have hemorrhages after you got out there? A. Yes sir.
Q How long did they last out there? A. About a year.
Q And the rast of the time you have been in comparatively good health? A. Yes sir, comparatively.

By the Commission-

Q The physicians, you say, advise you not to live in this country? A. Yes sir they said that I might live here for a long time and then again that I might not live very long, an I did not care to take the chances.
Q You dont intent to make this your permanent home now? A. No sir.

I dont care to try it bacause the physicians say that I should not do it.
Q Whatdegree of Cherokee blood have you? A. One half, my mother was a full-blood.
Q Is she living? A. No sir.
Q You never received your Strip Money did you? A. No sir never applied for it.
Q Were you ever re-admitted by the Cherokee Council? A. Yes sir in 1896.
Q Have you a certificate of admission? A. Yes sir I have an affidavit of admission from McIntosh at Chelsea.

The name of William Hilderbrand appears on the authenticated roll of 1880 but it does not appear on the census roll of 1896 or the pay roll of 1894. He avers that he has lived out of the Indian Territory since 1883 on account of his health. By reason of his residence, final judgment as to his enrollment will be suspended and the name of applicant, William Hilderbrand will be placed on a doubtful card as a Cherokee citizen by blood.

* *

Chas. von Weise, being sworn stats thatas 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 4 day of January, 1902

Commissioner.

Supl.C.-D.#969.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 25th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of WILLIAM HILDERBRAND as a Cherokee citizen; introduced on behalf of Applicant:

APPEARANCES:
Mr. Kornegay, Attorney for Applicant;
Messrs. Hastings and Baugh, Cherokee Representatives.

Attorney for applicant asks that the 1896 census roll be examined:

1896 census roll of Cherokee citizens examined and name of applicant found thereon, page 184, #2462, Wm. Hilderbrand, Coowe-scoowee district.

Com'r Needles: Upon re-examination of the records the name of William Hilderbrand if found upon the census roll of 1896 according to the page and number of the roll as indicated.

The 1896 pay roll of Cherokee citizens examined and name of applicant not found thereon.

MAURICE FRAZEE, being duly sworn by Commissioner Needles, testified as follows on part of applicant:

MR. KORNEGAY: What is your name? A Maurice Frazee.
Q What is your age? A In my 64th.
Q Your post office? A Vinita.
Q Do you know the applicant, William Hilderbrand? A Yes, sir.
Q How long have you known him? A Well, I knew him all the time; I knew him at least four or five years before he left here.
Q About what time did he leave here? A Sometime in the summer of '83.
Q What was your occupation up to the time he left here? A Practicing medicine and some other things on the side.
Q Were you a physician of the applicant? A I was his closest neighbor and physician; he just lived across the street from me.
Q Did you know his physical condition about the time he left here? He had had some hemmorrhages and was in very bad shape and everything pointed to an early dissolution if he remained here and I told him to leave and remain away from here; I expect largely on my advice he left.
Q Do you know anything about his family history? A Well, he had one brother die of consumption two years prior to his leaving here--a nice bright fellow, and he had two other brothersbefore, that is all I know of; this was the same trouble.
Q Did you know his father? A No, sir.
Q Didn't know him? A No, sir, my idea is he died when they were in their infancy.

MR. HASTINGS: Have you seen William Hilderbrand recently?
A Never saw him until he came here to be enrolled one evening; frequently hear of him.
Q Is that the only time you have seen him since '83?
A Yes, sir; I would say in continuation of this thing that my reason in telling him to go there, good many people prior to that had gone to Clifornia and one place or another--these Kells , and I don't know how many other people, had gone out there and come back benefitted and some back here and stayed six or eight months and die, and when he went out there I never saw him afterwards.
Q What was his physical condition when you saw him? A Oh, fine fix as I ever saw, and looked like he could remain here, but I thing a year here would upset that fellow.

M. DANIELS, being duly sworn by Commissioner Needles, testified as follows:

MR. KORNEGAY: What is your name? A M. Daniels.
Q How old are you? A 57 years old.
Q Post office address? A Vinita.
Q Do you know William Hilderbrand? A I knew William Hilderbrand, yes, sir.
Q Where did you know him? A Here in Vinita.
Q Did you ever work with him? A We was working in the store together for W. C. Patton & Co.
Q About what time were you working? A It was in the early '80s, about '080 or '82.
Q Did you observe his health at that time? A His health got very poor before he left there.
Q What was the troubel with him? A Lung trouble.
Q Did you ever see anything in your observation? A I saw him have bleeding of the lungs.

MR. HASTINGS: Did you see him when he was here to enroll this last time? A I saw him on his return; he said that he had been to Fort Gibson or Tahlequah.
Q What was his health at that time? A He appearedto be in good health and I talked with him and he compalined to not feeling very well since he had been out here.
Q How long had he been here? A I don't know, he said he had just been down here and was on his way back.
Q Did he say what sort of labor he performed out there? A I don't believe he told me what work he was following.

Com'r Needles: This testimony will be filed with the testimony in the case.

---oooOOOooo---

C. 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.

C O Rosson

Subscribed and sworn to before me this October 28th, 1901.

Commissioner.

CD969

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 28 1902

ACTING CHAIRMAN

R.

C. D-969.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 13, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of William Hildebrand for the enrollment of himself as a citizen of the Cherokee Nation.

Appearances:
W. H. Kernegay, attorney for applicant.
W. W. Hastings, attorney for the Cherokee Nation.

The applicant was notified by registered letter February 25, 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, I. T., on the 13th day of March, 1902. Receipt has been acknowledged of the Commission's letter, and the applicant this day, to-wit: the 13th day of March, 1902, appears by his attorney W. H. Kernegay.

BY COMMISSION TO MR. KERNEGAY: Is there any statement you want to make relative to the case?

MR. KERNEGAY: No, I just want to close the case. The applicant's contention is that his name appearing on the 1880 roll as a Cherokee by blood, it is the duty of the Commission, upon such fact appearing, to enroll the applicant. The applicant further contends, that, his name appearing on the roll of 1896, and there being no proof that it was placed there by fraud or without authority of law, it is the duty of the Commission to enroll him, on that account

MR. HASTINGS: The representative of the Cherokee Nation protests against the enrollment of this claimant as a citizen of the Cherokee Nation, for the reason that he is not a bona fide resident of the Cherokee Nation.

MR. KERNEGAY: The applicant in reply to that says, that according to the evidence he he was born in the Cherokee Nation, and that he left the Cherokee Nation for the benefit of his health and to save his life, and that there is no provision of the Cherokee law or of the United States law, of which he is aware, prohibiting him from so doing, or from visiting any portion whatever, or of leaving the Cherokee Nation for the benefitof his health. The applicant further contends that, having been born here, and his name appearing on the 1880 roll, it is immaterial whether he is now residing in the Cherokee Nation, or has resided here at all since 1880.

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

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

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

Wm Hutchinson

INTERIOR'DEPARTMENT.

Commission to the Five Civilized Tribes.

In the Matter of the Application of William Hilderbrand for Enrollment as a Citizen of the Cherokee Nation.

On the 13th of December, 1900, William Hilderbrand applied to the Commission to the Five Civilized Tribes for enrollment as a citizen of the Cherokee Nation, and his name was placed on the doubtful list. It is shown that the applicant is a Cherokee by blood; that he is a native of the Cherokee Nation; that beginning at his birth, the greater part of his life was spent in one continuous, unbroken residence in the Cherokee Nation, and that he is on the Cherokee roll of 1880.

The Cherokee nation now seeks to exclude his name from the roll being made by this Commission, and thereby to debar him of his rights and privileges as a Cherokee citizen. Under what law and by what authority can this be done ? In section 2 of Article I, of the Cherokee constitution, it is provided that if any citizen of the Cherokee Nation remove with his effects out of the limits of the nation and become a citizen of any other government, all his rights and privilges as a citizen ofthe Cherokee Nation shall cease, but; it is clear that under this section of the Constitution in order that the Cherokee going abroad might forfeit his rights and privileges as a citizen of the Nation, he must not only remove with his effects beyond the limits of the Nation, but he must also become a citizen of the government in which moves. Both acts being requisite to a forfeiture, the former without the latter is not a fullfilment of the requirements of the constitution. Then the question arises, did Hilderbrand become a citizen of any of the other states wherein he resided after going out from the Territory The testimony does not show that he did, but on the other hand shows that he did not. He has not voted nor exercised any other rights or authority inconsistent with his citizenship in the Cherokee Nation. The circumstances of his removal are against such a suggestion and show no intention or desire to abandon and dissolve his relations with

his own people and government, and become a citizen of some other government. Had he been a citizen of the United States and had removed from his native state into some other state the bare fact of residence in such other state without assuming the privileges and duties of citizenship would not have made him a citizen of the state into which he removed. Furthermore, Hildebrand being a Indian by blood could not have by residence alone become a citizen of any of the states in which he has lived since leaving the Cherokee Nation. (Elk vs. Wilkins, U. S. Sup. Ct. Repts. L. Ed. Bk. 38, P 643, and Rauenstein vs. Lynham, U. S. Sup. Ct. Repts. L. Ed. bk. 35, p 628, and opinion of As. Atty Genl. Wm. A. Little, in the 8th. Annual Rept of the Commission to Five Civilized Tribes to the Secretary of Interior, page 304).

In this case the testimony shows that the applicant since leaving the Cherokee Nation has lived throughout the western states and territories. There is no evidence that he has lived in any one place long enough to establish a bona fide residence which would be a requisite to the acquisition of citizenship. It might be contended that the sixth section of the act of Congress of Feb. 8, 1887 conferred citizenship on all Indians who have voluntarily taken up residence separate and apart from their tribe and adopted the habits of civilized life. But the act itself explicitly provides that the law shall not in any way impair or otherwise affect the right of any Indian to tribal or other property. In this case the applicant did not voluntarily take up residence abroad. He was constrained to leave the Cherokee Nation for reasons arising out of circumstances over which he had no control. Under the rulings of the Interior Department as set forth in the opinion of assistant attorney General, William A. Little, as above cited and duly approved by the Secretary of the Interior, a Cherokee living out side of the limits of the Nation and putting himself within the provisions of the act of 1887, is not thereby deprived of participation in the rights and privileges of citizenship in the Nation. In the 21st. section of the act is law, among other things are found certain clauses, as follows;

with tribal rolls of citizenship of the several tribes, as required by law the Commission to the Five Civilized Tribes is authorized and directed to the roll of Cherokee citizens of 1880 (not including Freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons nowliving whosenames are found on said roll and all descendants born since the date of said roll to persons whose names are found thereon."

* *

" No persons shall be enrolled who has not heretofore removed and in good faith settled in the nation in which he claims citizenship: Provided, however, that nothing contained in this act shall be so construed as to militate against any rights or privileges which the Mississippi-Choctaws may have under the laws of or the treaties with the United States."

The applicant is on the 1880 roll and in as much as under the law as above set forth, the Commission to the Five Civilized Tribes is authorized and directed to enroll all citizens now living whose names are on said roll, he does not believe that it is within the province of the Commission to entertain any controversy concerning his rights as they are fixed and determined by the law itself, the only duty devolving upon the Commission being the transfer of his name from the Cherokee roll to the roll now being made by the Commission. But inquiry might be made as to the effect of the clause last quoted. Suppose section 21 of the Curtis act were really ambiguous by reason of inconsistency between the two clauses referred to which of the should govern in this case ? Certainly the one which is more compatible with reason and justice, and more in accordance with common right, since the purpose of law is to protect and preserve rights rather than to take away and forfeit them. If under the law as laid down any doubt should arise by reason of ambiguity such doubt should be resolved in favor of the applicant for the reason that if under one construction of the statute a private hardship or forfeiture of rights accrues, while under another construction of the same, equally as reasonable, no such hardship or forfeiture arises, the latter construction should prevail. (Black on Interpretation of Law.pp 100 - 102.) The justice and equity of the rule could not in any case be more properly invoked than in the present one. The applicant confronted with the ~~proposition~~ possibility of gaining health in another climate on the one hand, and the prospect of a fast approaching death on the other, with no intention of expatriation, so-

as proof, and while any loss not attempt to exercise citizenship, at his election or relinquish his rights at home. But there is no conflict between the clauses of the Curtis act above set forth, they are in perfect accord. No person within the purview of the latter clause could be found on the roll for the reason that he would never have been in the Nation and could not have been enrolled. This is apparent from the proviso of the latter clause. It is clear that said clause in no way affects and is by no means applicable to native Indians of the Indian Territory, but only applies to such members of the various tribes as remain behind ed and fail to join in the allotment of the tribes from the various states in which they were formerly located, and who have since the organization of the tribe continued to remain behind and who never have had any residence at all in the Indian Territory on the domain of their respective tribes. In this case the applicant was his first day in the Cherokee Nation, upon his birth here, is a Cherokee by blood, has never exercised citizenship anywhere else, is on the roll of 1880, and he insists that he is now entitled to enrollment by the Commission as a citizen of the Cherokee Nation.

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his lip

Respectfully Submitted

W. H. Kornegay

Wm Humphrey

for applicant

J.C.S.

D[illegible] I[illegible]T[illegible]R[illegible]I[illegible]A,

[illegible] the [illegible] Civi[illegible] [illegible]ribe,

[illegible] I. T. [illegible] [illegible].

In the matter of the application of William Wilderbrand for enrolment as a citizen of the Cherokee Nation.

Charles [illegible] Boyd.

Brief on part of the Cherokee Nation.

The evidence in this case shows that the applicant is a resident of Trinidad, Las Animas County, Colorado and has been a resident of the state of Colorado since 1883, for a period now of about 19 years. The testimony in this case shows that the applicant states that he intends to make it his permanent home; that he left here at first because of ill health together with his wife from whom he separated about one year after they reached Colorado. The testimony further shows that the applicant is an engineer and works in the mines and in fact does all kinds of manule labor as well as keep boarders and we therefore do not think the condition of his health which prompted him to leave the Cherokee Nation nineteen years ago is a sufficient excuse to justify the Commission in disregarding that section of the Curtis bill which, with reference to residence, provides: " No person shall be enrolled who has not heretofore removed to and permanently settled in the Nation in which he claims citizenship" But we contend that this section applied to a person whose name appears upon the authenticated roll of eithteen hundred and eighty and in fact to all persons who apply to be enrolled as citizens of the Cherokee Nation..

If it were a temporary residence and not permanent as applicant admits in his testimony no objection could be urged against the enrollment of the applicant. But we insist that his absence has been so long and continuous and permanent that we do not think the Commission would be justified in enrolling him. You will also observe that his name does not appear upon the pay roll of 1894 or Census roll of 1896 which is evidence of the fact that he was not regarded as a citizen by the authorities of the Cherokee Nation.

Respectfully submitted,

Attorney for the Cherokee Nation.

Cherokee D 969

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

In the matter of the application of William Hilderbrand 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 December 13, 1900, William Hilderbrand appeared before the Commission at Tahlequah, Indian Territory, and made personal application for his enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Vinita, Indian Territory, on October 25, 1901; also further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 13, 1902.

The evidence shows that the said William Hilderbrand is forty years of age; that he was born in the Cherokee Nation and resided therein until the year 1883, when he removed to Colorado for the benefit of his health; he is duly identified upon the 1880 authenticated roll of the Cherokee Nation, also upon the 1896 census roll of said nation.

The evidence further shows that the said William Hilderbrand has not resided in the Indian Territory since the year 1883; that he was not residing therein on June 28, 1898, nor at the date of this application, and testifies that he does not intend to make his home in the Cherokee Nation.

Paragraph 9, Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides:

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

It is, therefore, the opinion of this Commission that the application for the enrollment of William Hilderbrand as a citizen by blood of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this FP

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 969.

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 William Hilderbrand for the enrollment of himself as a citizen by blood of the Cherokee Nation.

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

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

Respectfully,

Acting Chairman.

Enc. C. No. 31.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 969.

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 William Hilderbrand for the enrollment of himself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 22, 1902.

Respectfully,

Acting Chairman.

B 89

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee R. 744

Tahlequah, Indian Territory, August 5, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby notified that on June 1, 1903, the Secretary of the Interior reconsidered its former action approving the decision of this Commission rejecting the application of William Hilderbrand for enrollment as a citizen by blood of the Cherokee Nation and ordered the Commission to enroll said William Hilderbrand as a citizen by blood of the Cherokee Nation.

Respectfully,

MH

Commissioner in Charge.

969

IN THE MATTER OF THE APPLICATION OF

William . Widdrand

CHE

APPLICATION OF

Underwood

ELEMENT AS

CITIZENS

Origin. affidavit, Dec. 13/00

Memo. [illegible] Dec. 13/00

Letter from M. [illegible] D.C.

Receipt for testimony from W. H. Hornsby

Notice of final [illegible] 12/03

THE FIVE CRUIZE TRUST.
FILED
DEC 15 1900

ACTING CHAIRMAN.

ACTING CHAIRMAN.

[illegible], [illegible] wife, [illegible]; [illegible], [illegible] child, [illegible].

Department of the Interior,
[illegible] Five Civilized Tribes,
Tahlequah, I.T., December 1[illegible], 19[illegible].

In the matter of the application of Francis A. Ward for the enrollment of [illegible], [illegible] Creek Nation; [illegible] as follows:

Q Give your name. A Francis A. Ward.
Q What is your age? A 75.
Q What is your post-office address? A Silver Springs, [illegible].
Q Are you married? A [illegible].
Q [illegible] A [illegible] Ellen.
Q Your wife's name? A [illegible].
Q [illegible] A [illegible].
Q [illegible] A [illegible] twice; I [illegible] divorced from one; I [illegible] in 1897.
Q [illegible] A In 1897.
Q [illegible] A [illegible].
Q You [illegible] A [illegible].
Q [illegible] A 1897.
Q [illegible] A Yes sir.
Q Are you [illegible] A Yes sir.
Q In [illegible] A [illegible].
Q [illegible] A I [illegible] in [illegible].
Q [illegible] A Yes sir.
Q [illegible] A Yes sir (Produces papers).

Note: The applicant presents a certificate of adoption [illegible] showing that he was adopted by the Creek Nation; the Commission [illegible] at that time, but [illegible] representative present [illegible] with.

Q Your wife lived [illegible] in 1897?
A Yes sir.
Q Give the name of your present wife? A Ella [illegible].
Q When was married to your present wife? A 1897.
Q [illegible] your present wife's name [illegible]?
A [illegible].
Q The [illegible] widow? A Yes sir.
Q Note: The applicant presents license issued by the clerk of the [illegible] Court for the marriage of Francis A. Ward to Ella Terry August 21 1897, and the latter's statement of self and Mrs. Ellen [illegible] Ward; the certificate shows they were united in marriage on the 10th of September of [illegible] by the Rev. Lewis [illegible] Stuckey.
Q Your wife's full name [illegible] is Ellen [illegible] Ward.
Q [illegible] A [illegible] I think.
Q Your present wife's name [illegible] A Yes sir.
Q How often was married [illegible] A Once.
Q [illegible] A Yes sir.
Q Was [illegible] divorced from him? A Yes sir (Produces papers).
Q Your wife's maiden name [illegible] A [illegible].
Q What was the name of the man she married [illegible] A [illegible].
Q And when you married [illegible] she had resumed her maiden name?
A Yes sir.
Q This document you have [illegible] at a session of the United States Court at Tahlequah November 1[illegible], your wife, Ella T. [illegible] was divorced from George T. [illegible], but it is merely a copy

[illegible]

[illegible] children; [illegible] live [illegible]

[illegible] (Card [illegible])

[illegible]

[illegible] Apr 1.

[illegible]

1 [illegible] roll [illegible] "2570 Franklin Ward [illegible]

1 [illegible] roll [illegible] "217 [illegible] Ward [illegible]

1 [illegible] roll [illegible] "2577 [illegible] Ward [illegible]

1 [illegible] roll [illegible] "277 [illegible] Ward [illegible]

1 [illegible] roll [illegible] "2579 [illegible] Ward [illegible]

1 [illegible] roll [illegible] Ward [illegible]

1 [illegible] roll [illegible] "2581 John Ward [illegible]

1 [illegible] roll [illegible] James Ward [illegible].

[illegible] children; six of these children being by a former wife and [illegible] by his present wife; he states that he was [illegible] citizenship in [illegible], and that he has lived in the [illegible] Nation ever since; he is identified on the roll of [illegible]; his certificate [illegible] he will now be listed for enrollment [illegible] blood; his present wife, Ellen P. Ward, is shown to have married him August 31 1[illegible]; and has lived with him ever since; he states that she was once previously married,

but divorced from that [illegible] present marriage; xx xx and that he was [illegible] re i usl. married and that [illegible] s div rced from that wife before his pres nt marriage; [illegible] is dem r [illegible] supply the Commission with a copy of both of those records of divorce; t is wife having married him after the marriage law of December [illegible] 1855 prohibit ng the acquir ent of citizenship by marriage, the application for the enrollment of this life is rejected; the first six children named in the testimony are children of the applicant's first wife; they are, according to his testi [illegible], all identified on the roll of 1896; they are living at this time, they will n w be listed for enrollment as Cherokees by blood. The applicant has [illegible] an official co[illegible] of the record of his marriage to his first wife, the mot[illegible] of his seven children, and he states that she was never married to him or lived as his wife. The seventh child of the seven named in the testimony, is a child of the pres nt marriage; upon a certificate of the birth of this child, [illegible], Ward, is filed with the Commission, this child will be listed for enrollment on a subsidiary card as a Cherokee by blood, to await an official copy of the decree of divorce between the applicant and his first wife and showing the number of this child, who is the applicant's present wife, and his first husband.

[illegible] first dis[illegible] the Commission to the five Civilized Tribes correctly recorded the testimony and proceedings in this case, and that the record is a true and complete transcript of it as shown by the record.

Subscribed and sworn to before me this December 15, 1900.

Commissioner.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
TAHLEQUAH, I.T., DECEMBER 19th, 1900.

SUPPLEMENTAL TESTIMONY IN THE MATTER OF THE ENROLLMENT OF FRANCIS A. WARD, STRAIGHT CARD #6650 and MYRTLE B. WARD, # "D" #970.
B. W. Alberty, being sworn and examined by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A B. W. Alberty.
Q What is your age? A Forty seven.
Q What is your Postoffice address? A Tahlequah.

By Mr. W. W. Hastings, Cherokee Representative:
Q What official position do you hold now, if any? A Assistant Executive Secretary of the Cherokee Nation.
Q As such, are you the custodian of the records of Goingsnake District Circuit Court? A Yes sir.
Q Have you examined these records to find whether or not the records show that a divorce was granted between Francis A. Ward and his former wife, Mariah A. Ward? A I have examined them: There is no record of it.
Q Do you know whether or not Francis A. Ward secured a divorce from his former wife, or whether she secured one from him?
A I was present in Court when the divorce was granted.
Q When was that? A In '97.
Q What time in 1897? A I think it was the May or April term of Court.
Q Of 1897? A Yes sir.
Q You know a divorce was granted? A Yes sir.
Q Do you know Francis A. Ward? A Yes sir.
Q Did he marry this second wife before this divorce was granted?
A I can not say about that.

Simon R. Walkingstick, being sworn and examined by Commissioner, T. B. Needles, testified as follows:
Q What is your name? A Simon R. Walkingstick.
Q What is your age? A Thirty two.
Q What is your Postoffice address? A Tahlequah.
Q Do you know Francis A. Ward? A Yes sir.
Q Did you represent him in a divorce suit in Goingsnake District some three or four years ago? A Yes sir, I think it was in '97.
Q Do you know whether it was in the Spring?
A I think it was in the Spring.
Q Do you know whether a divorce was granted or not? A Yes sir, it was.
Q Granted him from his former wife? A Yes sir.
Q Do you know what his wife's name was? A No sir.
Q But you know the divorce was granted? A Yes sir.

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

Subscribed and sworn to before me this 12th day of January, 1901.

COMMISSIONER.

10970

DEPARTMENT COM[illegible]
COMMISSION TO THE [illegible] TRIBES.
FILED
APR 1 1902

ACTING CHAIRMAN

R.

C. D-970.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 13, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Francis A. Ward for the enrollment of his child Myrtle B. Ward as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 25, 1902, that his application for the enrollment of his child, Myrtle B. Ward, as a citizen of the Cherokee Nation, would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 13th day of March, 1902, 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 his application. Receipt has been acknowledged of the Commission's letter, and the applicant having this day, to-wit: the 13th day of March, 1902, been called, and failing to respond, it is deemed that this case is closed, and same will be reported to the Commission for final decision based upon the evidence now of record.

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

Wm Hutchinson

Cherokee D 970.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Myrtle B. Ward and Marvin Jefferson Ward as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on December 14, 1900, Francis A. Ward appeared before the Commission at Tahlequah, Indian Territory, and made application for the enrollment, among others, of his minor child, Myrtle B. Ward, as a citizen by blood of the Cherokee Nation. The other parties to the application, being differently classified, are not embraced in this decision. Subsequent to the date of his original application, a birth affidavit was filed with the Commission as to his minor child, Marvin Jefferson Ward, and the same is made a part of the record herein. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, on December 19, 1900.

The evidence shows that Francis A. Ward, father of the applicants herein, is a Cherokee by blood and was admitted to citizenship in the Cherokee Nation by the duly constituted authorities thereof on September 13, 1881; and that he is identified on the 1896 Cherokee census roll as a native Cherokee.

The evidence further shows that on September 16, 1897, the said Francis A. Ward was married to one, Ellen T. McLain; that the said applicants are the issue of said marriage; and that at the time of said marriage the said Francis A. Ward had a former wife living from whom no proof of divorce is shown. It further appears that the said applicants were born since 1897 and are too young to appear on any of the tribal rolls but are identified by birth affidavits made a part of the record herein.

The evidence further shows that the said Francis A. Ward has resided in the Cherokee Nation continuously since the date of his admission to citizenship in 1881; and it is considered that his said minor children have always resided with him in the Cherokee Nation.

Section 692 of the 1892 Compiled Laws of the Cherokee Nation provides as follows:

"All marriages which are herein prohibited on account of consanguinity between the parties, or on account of either of them having a former husband or wife then living, shall be absolutely void in this Nation, without any judgment of divorce or other legal proceeding; provided, that the issue from such unlawful marriage shall nevertheless be legitimate;.."

It is, therefore, the opinion of this Commission that Myrtle B. Ward and Marvin Jefferson Ward should be enrolled, 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 1902

COMMISSIONERS,
TAMS BIXBY
[illegible]
[illegible]
[illegible]

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D-910

Skoree, 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 Francis A. Ward for the enrollment of his two minor children, Myrtle M. and Marvin Jefferson Ward, 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-15

APPLICATION

Ward

ENROLLMENT AS

CHEROKEE CITIZENS

Original testimony filed 14/00
Menu of application filed 14/00
Supplemental testimony filed 19/00
Decree of [illegible]

Birth certificate, Myrtle B. Ward.
Notice of final consideration 2/13/03

See Garfield No 6600
See Garfield No [illegible]

Cher D 971

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[illegible]

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
TAHLEQUAH, I.T., DECEMBER 14th, 1900.

IN THE MATTER OF THE APPLICATION OF Jasper L. Newton for the enrollment of himself, wife and children as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, C. H. Breckinridge, testified as follows:

Q Give me your full name? A Jasper L. Newton.
Q How old are you? A Thirty seven.
QQ What is your Postoffice? A Claremore.
Q In what district do you live? A Coowescoowee.
Q Who is it you want to have enrolled: yourself and family? A Yes sir.
Q Have you a wife? A Yes sir.
Q How many children have you? A Five.
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.
Q Have you a copy of your marriage license and certificate?
A No sir; I have a certificate.
Q When were you married? A The twenty third of July, 1889.
Q What was your wife's name when you married her? A Sidney Crittenden

Com'r. C. H. Breckinridge: The applicant presents a certificate, showing that he was married on the date stated, and as stated, by the Reverend G. W. Gordon. This is filed herewith.

The applicant also presents an official certificate from the Assistant Executive Secretary, dated October 27th, 1900, to the effect that he has examined the records of Going Snake District, which records are in his custody, and that he fails to find a record of the marriage between J. L. Newton and Sidney Crittenden. This is filed herewith.

Q Were you ever married except to this wife? A Yes sir.
Q Were you married before you married her? A Yes sir.
Q How many times before you married her? A Once.
Q Was that wife dead when you married this woman? A No sir.
Q Was she dead when you married this woman? A No sir.
Q Were you divorced from her? A Yes sir.
Q Was she a Cherokee or white woman? A White woman.
Q Is she living now? A I do not know.
Q When were you divorced from her? A About thirteen years ago
Q Have you a copy of the decree of divorce? A Yes sir.
Q Let me have it? A I have not got it with me. I have it at home.
Q Was your wife, Sudney Crittenden ever married before she married you? A No sir.
Q Are you living now with this wife? A Yes sir.
Q Have you lived with her ever since you and she were married?
A Yes sir.
Q Who issued you your marriage license? A Mr. Beck.
Q This gentleman here (indicating)? A Yes sir.
Q Was he the deputy clerk of Goingsnake District then?
A Yes sir; said he was.
Q What did you do with your license: Did you return it to be recorded?
A Yes sir: I want to correct a statement there. My wife went off down to her mother's not long ago; last Summer, and she has applied, for a divorce down here in the Court: It has not been granted to her: She wrote me last week to come down and get her; she was going to dismiss the case. I have had letters from her since then every week or two.
Q Any record of this license: What has become of the copy? A I lost it I got them on the Lord and was married there in his office.
Q Did he marry you? A No sir; Mr. Gordon married me.
Q Who is he? A Preacher.
Q The one whose certificate you have just supplied? A Yes sir.

Head Beck, being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:
Q Give me your full name? A Head Beck.
Q What is your age? A Sixty seven.
Q What is your Postoffice? A Kansas.
Q How long have you lived in the Cherokee Nation? A A long time; sixty seven years.
Q Were you formerly deputy clerk of Goingsnake District? A Yes sir.
Q While you were deput clerk, did you issue ~~Cherokee~~ a Cherokee license to this applicant here? A Yes sir, I did. Jake Wright was principal clerk, and from the information I obtained from the principal clerk, he and Mr. Newton were not on good terms like neighbors ought to be, and he authorized me to issue the license: I was a green clerk and he instricted me to issue the license.
Q Did Mr. Newton pay you the fees required by law? A Yes sir.
Q Did he have the requisite number of signers? A Yes sir.
Q Was that license returned to you after it had been used, to be recorded? A Yes sir.
Q And did you send that up to the head office? A Yes sir; I did.

Q Is there any thing more you know about it, more than that?
A I paid him ten dollars just like I did the other man.
Q On what grounds did you pay this man ten dollars: Did he come back to you and say there was no record of that license at the Central office? A Yes sir.
~~Q And as the law had not been complied with, he wanted his money back~~
A I do not remember the exact words.
Q Was it on the grounds of charity? A No sir: I know that Clerk got that license.
Q Did he give you back the license when you gave him the ten dollars? A I do not remember.
Q But you gave him ten dollars when he told you that the law had not been complied with? A Yes sir.
Q He had done his part? A Yes sir; he had complied with the law.
Q How long was that after you issued the license before he came back with that complaint: Got that ten dollars?
A A year or probably longer.
Q In the mean time he had been married? A Yes sir.
A And commenced house keeping? A Yes sir.
Q Had his license and all: Married in your office, was he not?
A Yes sir, but not by me.
Q By a preacher? A Yes sir.

Applicant recalled:
Q Give me the name of your wife? A Sidney Crittenden.
Q How old is she? A Born January 23rd, 1873.
Q Twenty seven years old? A Yes sir.
Q Has she lived in the Cherokee Nation all her life? A Yes sir, born and raised here.
QouYou stated I believe that she was not married before she married you? A No sir.
Q Give me the name of her father A Mose Crittenden.
Q Is he dead? A Yes sir.
Q Give me the name of her mother? A Margaret Crittenden.
Q Is she dead? A No sir, she is living.
Q Give me the names of your children? A Dellie.
Q How old is that child? A Born April 2nd, 1891.
Q Give me the name of the next child? A Rhuby.
Q How old is that child? A Born August 8th, 1892.
Q The next child? A Walter.
Q How old is he? A Born Febuary 12th, 1894.
Q The next child? A William.

Q How old is that child? A Born March 29th, 1895.
Q The next child? A Lizzie.
Q How old is she? A Three weeks old.
Q These children are all living ,are they ? A Yes sir.

((880 Roll, Page 417, #336, Sidney Critdenten, G-snake D'st)
(1880 Roll, Page 885, #137, Jasper L. Newton,,G-snake D'st)
(1896 Roll, Page 772, #1487, Sidney Newton, G-snake D'st)
(1896 Roll, Page 772, #1488, Della Newton, G-snake D'st)
(1896 Roll, Page 772, #1489, Rhuby Newton, G-snake D'st)
(1896 Roll, Page 772, #1490, Walter Newton, G-snake D'st)
(1896 Roll, Page 772, #1491, William Newton, G-snake D'st)

Q This child you have named Dellie here; how do you want it spelled?
A I spell it Dellie.
Q Where are these children: with you or with their mother?
A With me.
Q Their mother is away now? A Yes sir.
Q How long has she been away? A Since last May
Q Where are you living now? A In Cooweescoowee.
Q What place? A Two miles west of Claremore.
Q Has your wife been living there with you all the time up to May? A Yes sir.
Q Did you ever live in Claremore? A Yes sir; about a year and a half.
Q Was your wife living there with you? A Yes sir.
Q Did you not abandon your wife? A No sir.
Q You have not lived with your sister in law then? A No sir.
Q Did the town authorities ever take you up and try you for adultery and fine you for it? A No sir; they never did.
Q Did any authorities? A Yes sir; they had me arrested along last Spring: The Commissioner bound me over to the Grandjury.

By Mr. W. W. Hastings, Cherokee Representative:
Q Where was your wife then? A At my house.
Q At the time you were tried before the Commissioner? A Yes sir, I was living with her at the time.
Q Did you ever live apart from your wife before you were tried before the Commissioner as you state? A No sir.
Q Have you lived with your wife continuously since you were tried before the Commissioner? A No sir.
Q By xxxx Commission About what time were you tried before the Commissioner? A I think it was the first of last May.
Q Your wife and you have not lived together since then? A No sir.
Q Has she ever instituted suit for divorce against you? A Yes sir, I understand she has.
Q That suit is pending in what Court? A Wagoner, in the Federal Court.
Q Where is your wife now? A At her mother's.
Q Where is that? A Down here by Wagoner.
Q What are the grounds she alleges in her petition against you for divorce? A Drinking I think.
Q Anythingelse? A No sir.
Q Where has your wife's sister been since you were tried before the Commissioner? A She lives up there about a mile from me; has a place of her own.
Q Is she married? A No sir.
Q Has she ever been married? A Yes sir..
Q Who built that house she is living in? A I did: Sold it to her for eighty acres of land.
Q Did you not live in this house a while? A No sir/ never did live in it.
Q What witnesses did they have against you in the Commissioner's Court? A I believe it was Bob Evans and Dora Wilbanks.

By Com'r: C. R. Breckinrridge:
Q What is your wife's Postoffice? A Wagoner.

The applicant applies for the enrollment of himself, and wife and five children. He is identified on the roll of 1896: He is a white man: He has filed a certificate of marriage to his wife, showing that he was married to her July 23rd, 1889: She is identified on the rolls of 1880 and 1896 and she has lived in the Cherokee Nation all her life. She was never previously married: He was married once previous to his present marriage, but he states that he secured a divorce from that wife prior to this marriage, a decree of which he is unable to supply at this time. It also appears from the testimony that he procured a Cherokee license prior to his marriage to his present wife, which he states has been lost, and that through the neglect of the deputy clerk of GoinsnakeDistrict , or other officials this document was never made of record. The Deputy Clerk appears in evidence and states that he returned a year or more after the marriage the Cherokee license and the money - ten dollars - which had been paid, upon the statement by the applicant that the law had not been ~~complied with~~ carried out. It is also shown that the applicant is not living with his present wife, and has not since some time last ~~May~~ Spring, and that she has taken action to secure a divorce. He states that she expects to resume living with him. Under these conditions, the applicant will be listed for enrollment on a doubtful card as a Cherokee by intermarriage. He is desired to supply this Commission with a copy of the decree of divorce, and it is also desired to further consider his present relations with his wife and the present testimony adduced relating to his Cherokee license.

His wife, as stated, is identified on the rolls of 1880 and 1896 as a native Cherokee: Has lived in the Cherokee Nation all her life, and she will be listed for enrollment as a Cherokee by blood. ~~Of~~ the five children named in the testimony, the first four are identified with their parents on the roll of 1896: They are living, and will be listed for enrollment as Cherokees by blood.

When the Commission is properly supplied with a certificate of the birth of the youngest child, Lizzie Newton, this 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.

Subscribed and sworn to before me this 8th day of January, 1901.

COMMISSIONER.

Supl.-C.D.#971.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 24, 1902.

SUPPLEMENTAL in the matter of the enrollment of JASPER L. NEWTON as a citizen of the Cherokee Nation:

The applicant in this case was notified by registered letter February 25, 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 13th day of March, 1902. Receipt was acknowledged of Commission's letter. On said date the case was continued by agreement to March 24, 1902. The applicant this day, to-wit: the 24th day of March, 1902, appears by his attorney, N. A. Gibson. Mr. W. W. Hastings, Cherokee Representative, present.

Mr. Gibson: I offer in evidence in behalf of the applicant a certified transcript of decree of divorce in case of Eliza F. Newton against Jasper L. Newton, the applicant, which divorce was granted in the Circuit Court of Vernon County, Missouri, on the 21st day of May, 1889.

Mr. Hastings: It is agreed that the divorce suit pending in the United States Court at Wagoner, Indian Territory, between the said Jasper L. Newton and his present wife, that when the said suit is finally determined a copy is to be filed in this case by the Cherokee Nation.

Commission: The attorney for the applicant and representative of the Cherokee Nation submit the case. The same is deemed completed and will be reported to the Commission for final decision when the decree of divorce is filed.

---oooOOOooo---

I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the above proceedings and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson.

R.

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

In the matter of the application of Jasper L. Newton for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

Supplemental to D-971.

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

JASPER L. NEWTON, being duly sworn, testified as follows:
Examination by the Commission.

Q. State your full name? A. Jasper L. Newton.
Q. How old are you? A. 29 years in January.
Q. 29? A. I was born in '64.
Q. You are more than 29. 38. A. 39 in January.
Q. What is your post office? A. Claremore.
Q. Youare 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 the wife through whom you claim?
A. Sidney Newton.
Q. Sidney is a Cherokee by blood, is she? A. Yes, sir.
~~Q. When did you marry her? A. In '89.~~
Q. Was she ever married before she married you? A. No, sir.
Q. Were you ever married before you married her? A. Yes, sir.
Q. What was the name of your first wife? A. Fannie Newton.
Q. Was she a Cherokee? A. No, sir.
Q. White woman? A. Yes, sir.
Q. When did you marry her? A. I believe it was--it has been 18 years ago.
Q. Was she dead when you married your present time? A. No, sir.
Q. Were you divorced? A. Yes, sir.
Q. Who secured the divorce? A. She did.
Q. Did you file a copy of that decree of divorce with this Commission? A. Yes, sir.
Q. When did you file it, when--at the time you made application?
A. No, sir; I sent and got one. I sent it to Mr. Gibson. He filed it. It wasn't filed--I didn't have it at the time I made application.
Q. You sent and got one and sent it to Mr. Gibson? A. Yes, sir.
Q. You understand he filed it? A. Yes, sir.
Q. What court was that in? A. Vernon county.
Q. Vernon county where? A. Vernon county, Missouri.
Q. When was that divorce procured? A. 16 or 17 years ago; I have forgotten.
Q. How long after that before you married your present wife?
A. 3 or 4years, I think, as well as I remember.
Q. Your present wife is a Cherokee by blood? A. Yes, sir.
Q. How long has she lived in the Cherokee Nation? A. Lived here---she was born here.
Q. Have you lived with your wife ever since you were married?
A. Yes, sir; pretty much.
Q. You say pretty much? A. Yes, she has left me a time or two.
Q. What was the trouble? A. I don't know.
Q. How often did she leave you? A. About three times, I think.
Q. How long would she be gone at a time? A. Sometimes 7 or 8 weeks, sometimes a month, sometimes 3 weeks.

Q. Where would you be? A. Would be at home.
Q. Where would she go? A. To her mother's.
Q. She would come back again? A. Yes, sir.
Q. Any trouble between you? A. Nothing only a little talk she heard.
Q. Did you make any objections? A. Why, yes, I tried to get her not to leave.
Q. Are you living with her now? A. Yes, sir.
Q. How long have you been living together this last time?
A. She come back in August and said she wanted to come back to live. When I was enrolled she was home and filed a suit for a divorce.
Q. What became of that suit? A. She dismissed it. She came back.
Q. What court was it in? A. Wagoner.
Q. There is no divorce suit pending now? A. Yes, sir. She started it pretty near a year agom when she went back to her mothers.
Q. That is still pending? A. Ithinkso.
Q. You are living together at this time? A. Yes, sir.
Q. Been living together since last August? A. No, she went to her sisters.
Q. Is she with her sister now? A. No, sir; I went and got her last week. She wrote me and wanted to come back home and I went and got her.
Q. How old is your wife? A. About 3o years of age.
Q. What is she alleging in this suit for a divorce, pending now?
A. I don't know. I never read the allegations. Mr. Gibson is attending to the case.
Q. You don't know what she is charging? A. I don't know. Mr. Gibson has got the case.
Q. Mr. Gibson is representing you? A. Yes,sir.
Q. If it should turn out that Mr. Gibson has not filed a decree of divorce from your first wife, can you get another? A. Yes, sir. He told me he has filed it.
Q. When was that first suit of divorce begun by your wife, how long ago? A. It has been about two years since I enrolled at Tahlequah.
Q. Has it been since that time? A. Yes, sir. Then she dismissed that one and came home.
Q. Stayed with you a while and left you again? A. Stayed 9 or 10 months; yes, sir.
Q. Do you know what she alleged in her first suit? A. No, sir.
Q. Do you treat your wife all right? A. Aim to; yes, sir.
Q. What is your occupation? A. I farm.
Q. Have you got any children? A. Yes, sir; got five.
Q. By this wife? A. Yes, sir.
Q. Do the children stay with you when she goes away?
A. Four of them does. Four going to school.
Q. Which one stays with her? A. The youngest one.
Q. How old is the youngest one? A. About 2 years old.
Q. When did she start this suit for a divorce? A. I think last fall sometime.
Q. Last fall a year ago? A. Yes,sir; about a year, pretty near ayear, as well as I can remember; October or November.
Q. How much of that time have you been living together since she statred that suit? A. I don't remember now. She comes and goes when she gets ready. I don't pay much attention to her.

Examination by Mr. Starr.

Q. Where were you married to your present wife? A. In Goingsnake district.

Q. How long did you live in Goingsnake district? A. Why, about 10 years, I think.

Q. When where did you go? A. Moved out here to Clarem ore.

Q. Did you move to town in Claremore or in the country?

A. Lived in the country.

Q. How far from Claremore? A. About three miles, three and a half.

Q. When did your first separation from your wife take place?

A. Oh, in Goingsnake she left me and sue in the Cherokee Court for a divorce.

Q. When did this second separation take place? A. Well, it was a little over two years ago, I think, as well as I remember. Something like two or three years ago.

Q. Where were you living then? A. Living west of Claremore.

Q. How far? A. About three miles and a half.

Q. What was the cause of that separation? A. I couldn't tell you. She said she wanted to go to her mother. I insisted she wouldn't go and she was going anyhow. So she went. When she got there the next I knew I had a summons served on me; sued for a divorce.

Q. Where did her mother live? A. East of Wagoner.

Q. Where did you stay during that time? A. Stayed at home.

Q. How many houses did you have on the place? A. Three. I have got three there.

Q. Who was living there at this time? A. I have only got one I live in. I rent out one. My wife's sister has got one.

Q. Was it on account of your wife's sister, the cause of this separation? A. No, sir. My wife's sister wasn't living a t my house.

Q. Wasn't she living on your farm in a house near you at that time? A. No, sir; she was working for Mr. Hicks at one time when she left.

Q. As a matter of fact you have been separated from your wife up until yesterday? A. No, sir.

Q. Didn't you go by Wagoner yesterday to get her? A. No, sir.

Q. Where have you been living for the last few days? A. The last few days? Staying with her sister up there.

Q. Where? A. Northwest of Wagoner 6 or 7 miles.

Q. You come by and got her as you came to Muskogee last night?

A. No, sir; I didn't come last night. I come last Saturday.

Q. How long has she been down there? A. I don't know. She came to my house along in August and went away again.

Q. Came to your house last August? A. Yes, sir.

Q. How long did she stay? A. I don't remember how long she stayed; 2 or 3 weeks.

Q. Then where did she go? A. Went back down to her sisters.

Q. Been there ever since? A. There or at her mothers. I don't know which. It isn't very far apart. She wrote me a letter to send her money and she would come home. I sent it to her.

Q. Did she come home? A. I sent her some money and told her I would give her money money.

Q. What cause do you give for this last separation?

A. I don't give any.

Examination by the Commission.

Q. Did you ever give her any cause that you know of?

A. No, sir; I didn't aim to.

Q. Did you? A. She says people told her I was out keeping other woman.

Q. Did she give that as a reason for leaving you? A. Yes, sir.

Q. Is that so? A. I don't think it is.
Q. You would know it if it was? A. I should think so. I know it ain't so.

Examination by Mr. Starr.

Q. As a matter of fact that is the cause of this separation, isn't it? A. No, sir; not on my part, it ain't.
Q. That is what she always accused you of? A. A man isn't always guilty of what he is accused of, you know.

Examination by the Commission.

Q. You say you have never given her any causes that you know of.
A. No, sir; I haven't.
Q. Always made a suitable living for her? A. Yes, sir; always gave her a good living and the children; sent them to school.

Examination by Mr. Starr.

Q. Were you not arrested at one time on account of your relations with your sister-in-law? A. Yes, sir; I was accused of that and arrested.
Q. Where were you arrested at? A. I was arrested in Claremore.
Q. Before what court was you tried? A. Before Judge Downing.
Q. United States Commissioner? A. Yes, sir.

BY THE COMMISSION:

Now, Mr. Newton, the Cherokee Nation desires to introduce testimony in reference to your case and you are notified now to appear before the Commission on October 15th and introduce such testimony as you think proper.

++

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 November, 1902.

B. O. Jones
Notary Public.

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, November 15th, 1902.

In the matter of the application of Jasper L. Newton for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

Supplemental to D-971.

Now comes the Cherokee Nation and files proof of service of a notice upon the applicant that the Cherokee Nation would on this day offer testimony tending to disprove the applicant's right to enrollment as an intermarried citizen of the Cherokee Nation.

The applicant fails to appear.

The Cherokee Nation appears by its representative, J. C. Starr.

MARGARETT CRITTENDEN, being duly sworn, testified as follows:

Examination by the Commission.

Q. What is your name? A. Margarett Crittenden.
Q. How old are you? A. I am about 61.
Q. What is your post office? A. Wagoner.
Q. Are you a citizen of the Cherokee Nation? A. Adopted citizen.

Examination by Mr. Starr.

Q. Are you acquainted with Jasper L. Newton, the applicant?
A. Yes, sir.
Q. Do you know his wife? A. Yes, sir.
Q. What relation are you to his wife? A. She is my daughter.
Q. How long have you known Jasper L. Newton? A. 12 or 14 years. Along there somewhere.
Q. Do you know when Jasper L. Newton and your daughter separated?
A. Yes, sir.
Q. How long have they been separated? A. Two years ago this last June.
Q. Where has your been living during that time? A. She has been at my house.
Q. Where do you live? A. I live over in Cooweescoowee about five miles north of Fort Gibson.
Q. Where has Jasper L. Newton lived? A. Been living up there close to Claremore, part of the time in Claremore and part of the time on the farm about 4 miles from Claremore.
Q. Do you know when the separation took place? A. When she come to my house?
Q. Yes. A. Two years ago last June.
Q. Where were they living when this separation took place?
A. It was on the farm, I think, there close to Claremore; four miles from Claremore.
Q. Where were they when the separation took place?
A. Why, he fetched her to Wagoner and left her at the hotel and come and hunted me up and told me he had left her at the hotel.
Q. He left her at the hotel at Wagoner? A. Yes, sir, at Wagoner.
Q. Did he go off and leave her there? A. Yes, sir.
Q. Did you take her home with you? A. Yes, sir.
Q. What was the cause of this separation? A. Well, he come down and got her sister, my oldest daughter, away from Mr. Connelley there at Wagoner, and they disagreed. She lived there several years. Newton's wife stood it until it got so disagreeable she couldn't stay there. He fetched her to Wagoner and she went to my house.

Q. Newton has been living with Mrs. Connelley? A. Yes, sir; that is my understanding. They been living at Claremore.
Q. Do you know that from talking with your daughter? A. Yes, sir.
Q. Did your daughter ever get any letters from Newton? A. Yes, she did a while, then he quit writing.
Q. What was the nature of these letters? A. No, sir; they were very insulting letters.

Examination by the Commission.

Q. When did Newton Bring your daughter to Wagoner? A. Two years ago this last June.
Q. Did he take her to Wagoner? A. Yes, sir; he was going down there to court and they both come together on the train. He took her to the hotel and come and hunted me up and told me she was there.
Q. Did he ask you to take her to your house? A. Yes, sir.
Q. What did he say the reason was? A. He didn't tell me the reason; only he had been trying to get a divorce.
Q. He couldn't get a divorce while they were living together?
A. He couldn't get a divorce as long as they stayed both on one place together.
Q. Did Mrs. Connelley live there with them? A. Lived there in the house together a while then he put another house on the farm and moved Connelley's wife over there.
Q. After he moved Connelley's wife over to the other house where did he stay most of the time? A. My understaning is he stayed most of the time with Connelley's wife.
Q. Do you know of your own knowledge? A. No, sir; I ain't been in the house for over 9 years.
Q. Did you ever hear Newton say? A. No, sir.
Q. Where is Connelley? A. He is in Clarksville, in Arkansas.
Q. Had Connelley and his wife separated before Newton come thre and took her up to his place? A. No, sir. We all lived up on the line and we sold and moved up there. About the time we sold out he sold out and bought a place in Wagoner.
Q. Did Newton take his wife away without his consent?
A. He come down and taken her as though she was going up on a visit, went there and stayed 2 or 3 months. Connelley's wife and Newton came back.
Q. Before that, before he took his wife to Wagoner he had two women there? A. Yes, sir.
Q. Did he keep both as his wifes? A. I can't tell you, my friend, whether he did or not. That is my understanding, he did.
Q. Since then he sent his own wife back to you and is still keeping Connelley's wife up there for himself? A. Yes, sir.
Q. The last you heard he still had her up there? A. Yes, sir.
Q. Do you know as a matter of fact, of your own knowledge, that Newton brought his wife down to Wagoner? A. Yes, sir. Well, he come and told me that he had, that he fetched her.
Q. And asked you to take her out to your house? A. Yes, sir.
Q. After you took her home did Newton come to see her?
A. No, sir. He fetched her there helpless.
Q. Was she able to care for herself? A. No, sir; she wasn't.
Q. Needed somebody to wait on her? A. Yes, sir. She was taken down--had the fever. I had the doctor bill to settle.
Q. Did he ever contribute anything to her support?
A. She went back there a month or so and I think he gave her $10. She went up there and cooked for the Threshing hands and he gave her $10.
Q. Never wrote, to your knowledge, to get her to come back?
A. No, sir; he wrote her he never expected to live with her another day.

Q. For her to stay away? A. Yes, sir.
Q. Didn't want her back there? A. No, sir.
Q. He wasn't living with her in September, 1902, was he, two months ago? A. He wasn't living with her but he had sent a telegram that the little boy was kicked by a horse and for her to come to Claremore at once. When she got there there wasn't a thing the matter with the child. He was fast asleep and well and hearty. He did it to get her there. He paid her $5 to get her to stay until after the 15th. She came to Wagoner, again, he sent her. Then he come to Wagoner again and sent a hack and got her and unbeknown to me he sent her to one of the hotels and they registered as man and wife. Then he sent her back to my house.
Q. How long since he sent her back this last time? A. About 2 or 3 weeks. I just told her she couldn't stay a while at my house and a while at Newtons. Says I, while you stay at my house it is your home, and when Newton sends down there is something the matter, you go. Says I, you go and stay too long. Says I, there is something wrong. She says she wanted to go down to court at Wagoner and she went with another daughter, up on Nigger Creek, about 5 miles from Wagoner. Newton wrote one of the children was about to die with pneumonia. She went again. Whether the child was sick I don't know.
Q. Where is Mrs. Newton now? A. She is at Claremore. If she was at my house I would have fetched her. He sent that telegram for fear I would bring her here. I just told her she could live at my house like that; is she wanted to stay there she could. She has stayed there about two years.
Q. How long has she been at Claremore this last time? A. About a week, I guess. I don't remember whether it was Saturday or Monday. She wasn't at my house when he sent for her. When he fetche d her to my house she was destitute. She didn't have a change of clothes until I bought a suit of clothes for her.

BY MR. STARR:
Comes now the Cherokee Nation and moves that this case be continued until November 24th, 1902, for the purpose of taking further testimony.

BY THE COMMISSION:
The motion is granted and the case will be continued until that date.

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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 17th day of November, 1902.

Notary Public.

Cher
Supp'l to D 971

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., February 7, 1903.

In the matter of the application of JASPER L. NEWTON, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation:

Appearances:
W. H. Kornegay, Esq., of Vinita, I. T., for applicant;
J. C. Starr, Esq., for the Cherokee Nation:

SOPHIE CONNELLEY, being first duly sworn, and examined, testified as follows:

Examined by Mr. Kornegay:

Q What is your name and your age ? A Sophie Connelley; and my age is thirty six.
Q Where do you live ? A Claremore.
Q How long have you lived at Claremore ? A Five years.
Q Where did you live prior to moving to Claremore ?
A In Goingsnake district on Illinois river.
Q Where prior to living there ? A Wagoner.
Q Where prior to that ? A Goingsnake court house.
Q Were you ever married ? A Yes sir.
Q To whom ? A W. H. Connelley.
Q Where is he now ? A The last report I had of him he was in ~~Kalamazoo~~ Clarksville, Johnson County, Arkansas.
Q Are you separated from him ? A Yes sir.
Q Divorced ? A Yes sir.
Q When were you divorced ? A Seven years ago last September.
Q To whom was the divorce granted ? A Myself.
Q Where ? A In Goingsnake.
Q Divorced in the Cherokee courts ? A Yes sir.
Q Where have you lived since you and your husband separated ? With whom ? A With my sister, Mrs. Newton. I make that my home.
Q What is her name ? A Sidney.
Q What relation does she sustain to this applicant, Jasper L. Newton ? A Wife.
Q How long have they been married ? A Twelve or fourteen years.
Q Where is Mrs. Newton now ? A She was at home at Claremore three weeks ago, when I left there.
Q Where have you been, here, the last three weeks ?
A I have been stopping with Mr. Starr here in Vinita.
Q What have you been doing here at Vinita ? A I came to get my number and thought I would possibly get a chance to file here.
Q Do you know whether Mr. Newton and his wife have ever separated ?
A I think they had some little disturbance about a year ago, maybe a year and a half ago, she went away for a short time.
Q Did he remain on the place where they were living ? A Yes sir.
Q She left him for the time being ? A Yes sir, she was away and he was at home.
Q Are they living together now as man and wife ?
A They were when I left home.
Q How long have they been living together now as man and wife continuously ? A She come back in August, I believe.
Q What year ? A 1902.
Q How long was she separated from him ? A She was away about four months I think.
Q They have been living together as man and wife up to that time ?
A She was away before that for a short time, and she was home about seven months, and she was away again.

Q While she was at home during this interval they lived together as man and wife ? A Yes sir.
Q Did they occupy the same bed ? A Yes sir.
Q Have they any children ? A They have five children.
Q How old is the youngest one ? A Two years old in November.
Q This past November ? A Yes sir.
Q What, if anything, did Mr. Newton have to do towards causing you to separate from Mr. Connelley ?
A He had nothing to do with mine and Mr. Connelley's affairs at all. I hadn't seen him for quite a while when we we made arrangements for me to go away; until after we had done made the arrangements.
Q You have made your home with Mr. and Mrs. Newton since you separated, however, have you ?
A Yes sir, at different times when I wasn't at work at other places.
Q What work have you been doing since then; how have you earned a livlihood ? A Sewing.
Q Have you an allotment ? A Yes sir.
Q Where is that ? A Three miles west of Claremore.
Q Where is that with reference to the allotment of Mr. Newton and his family ? A About a mile and a half, I guess, from their location.
Q State whether you have ever been intimate with Mr. Newton ?
A No sir.
Q Do you know Margaret Crittenden ? A Yes sir.
Q What relation does she bear to you and to Mrs. Newton ?
A She is our mother.
Q State whether or not she and Mrs. Newton are friendly ?
A No sir, Mrs. Newton tells me that they are not.
Q Do you know whether they speak when they meet now, or not ?
A I couldn't say; I haven't seen them meet for sometime.
Q What is the state of friendship between you and Margaret Crittenden, at this time; have you had differences ?
A Yes sir.
Q What about ? A An estate of my father's.

Examined by J. C. Starr:

Q Where was Mrs. Newton in last October ? A Last October ?
Q Yes mam ? A She was at home at Claremore.
Q Where was she in November ? A She was away most of the time; she was away two weeks I believe, in November.
Q Where was she then ? A She told me she was with a sister near Wagoner, on Nigger Creek, I believe they call it.
Q What was her sister's name ? A Talbot.
Q Do you know where she was in September ?
A She was in Claremore in September.
Q How long had she been gone in August; how long had she been away from Claremore ? A About four months.
Q Where did she go at that time ? A She was a part of the time with her sister, and I think she was at the old lady's part of the time, Mrs. Crittenden's.
Q How long did you say she was away at that time ?
A Four months.
Q What was the cause of Mrs. Newton going away at that time ?
A I can't say, I was living at Mrs. Riche's when she went away. Mr. Newton's mother and his son, her step-son, were at home. We thought they just disagreed for some cause or other.
Q Isn't it a fact that Mrs. Newton was gone in September last ?
A No sir. She come back in August.
Q What time in August did she come back ? A The latter part or the last of August, I don't remember just what date.
Q Where did she come from ? A She said she come from Wagoner.
Q How long did she stay there at that time ? A Five or six months before she went back the second time, she was only gone a week or so; she had left part of her things down there and went to get them, she had some clothes there.

Q Mrs. Connelley, don't you know that it is a fact that Mr. Newton went by Wagoner and got his wife and took her to Muskogee on October 7, 1902, and they had been separated all the time before that ? A I didn't know anything about whether he was going by after her; she came home on the eleven o'clock train at night, and he come the next night or the next night I disremember which.
Q You have been making your home at Mr. Newton's place continuously since your separation from Mr. Connelley ?
A That's been my home; I have not stayed there all the time.
Q You have stayed there most of the time ? A Yes sir.

Examined by the Commission:

Q Mrs. Connelley, you have had opportunities to observe the treatment of Mr. Newton to his wife Sidney Newton, haven't you ?
A I don't understand it.
Q You lived in the same home with Mr. and Mrs. Newton, and know how Mr. Newton treated his wife ? A I know how he treated her when I was present, yes sir.
Q How much of the time have you been away from his home since you started to making that your residence ?
A At different times, I can't exactly say, I was at Muskogee with Mrs. Hellinghausen last spring a couple or three months; and when I was in Claremore I sewed for Mrs. Woodson quite a time.
Q Have you ever been away from there longer than a month or two at a time ? A About two months, I guess, is the longest.
Q How did Mr. Newton treat his wife Sidney Newton ?
A He seems to have been very kind to her so far as I knew; I never saw any disturbance.
Q Was there any unpleasantness or any quarrels that led to her going away from his house at the times you spoke of, when you were there ? A No sir.

Examined by Mr. Kornegay:

Q You stated in your testimony that you had an allotment, is there a house on that allotment ? A Yes sir.
Q Who built the house ? A Mr. Newton.
Q State whether or not he built it with your means or with what he was owing you ? A There was $250.00 coming to me of my property that I should have got out of my stuff at Wagoner, and he sold me eighty acres of land for $100.00, and built a house with the rest of my money.
Q So it was your own means that furnished that ? A Yes sir.

Examined by J. C. Starr:

Q What was the cause of Mrs. Newton going away last summer ?
A I can't say, only what I heard; the children told me that her and her step-son had some disturbance.
Q Wasn't the cause, that Mr. Newton had been drunk a great deal before she left ? A I can't say as to that, because I wasn't there at that time.
Q What has been Mr. Newton's habits for the last year or two about drinking ? A I have seen him under the influence of whiskey once or twice.
Q Haven't you seen him drunk more than that ? A I didn't keep account of just how many times I have seen him under the influence of whiskey.
Q Was he under the influence of whiskey every time about the times of these separations ? A I wasn't there. I stayed there about a month or six weeks and sewed for Mrs. Legg.
Q That was the case before you left there was it not ? I will ask you if for sometime before this separation hadn't he been drunk a great deal ?
A Yes sir he would drink some.

JASPER L. NEWTON, being first duly sworn, and examined, testified as follows:

Examined by the Commission:

Q What is your name ? A Jasper L. Newton.
Q What is your name ? A I am thirty nine.
Q What is your post office address ? A Claremore.
Q Are you the Jasper L. Newton who applied to this Commission on December 14, 1900, to be enrolled as a citizen by intermarriage of the Cherokee Nation ? A Yes sir.
Q Mr. Newton, have you lived in the Cherokee Nation for the past five years ? A Yes sir.
Q Have you lived out of the Nation for any purpose, for any length of time, during the past five years ? A No sir.
Q Have you been out of the Nation at all for the past five years ?
A Yes sir, I have rode over in the edge of Arkansas a time or two, and come back.
Q How long a time would you stay ? A Sometimes a day and a night, and sometimes two days.
Q You lived here in 1898 ? A Yes sir.
Q You were living here on June 28, 1898 were you ? A Yes sir.

Mr. Kornegay: Applicant desires to introduce further testimony in this case, and asks the Commission to name Tuesday, February 17, 1903.

The Commission: The request of the attorney for the applicant will be granted, no objection being made by the attorney for the Cherokee Nation.

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 February 25, 1903.

Samuel Foreman.

Notary Public.

Cher
Supp'l to D 971

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., February 17, 1903.

In the matter of the application of JASPER S. NEWTON, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation:

Appearances:
W. H. Kornegay, Esq., for the applicant;
J. C. Starr, Esq., for the Cherokee Nation.

SIDNEY NEWTON, being first duly sworn, and examined, testified as follows:

Examined by Mr. Kornegay:

Q What is your name, your age and your residence ?
A Sidney Newton is my name; am thirty years old; residence, Claremore.
Q Are you a married or a single woman ? A Married.
Q What is your husband's name ? A Jasper Newton.
Q About how long have you been married ?
A About thirteen years.
Q Are you living with your husband at present ? A Yes sir.
Q State whether he has ever abandoned you ? (No response)
Q State whether your husband has ever abandoned you ?
A No sir.
Q Did you, at any time, leave your husband's home ?
A Yes sir.
Q Where did you go to ? A To my mother's.
Q How long did you stay there ? A Why I was there off and on I stayed there off and on for two or three months at a time for about three years, back home part of the time, and there part of the time, and at my sister's part of the time.
Q Where was your husband living at the time you were at your mother's ? A At home.
Q The place where you left him ? A Yes sir.
Q Who took care of the children ? A He did.
Q State how your husband has treated you since you have been married ? A He has always treated me alright.
Q What was the trouble that you left home ?
A I couldn't get along with my step-son, and his mother was there and I couldn't get along with her very well.
Q What is your sister's name, who lives with you ?
A Sophie Connelley.
Q State whether your husband, of your knowledge, has been intimate with Sophie Connelley ? A No sir, not that I ever knew of.
Q State whether he has ever lived with her as husband and wife ?
A Not that I know of.

Examined by J. C. Starr:

Q When did you and your husband separate, if you ever separated ?
A Well, I went to my mother's in the year 1900.
Q What time of the year ? A It was in July.
Q How long did you stay there ? A Why I stayed about three months, and then I came back here and stayed a while.
Q How long did you stay at home ? A About two or three weeks.
Q Where did you go from there ? A I went back to my mother's.
Q That was in the year 1900 ? A Yes sir.

Q How long did you stay that time ? A I stayed about four months.
Q Where did you go after you stayed four months with your mother ?
A I went back home.
Q How long did you stay home at that time ?
A Well, I stayed there about six months.
Q That brings you up to the year 1901 ? A Yes sir.
Q Where did you go then after you stayed home six months ?
A I went back to my mother's.
Q You have been going back and forth from your mother's to Newton's ? A Yes sir.
Q How long did you stay at your mother's in 1901 ?
A Well, I stayed there then until I went there in August, and stayed there two or three months, and went and stayed with Mr. Newton's sister.
Q Which one is that ? A That's the one near Parsons.
Q How long did you stay there ? A I stayed about a couple of months.
Q What time of the year was that, now ? A That was in 1902.
Q How long did you stay at your mother's at that time in 1902 ?
A Well, I stayed there until along in August.
Q Did you stay from the early part of 1902 until August at your mother's, did I understand you to say that ? From the early part of 1902, say from January until August ? A I was back once. I went down there. I was back between that time and August once, and then I came back in August.
Q How long did you stay at home after August then ?
A I was up there then about a month.
Q Up at Claremore ? A Yes sir.
Q In January, 1902, where were you staying, were you at your mother's or at Mr. Newton's ? A Why I was at Mrs. Mitchell's, and me and her went down together to my mother's.
Q How long did you stay at your mother's ?
A I don't remember just what time I did come back to Mr. Newton's then.
Q Did you stay from January, 1902, clear up till August away from Newton's ? A No, I was back up there, it was in May or June, once.
Q How long did you stay ? A I stayed pretty near two months.
Q Then you went away again ? A I went back down to ma's and stayed.
Q How long did you stay at that time ? A I stayed about a month, and then I went back after my things.
Q How long did you stay away then, after August ?
A When I went back after my things ?
Q Yes mam. A I didn't stay but about a week; maybe two weeks. I stayed longer than I aimed to; my sister got sick and I went and stayed with her.
Q That was in the fall of 1902 ? A Yes sir.
Q Where have you been since then ? A Then I came back to Claremore to Mr. Newton's.
Q Where were you when Mr. Newton was going down last winter to Muskogee to try his case ? A Why I went down once with him.
Q Where did you go from ? A I was at my sister's then, and he come down, I went down to get my things, and sister was sick, and I went and stayed with her, and he come after me.
Q You went from your sister's to Muskogee ? A Yes sir.
Q Where did you go after you got through at Muskogee ?
A Come back home.
Q Didn't go back to your sister's ? A No sir.
Q Did Mr. Newton ever send you a message that some of the children were sick and you went there and found out it wasn't so ?
A No sir.

Q Didn't he send you a message once to get you to come home, that the boy was kicked by a horse ? A He was kicked.
Q Did he ever send you a message last fall that something was wrong with some of the children, and you went home and found there was nothing the matter ? A No sir, there was something the matter every time he sent me word and I went home.
Q Did he send you word last summer from Muskogee that someone was hurt ? A Yes sir.
Q While you were away didn't you bring suit was divorce ?
A Yes sir, my mother and the lawyers got me to bring suit, and not live with him any more.
Q What did you charge him with ? A They got up the papers and charged desertion and drunkenness, and we couldn't get sufficient proof.
Q You signed the papers didn't you ? A Yes sir; but they couldn't get sufficient proof.
Q Had he been drunk ? A No, he don't drink any more than he did when we was first married. He drinks some but he never got past attending to business.
Q Haven't you had some trouble with Mr. Newton ? A No sir.
Q You charged him with deserting you and getting drunk ?
A They tried to get up that proof, but they never could get up any witnesses to prove it.
Q When did you bring that suit, do you remember ?
A It was brought in 1900, I believe, as well as I remember.
Q In what court did you bring the suit ?
A In Wagoner; and then we stopped it.
Q You brought this suit while you were away on some of these trips that you spoke of ? A Yes sir.

Examined by Mr. Kornegay.

Q While you were away did he furnish you with money at any time ?
A Yes sir, he sent me money.

Examined by the Commission:

Q What did you go away for ? A Why I couldn't get along with his son, my step-son.
Q How old was he ? A He was sixteen years old.
Q Do you wish to be understood as saying that there was never any trouble at all between you and your husband during the time you have lived together ? A No sir, we always got along. We was perfectly friendly.
Q He never showed any undue familiarity with women ?
A No sir.
Q You never complained of it to him or anyone else ?
A I have complained of it sometimes.
Q Was it true ? A I guess it was not.
Q You found out it was not true ? A Yes sir.
Q Did you believe it at the time ? A Yes sir.
Q Was that one of the reasons you brought suit for divorce ?
A No sir.
Q Did you bring suit for divorce because your mother told you to ?
A Well, she didn't want me to live with him any more, and wanted me to get a divorce.
Q You charged him with desertion and drunkenness when you knew it wasn't so ? A They tried to get it up that way when they knew they couldn't.
Q You dismissed the suit and went back and lived with him ?
A Yes sir.
Q Has he always provided for you ? A Yes sir.
Q Have you ever talked with your husband about his citizenship, his application for enrollment here, have you had a talk with him recently about it ? A We have talked some.

Q He knows you are here today does he ? A Yes sir.
Q Did you ever talk with him about what you would testify to here to day ? A No.
Q You didn't ? A (No response).
Q You are sure of that ? (No response)
Q That you didn't have any understanding with your husband as to what you would testify to here today ?
A He knew I was coming, but I don't know whether he knwed what I would say. I don't know whether he knowed what I would swear.
Q He didn't tell you what to swear ? A No sir.

Examined by Mr. Kornegay:

Q Mrs. Newton, where is your husband now ? A He's at home.
Q Is he sick ? A Yes sir.
Q Not in town then ? A No sir.
Q You have come voluntarily here from home to testify, have you ?
A Yes sir.

Examined by J. C. Starr:

Q Mr. Newton sent you here to testify didn't he ? A Why no.
Q Didn't he tell you to come ? A Why yes, he said he wanted me to come today and of course I come.
Q You spoke of an step-son, what is that step-son's name ?
A Wesley Newton.
Q Where does he live ? A He's in Missouri.
Q Is that Mr. Newton's son by a former wife ? A Yes sir.
Q Was he ever married before he married you ? A Yes sir.
Q What was his first wife's name ? A Fannie Riley.
Q Where were they married ? A In Missouri.

GEORGE ANN MITCHELL, being first duly sworn, and examined, testified as follows:

Examined by Mr. Kornegay:

Q What is your name ? A George Ann Mitchell.
Q What is your post office ? A Oolagah.
Q What relation are you to Jasper Newton ? A I am his sister.
Q What relation to Sidney Newton, the witness who just testified ?
A Why she's my sister in law.
Q Do you know the time she was at your house that she has testified about ? A Yes sir.
Q How long did she stay there ? A A little over two months.
Q Do you know whether your brother supplied her with money then ?
A Yes sir.
Q Did you ever see him give her money at other times ?
A Yes sir.
Q Where ? A At Claremore.

By the Commission: This case is continued indefinitely, to be taken up again by agreement of parties.

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 19, 1903.

Samuel Foreman
Notary Public.

D971.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 6 1903

CHAIRMAN.

Chero. D-971.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, Indian Territory, April 27, 1903.

In the matter of the application for the enrollment of Jasper L. Newton as a citizen by intermarriage of the Cherokee Nation.

Applicant appears in person and by attorney W. H. Kornegay; no appearance on part of the Cherokee Nation.

By W. H. Kornegay: The applicant's attorney, W. H. Kornegay, says that he was notified by J. C. Starr, attorney for the Cherokee Nation, that on the 27th day of April, 1903, he would present further testimony on behalf of the Cherokee Nation in this cause.

The applicant, J. L. Newton, appears and moves that inasmuch as the Cherokee Nation has failed to produce further testimony, and inasmuch as this cause was never regularly opened at all, that the same be closed and he be not required to attend for the further taking of testimony on behalf of the nation in this case.

Commission: It is now the hour of 2:30, and the representatives of the Cherokee Nation have not been present during the course of the day, and the Commission has had no notice that this case was set for hearing to-day, or that any further testimony was to be introduced by the Cherokee Nation.

It, therefore, appears that the case should be closed, and the motion of the applicant will be submitted to the Commission for consideration.

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.

[illegible]

Subscribed and sworn to before me this 29th day of April, 1903.

[illegible]
Notary Public.

"B"

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

37

Date DEC 14 1900 1900.

Name Jasper L. Newton Claremore, I.T.

District GOING SNAKE. Year 1896 Page 825 No. 137

Citizen by blood Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

~~Married under what law~~ Date of marriage

License Certificate

Names of Children:

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

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Dist. Year Page No. Age

Dist. Year Page No. Age

Evidence of divorce from first wife to be supplied

"/C"

Marriage certificate

[illegible] 1889

I G. W. Gordon a minister of the gospel do hereby certify that on the 23 day of July 1889 I did duly and according to law solemnize, Rite and publish the Banns of Matrimony between Mr J. L. Newton and Miss Sidney Worlington witness my hand this 23 day of July 1889

Rev G. W. Gordon
a minister of the
gospel

DEPARTMENT OF THE INT
COMMISSION TO THE FIVE CIVILIZED TRIBES.
DEC 14 1900

Executive Office Cherokee Nation,

Tahlequah I.T.

I,B.W.Alberty,assistant Executive Secretary of the Cherokee Nation do hereby certify that I have examined the marriage record of Going Snake District Cherokee Nation to find the record of the marriage of J.L.Newton to Sidney Crittenden, but fail to find said marriage on record;the said marriage record has been filed in this Office by law and is in my custody. Given under my hand and the seal of the Cherokee Nation this the 27th day of October 1900.

B.W. Alberty

Assistant Executive secretary,

Cherokee Nation.

Vernon Co. – Circuit Court.

Eliza F. Newton

vs.

Joseph L. Newton

FILED

the ..... day of ..... 190.....

at ..... o'clock ..... minutes ..... M.

Circuit Clerk.

FILED
1902

TRANSCRIPT OF JUDGMENT.

1971.

TRANSCRIPT OF JUDGMENT.

Vernon COUNTY CIRCUIT COURT.

Pleas and Proceedings in the Circuit Court of Vernon County, Missouri.

BE IT REMEMBERED, That at the regular May Term of said Circuit Court, and on the 21 day of May 1889 ~~188~~ it being the 14th day of said term present the Hon. D. P. Stratton Judge of the 26 Judicial ~~District~~ circuit, the following among other proceedings were had and entered of record towit:

Elijah F. Newton
Plaintiff
vs.
Jasper L. Newton "
Defendant.

Now comes the defendant with counsel and enters his appearance herein and consents to trial of this cause at this term of this court.

Whereupon comes the plaintiff with her counsel and attorney and the cause being submitted to the court and the court having heard the evidence adduced and understood all and singular the matters submitted finds that the allegations in the petition alleged to be true, that the plaintiff is the innocent and injured party and entitled to the relief prayed for in her petition.

It is therefore considered and decreed by the court that the bonds of matrimony contracted and existing between the plaintiff and defendant be and the same are hereby dissolved and for naught held and that Plaintiff be forever divorced from the defendant. And it is further ordered and decreed by the court that the plaintiff be awarded the custody and care of her said infant child

Department of the Interior,
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lena Severs	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	388
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Largen	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	598
Samuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A Patton	679
William H Ford	173	Benjamin G. Holland	763
Thomas N Wilson	185	William Gordon	798
Ulsie Ann Smith	206	Maggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	229	Susie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	253	William H. Burrow	967

Mary Pettit	977
Bettie Mitchell	985
John J. Harrison	993
Jasper N. Bateman	1029
Susan Ballard	1065
Lucy Eva Simmons	1073
Ellen Thornton	1089
Sarah E. Hair	1090
Norman S. Drake	1092
Susan Hogg	1094
David L. Scott	1099
James C. Taylor	1111
Roxie Shepard	1128
Robert G. Elgin	1136
William Hall	1137
Mary Ella Lattimore	1141
Maggie J. Keys	1149
Joseph M. Correll	1177
Jane Ratley	1225
George E. Norton	1234
Mahala D. Thompson	1247
Charles M. Trammel	1264
Flora Carlile	1265
William H. Norrid	1275
Olivia Benge	1276
Dollie Wilson	1278
Moses Bell	1279
Sarah Fleetwood	1290
Rosa E. Fargo	1299
William M. Oliver	1333
Andrew J. Couch	1340
Lina Hyles	1347
Mary M. Miller	1350
Mary E. Taylor	1368
Polly Ann Benge	1369
Margaret Moton	1385
Minnie McKinney	1390
Nettie Seabolt	1418
Lawrence G. Faulkner	1433
Sarah A. Holt	1449
Jennette Polecat	1492
Ellen Seabolt	1508
Charles W. Nettles	1509
Lena Sittingdown	1511
Tim Creeden	1513
Odie Pideock	1517
Silas A. Saterfield	1529
Laura J. Jeremiah	1530
Etta Hicks	1540
Mary A. B. McKinney	1550

Millie Morton	1554
Andrew Walters	1573
John H. Holder	1610
Mary M. Burr	1612
Thomas E. Bonham	1644
Florence Headrick	1663
Daisy B. Brewer	1709
Annie Cordrey	1717
Adam Eckert	1722
Isaac Timmons	1726
Gent Gibson	1727
Amos Anderson	1731
William J. Mounts	1734
James D. Alexander	1745
Willis E. Miles	1769
Lora Adair	1781
John Yarborough	1796
Lillie M. Dassler	1802
Bryant C. Redington	1804
Malisa A. Maxwell	1808
Richard Dukes	1811
Fannie Pettit	1816
Genevia Pool	1817
Mollie Crossland	1822
Lizzie Benge	1828
John H. Welty	1847
Edward P. White	1884
Lauren P. Green	1887
Charles Rosser	1898
Fay Adair	1913
Henrietta Irving	1920
Bird Trippard	1925
John C. Carlile	1937
John W. Gilstrap	1954
Sarah Young	2018
Nancy A. Coleman	2040
James N. Whisenhunt	2118
Hiram Stephens	2157
Asa L. Guinn	2159
Rebecca J. Flying	2172
Thomas J. Measles	2192
Julia Coody	2215
Sarah Crutchfield	2224
Henry E. Lee	2251
Sarah Gritts	2256
John A. Madden	2261
Henry C. Pennel	2271
Matilda S. Cleland	2302
Dona A. Frazier	2312
Laura B. Cordrey	2320

Lafayett D. Kindred	2328
Pearl V. Sisson	2339
Nancy J. Sevier	2380
Mollie Hair	2385
Dora Sayers	2474
William T. Jones	2501
Sarah L. Martin	2502
William J. Shoemaker	2506
Maud Baldridge	2511
James L. Townsend	2513
George L. Morgan	2568
Andrew A. Brown	2575
Louis K. Fair	2623
James L. Mitchell	2644
Martha E. McNair	2659
Millard F. Eggleson	2668
Elisha M. Gray	2686
Jessie M. Ballard	2694
Annie Mayes	2798
Belle Sixkiller	2809
James P. Riley	2825
William Broaddus	2854
William A. Martin	2865
Joseph Q. Buchanan	2888
Marcellus L. Baker	2905
Etta M. Hill	2915
John R. Smith	2922
Ira W. Wallen	2926
John B. Laurence	2959
Lula O. Hitchcock	2961
Bell L. Muskrat	2975
Eliza O'Field	2977
Margaret Suagee	2993
Winfield S. Nance	3007
Benjamin F. Kelley	3010
Mollie Daugherty	3039
Charles H. Leatherman	3043
Alice A. Edwards	3100
Dorinda Adair	3106
William R. Gray	3118
Dora B. Caulk	3143
Jesse M. Gallman	3161
Martha E. Garrett	3162
Artie E. Large	3164
Andrew A. Kelley	3191
Anna B Ryne	3193
Eliza Henderson	3198
David E. Jenkins	3212
Lizzie Falling	3233
Robert L. Payne	3252
William A. J. Trotter	3257
Albert P. Goforth	3298
Anna B. Martin	3307
William Brown	3344
Jennie B Bluejacket	3345
William Little	3377
Julia M. A. Russell	3386
Andrew J. Smith	3393
William N. Blakemore	3396
Lizzie Denton	3417
Belle Hudson	3435
Thomas S. Heady	3437
William M. Roseborough	3444
Madison G. Hawkins	3467
Japhat F. Ellis	3491
Emma McAffrey	3543
William T. Huitt	3570
Myra F. Chouteau	3580
Phillip Donohoo	3581
Fred L Kelley	3593
Annie Herod	3594
Maggie V. Fields	3615
Lou Payne	3616
Frederick W. Strout	3692
Andrew L McCamish	3713
Sarah Dirtthrower	3731
William P. Coble	3758
Robert L Madison	3761
Mariah McDowell	3795
Elizabeth R Thornton	3811
Donithan A. Wilson	3841
Charles F. Covey	3868
Tamsey M. Williams	3886
Mary J. Wolfe	3889
Lathan Lumbard	3891
Micajah P. Haynes	3897
Annie L. Wingfield	3903
Mary Fields	3907
William W. Dudley	3944
Minnie M. McLaughlin	3950
Henry B. Lindsey	3978
Wilbert H. Parkison	3999
Seth R Hall	4011
Wiley Hanna	4016
Martha M. Woods	4093
Lizzie Gray	4117
Nancy C. Carey	4131
Annie E. Kenney	4165
William H. Ward	4169
Nannie Brewer	4189

Nancy J. Kinney	4225
Sydney E. Bell	4232
Isaac H. Jordan	4235
Charles Parks	4244
Dora Frenchman	4262
James R. Fugate	4275
Maud Adams	4277
Elizabeth Black	4281
Anna Thornton	4291
Robert T. Morrison	4294
Perley Israel	4295
William A. Long	4304
Mollie Swannock	4319
Frances Guess	4324
Allen H. Gibson	4327
John McFall Jr.	4343
Albert W. Fitzsimmons	4360
George S. Ford	4386
Quinn Carr	4387
William A. Powell	4390
Austin Hasley	4400
Anna Bible	4414
Elizabeth Riley	4428
John P. Sudderth	4449
Anderson Keen	4450
Ida M. Adams	4451
Martha J. Randall	4457
Mollie Conner	4477
Jane McGhee	4491
Jennie Riley	4525
Hannah Randall	4528
Charles W. Childers	4542
Nannie B. Riley	4543
John W. McDaniel	4544
Minnie Armstrong	4548
Ada Chouteau	4549
Mary Thompson	4571
Ota Armstrong	4593
Mary Spencer	4594
Clarkson F. Woody	4603
James M. McConnell	4604
Annie E. Coker	4605
Jennie Long	4606
Julia Gilstrap	4607
Laura E. Smith	4608
Annie Nicholas	4609
Minnie R. Taylor	4611
Mary E. Rogers	4614
Emma Downing	4615
William Steere	4619

Roxie J. Ketchum	4623
Lizzie Love	4626
Robert K. Wann	4632
Frederick Metzner	4633
John C. Bratcher	4634
Piqrow L. Jones	4641
Ada Bertholf	4642
Alice Robbins	4644
Jane Dougherty	4649
Samuel Francis	4650
Clemon C. Peek	4652
Mont C. Frazier	4653
Frank J. Mayberry	4656
Charles W. Moore	4660
Jefferson D. Edmondson	4661
Alonzo H. Boone	4662
Thomas C. Mock	4668
Sallie Allison	4669
Elizabeth E. Burgess	4671
LaFayette Breeden	4673
James M. Boling	4676
Francis A. Neilson	4681
John F. Smith	4689
Rufus S. Steward	4691
John T. Haddock	4694
Maggie O. Walkley	4695
George W. Talbert	4698
Mary Miller	4700
Henry C. White	4707
Mattie E. Hill	4760
Alice A. Bible	4772
Katie Coker	4785
John Creek	4801
Ruby R. Bean	4804
William J. Dodson	4836
Blackburn Reed	4882
Viola Lowther	4891
William B. Ritchson	4910
Henry D. McDonald	4950
Della McDaniel	4956
Dorothy Rattlinggourd	4991
Ida McCay	5093
Henry M. Lyon	5100
Alice J. Wofford	5101
Nancy Morris	5137
Ella Sullivan	5140
Winfield Williams	5144
Bessie M. Smith	5145
May Humphrey	5207
Donnie Burgess	5235

Nora B. Burgess	5236
John E. Etter	5239
Harriette Rogers	5240
Amanda Foreman	5244
William H. Wells	5261
John T. Gaylor	5266
Annie Sweeten	5269
Rosalee Hendricks	5278
Emma Chambers	5328
James H. Thomas	5329
Melville B Baird	5332
James R. Goodall	5356
Charles Horton	5390
James W. Goddard	5417
Dora Cox	5425
Nannie G. Alberty	5438
Sallie Ward	5455
William H. Sutherlin	5484
Lizzie Hall	5487
Cyrus B. Essex	5489
Eda Taylor	5493
Laura Taylor	5494
Elector D. Miller	5496
Emberson M. Arnold	5498
Stella Henry	5499
William E. Oneal	5506
John M Sharp	5509
John L. Davis	5514
Sarah E. Downing	5518
Samantha C Glass	5524
Harry Jones	5525
Aggie Paris	5532
James W Hallford	5535
Phoebe Coker	5537
Anthony K. Douglas	5538
Joseph H. Johnson	5541
Harvey O. Riggs	5547
Alice Glass	5553
Addison Reeves	5566
Alice Coats	5572
Julia Kidd	5575
William R. Greer	5576
Rosa M. Sixkiller	5581
Nancy Inlow	5587
Daisey H Owen	5599
Annie R. C. Owen	5600
Jesse McKnight	5602
Cicero J. Strange	5610
Henry Westenhaver	5611
Emma H. Roach	5612
William A. Polson	5613
Paulina P. Pitcher	5614
Charley Headrick	5615
William N. Stinson	5616
Lenora A. Henry	5621
Effie M. Adams	5622
John H. Shimp	5624
Thomas B. Dickson	5625
Minnie Henry	5628
Thomas J. Simpson	5629
Cap L. Lane	5630
Reuben E. DeLozier	5631
John Heape	5640
Perry G. Brock	5645
Mary J. Newcomb	5650
George W. Seigel	5660
Martha A. Parks	5666
Zelda C. Mills	5674
Lizzie Rogers	5675
Emma Pigeon	5676
Nellie Bluejacket	5677
Lucy Bacon	5679
Thomas B. Wood	5681
Asa W. Simerson	5683
William J. Kuhn	5686
Elsie Couch	5688
William H. Robinson	5692
Rachel Washington	5693
Isaiah B Blackwood	5700
John R. Johnson	5701
Dennis W Smith	5702
William H Chesnut	5705
William H Durham	5707
Albert B Buckmaster	5710
Maud Crutchfield	5730
Joseph S Lavne	5731
Lena Bell	5737
Juan N Corn	5748
Robert N Clifton	5750
Benjamin F Coffee	5756
Frank McSpadden	5760
Charles D Pendleton	5775
Harden H Green	5776
Emma J Ward	5778
Robert C Fuller	5781
Henry F Extine	5796
Ida Wyly	5802
Richard L Fite	5815
Edward Lutz	5816
John F Woodworth	5829

Horace H. Huddleston	5832
William R. Sartain	5837
Joseph A. Lawrence	5843
William H. Hinton	5846
Joseph Lehi	5851
Ann M. Young	5852
Mary C. Barnes	5853
Matilda Thompson	5861
William W. Young	5872
Earley F. Ellis	5874
Rosa B. Alberty	5877
Sarah Cannon	5879
Mamie Beck	5887
Jack H. Merchant	5888
John D. Merchant	5889
Sarah E. Ghormley	5894
Jerry Young	5906
James H. Brickey	5916
Mary Hicks	5919
George W. Weems	5922
Albert Crain	5923
James M. Jones	5932
Alfred W. Shelly	5935
John M. Stratton	5936
Waddie Hudson	5937
Robert C. Johnson	5939
Mary T. Thompson	5941
Edith A. Parris	5943
Addie Hubbard	5949
John A. Lowry	5962
John R. W. Brantley	5963
James T. Carroll	5964
Christopher F. Jordan	5965
Minerva E. Stover	5966
John W. Twilley	5967
Joseph W. Mounce	5970
Cornelius P. Potter	5971
Amanda C. Thompson	5972
John M. Rusk	5976
Harrison L. Hughes	5978
Silas B. Dildine	5983
Lewis M. Payne	5985
Nancy Beamer	5988
Sarah F. Selvidge	6002
Posy F. Buckner	6005
John A. Moreland	6010
Alice Welch	6015
Mary C. Thompson	6022
Ida Beck	6029
William R. Tittle	6030
George C. Duffield	6031
Amelia Reese	6033
Alexander West	6036
John Tootle	6037
Florence G. Langley	6038
John T. Ham	6042
Mary L. Jordan	6048
John W. Bradshaw	6076
James L. Dean	6079
Amanda J. Thompson	6082
Malissa Hubbard	6089
Jane Benge	6111
John D. Ryals	6113
John C. DeLozier	6117
Jessie Willis	6118
Mary A. Clark	6124
Mary J. Tipton	6126
Leander Newton	6136
William A. Qualls	6138
Henderson B. Thomas	6144
Hugh T. Watkins	6163
Nancy Keys	6172
Berry Hutchins	6186
Eli Parker	6189
Sarah E. Shaw	6194
Julia Keys	6211
Boon J. Grey	6214
John Grubb	6216
William M. Costephens	6230
Jane Bean	6232
Lillie I. Taylor	6236
Abbie B. Adair	6239
Mack C. Watkins	6246
Robert W. Murray	6261
John G. Petty	6269
Lucinda Poorboy	6279
Sarah Mayes	6286
Henry W. Pyeatt	6300
Isaac A. Wilson	6308
John T. Hall	6310
Edward L. King	6315
Katie Still	6325
Emmer Carlile	6338
Bird Webster	6347
Fannie Morris	6353
Leonard Lee	6357
James R. Miller	6362
James Brackett	6370
Nora Allen	6371
John T. Washington	6373

James J. Snider	6375
William H. Winget	6376
Ida R. Wilkerson	6383
George A. McBride	6385
Matilda Cookson	6387
William A. Fisk	6392
William O. Ames	6394
Thomas Wilkerson	6396
Alice C. Springston	6407
Fanny N. Witt	6413
Lillie M. Adair	6424
Mark F. Matheson	6428
Ida L. Wilson	6431
George E. Marrs	6441
Ulysses S. Reeves	6443
Daniel A. Smith	6447
Henry J. Dawson	6450
Sarah Adair	6452
Ida F. Wilson	6455
Mary E. Taylor	6459
Catherine Henson	6468
Charles C. Fitzsimmons	6471
Mary E. Campbell	6476
Columbus N. Long	6478
Mary Wilkerson	6480
Myrtle Ward	6484
Belle Manus	6499
Martha E. McLain	6508
Mary A. Brown	6517
Marion M. Ballew	6530
Mellie Mayfield	6540
Sarah Blevins	6541
Frank Powell	6542
Georgia Jackson	6546
Leonard S. Simpson	6549
Almira Ussrey	6560
James McInerney	6561
Fannie Carlile	6578
Sadie A. Mayfield	6580
Silas A. Bryan	6581
William S. Martin	6585
Emma J. Thompson	6589
Lydia McDaniel	6593
David W. Lamb	6595
Gus R. Hart	6603
Poca Phillips	6632
Lois E. Daniel	6678
William W. Turner	6689
Lillie B. Blackstone	6714
Mary Lillard	6715
James L. Lee	6717
Rosa Phillips	6723
Kate Brown	6735
Laura B. Barnett	6743
Elizabeth Sanders	6745
William T. Neff	6747
William R. Scott	6751
Laura Fish	6770
Maggie Ketcher	6779
Dora A. McDonald	6783
Rosia B. Willis	6785
Daniel Hubbard	6787
Mary R. Tadpole	6801
Magnus A. McSpadden	6811
Sarah F. Pathkiller	6824
Clora Twist	6845
Mattie M. Welch	6846
Cora Griffin	6850
John S. Hyatt	6853
Jefferson K. Tyner	6855
Flora R. Miller	6859
Lizzie Craig	6872
Jacob C. Johnson	6876
George W. Ware	6897
James B. Deatherage	6901
Lucinda F. Hartness	6943
Frances E. Tehee	6961
James M. Burt	6965
Rady Tipton	6975
Laura Hendricks	6976
Laura V. Smith	6979
Lorenzo C. Darnell	6988
Robert M. Mitchell	7004
William Henry Reeve	7005
James Pyle	7009
Willie Hilderbrand	7015
Alice M. Roberson	7031
Charles Morris	7043
Minerva J. Trent	7051
John H. Keith	7078
Katie E. Ratley	7080
Etta Patrick	7081
Nannie Martin	7090
Rosa B. Harris	7094
Samuel Brown	7100
William H. Turner	7101
Florence Mayes	7104
Maggie McCoy	7112
Mary Belle Cordry	7113
Benjamin Haner	7119

James Maher	7128
Terry A. Parkinson	7146
Cora L. Hanks	7147
Otto J. Zufall	7149
Rufu M. Norman	7155
Mary I. Foreman	7158
Alma West	7159
James M. Connally	7161
Francis M. Crowell	7163
Fannie E. McClure	7171
Benjamin B. Graham	7176
Ada Phariss	7180
William L. Whisenhunt	7184
Frances B. Perry	7191
Philip Shultz	7210
Hester A. Miller	7212
Minnie B. Edmonds	7213
Eliza Jordan	7217
William T. Ross	7218
Thomas M. Price	7225
James G. Wilson	7231
Frank Rhomar	7263
John W. Thompson	7267
Melissa Booth	7271
Solon L. Jackson	7273
Henry W. Coughran	7282
Sarah Ross	7291
Mary S. Smith	7322
John A. Martin	7323
Myrtle Robinson	7330
Allen L. Buckner	7331
James L. Goad	7350
Elijah Johnson	7351
Mary E. Kimbrough	7360
Jennie Burr	7367
Kiasay Sapsucker	7378
Sarah J. Johnson	7394
William I. Branan	7409
Wyatte T. Brady	7412
Lena O. Holderman	7413
Mary F. Hummingbird	7420
Bertha A. Allen	7425
Robert J. Tyner	7426
Fannie B. Martin	7434
Myrtle Wolfe	7435
Mary Blevins	7479
Sarah Ketcher	7488
Charles D. England	7512
May Cochran	7544
Rebecca Oglesby	7549

Robert B. Collins	7556
Nancy I. Brown	7579
Mary B. Walkingstick	7642
Robert T. Kelleam	7653
Mollie Morton	7797
Mattie Girty	8006
Mack Alfred	8015
Ida Harmon	8016
Ida McCoy	8417
Rosie Foreman	8903
Annie Jackson	9034
Margaret T. Langley	9092
Ida M. Davis	9266
Nora Crapo	9289
Margaret Harmon	9378
Mary B. Langley	9438
Ella Gravitt	9439
William M. Wilson	9444
David O. Scott	9446
Harriett Forbes	9447
John Carver	9449
Thomas J. Davis	9451
Clara M. Boudinot	9453
Mary E. Keys	9454
John G. Ainsworth	9456
Mary J. Christy	9460
Malinda Seabolt	9462
Mary Cumpton	9464
Mollie P. Mulkey	9465
Andrew Brimmer	9467
James F. Flippin	9471
William Bird	9473
Mollie C. Forbes	9476
William H. Thomason	9478
Mollie Devine	9481
Mary P. Guthrie	9482
Detlev N. Leerskov	9484
Nannie Cowart	9485
Leona Catcher	9489
Alexander B. Clapp	9502
Tennie Sanders	9503
Virgil A. Wiltshire	9505
Joshua K. Carr	9510
Herbert Kneeland	9518
Hugh E. Hope	9519
Thomas J. Ritter	9522
Martha Baldridge	9529
James R. Poindexter	9535
Maud Foreman	9539
Belle Bryant	9542

Joseph P. Smith	9550
George E. Watkins	9552
Florence Henry	9553
Jesse H. Johnson	9560
Lydia B. Barger	9561
Mary Jane Thomas	9562
James F. Petty	9563
Laura McCrary	9566
Joel D. Smith	9568
William T. Cave	9572
William Bugher	9577
James M. Smith	9582
John E. Nazworthy	9583
Beverly L. Lafon	9587
Robert L. Gentry	9590
John C. Barker	9591
John P. Greenwood	9593
Henry Hayes	9596
Ella Cornwell	9598
Asa A. Hedrick	9599
William C. M. Robinson	9600
Woodrow Hadley	9612
William T. Gregory	9613
Charles M. Keys	9616
Bate O. Reed	9618
Joseph E. Feland	9623
Florence C. Smith	9625
Charles M. Cox	9630
Otis S. Skidmore	9634
William H. Hundley	9635
Thomas A. McDonald	9636
Annie Sanders	9638
Mack H. Martin	9640
Mary Ward	9653
George Givens	9658
Pheney Poorboy	9660
Charley Kiper	9671
Andrew J. Snider	9672
William T. Barton	9684
Daniel Crail	9770
Mary M. Motte	9771
Lecia E. Herrin	9854
Gailen E. Carrick	9855
Rosa B. Barger	9857
Rachel Foreman	9858
Serepta C. Willis	9861
Virgie Seabolt	9864
Annie Cannon	9867
Isabella McCoy	9874
Robert E. Dry	9875

William G. Brown	9879
John B. Delay	9881
Pairlee Thompson	9882
Guenther W. Werther	9883
Margaret Crittenden	9884
Moses L. Morris	9889
Sarah L. Rogers	9891
Stephen Duncan	9892
Gideon D. Sleeper	9895
William A. Maddin	9896
John H. Horton	9904
Howe L. Rogers	9905
William Rush	9912
George W. Edens	9916
William H. Hall	9920
Edith B. Pheasant	9935
Carrie A. Collins	9936
Lucinda Spriggs	9937
Ella F. Hail	9939
John W. Harris	9949
Hannah Raper	9942
John J. Coughran	9945
Youra F. Waybourn	9946
Louisa J. Taylor	9947
William M. Evans	9948
William F. Pierce	9940
May F. Chambers	9950
Albert Stevenson	9954
Henry Kiefer	9955
Sarah Bean	9956
Zeno M. Cox	9964
Jerusha E. Blair	9965
Elias Kyle	9991
Ida Cushman	9992
James W. Fleming	9994
Samuel Holmes	9995
Walter H. Talley	9997
Hannah J. Miller	9998
Clara V. Ward	10002
Stephen W. Pittsenberger	10005
Mary E. Palmour	10008
William T. Partin	10011
Nellie Fields	10013
Sarah A. Dawes	10015
Willard E. Hutchins	10016
Jesse Talbert	10020
Julia E. Setser	10021
Amanda E. Howell	10022
Mamie J. Rogers	10023
Nannie Rogers	10024

James B. Bradshaw	10025	Millie A. Carnes	10113
Ida L. White	10026	Lucy E. Robards	10114
Addie B. Miller	10027	Edward H. Fitzgerald	10115
William R Condry	10028	John T. Pickard	10117
James D. Canary	10029	Charles Rains	10118
John Kelley	10031	Nancy Mayfield	10123
Kate Craig	10033	Anna B. Tittle	10124
John A. Butts	10034	Richard A. Clark	10126
John J. Dameron	10035	Emma B. Martin	10128
William Warner	10036	Walter L. Bates	10129
George A. Allen	10037	Nellie Brewer	10130
Watie Shetley	10038	William Heffernan	10131
John E. Carter	10039	Levi Ackley	10132
John M. Boyd	10043	Bessie Davis	10133
William Fister	10047	Eva Brackett	10135
Darius B. Troth	10049	Caleba Carnes	10136
Harry A. Kelley	10050	Jacksie M. Waybourn	10138
Mary E. Purcell	10051	Minnie Shutt	10139
Myron L. Bronson	10052	Charles L. McClure	10140
George W. Taylor	10053	William W. Russell	10141
Josie Lowther	10054	Delia Jenkins	10142
Fannie D. Perry	10055	John A. Hood	10143
Minnie B. Williams	10056	Oba Maxfield	10145
~~Solomon Copeland~~	~~10058~~	~~Mary L. Cloud~~	~~10146~~
Etha B. Wood	10059	Callie Inlow	10147
James Pace	10060	Everett M. Lowrence	10148
Wiley B. McElhaney	10062	Dora E. Hays	10150
Nancy Patrick	10063	Julia M. Schrimsher	10151
James R. Stout	10072	Parmelia E. Lyman	10153
George Parker	10073	Charles F. Trickey	10161
Laura Morton	10074	Louisa J. Palmour	10169
John D. Kelly	10075	George L. Walker	10170
Nettie Swift	10078	Annie Taylor	10171
Maggie Baldridge	10079	Josie Winters Hall	10174
David R. Stubblefield	10080	Alice Nichols	10181
Thomas J. C. Thompson	10081	Lizzie Dry	10182
Cora P. Harlan	10082	Emma Murray	10183
William L. Singleton	10083	Annie Winton	10187
Lester Evans	10084	Marian Evans	10188
Ellen Mayfield	10085	Elizabeth J. McClain	10192
Ella Bray	10087	Eliza J. Price	10199
David J. Matthews	10094	Rissie Still	10200
Thomas Brown	10100	Hannah E. Langley	10201
Houston J. Payne	10103	Alma Keith	10203
Malinda E. Scudder	10104	Flora A. Terrill	10204
Henry Odell	10105	Talesphora A. Paradee	10205
Fred Macy	10107	Samuel Shadix	10206
Mary Russell	10108	Mary E. Childers	10207
Thomas B. Brown	10109	Robert M. Hamilton	10208
Samuel L. Milligan	10111	Julia Billingslea	10209

Nannie Martin		10210
Sarah A. Fields		10214
Susie Henderson		10216
Charles H. Rienhardt		10218
William H. Watkins		10221
Frank M. Rucker		10222
Henry C Reed		10224
Laura B. Timberlake		10226
George A. Brown		10228
Drucilla Lowrey		10232
Almira Mouse	D	9
Lenora Prather	D	16
Andrew M. Cooter	D	17
Martin L. Stokes	D	28
Peter Walters	D	44
Columbus M. Reeves	D	58
Sarah Barnes	D	103
George T. Kiddy	D	108
Henry C. Agent	D	139
Joseph Phipps	D	147
Henry Hilton	D	149
David A. McGlamery	D	161
Maggie Doublehead	D	169
Annie Lovett	D	180
Nora Hood	D	184
John A. Johnson	D	232
Nathaniel G. Simpson	D	242
Oncico W. Head	D	244
Etta Taylor	D	245
Susan V. Sullivan	D	262
Levi H. Tackett	D	263
William H. Connelley	D	264
Julia A. Sullivan	D	284
May Fields	D	297
Katie Hummingbird	D	308
William F. Sager	D	320
Lovick P. Garrison	D	334
Henry Grubb	D	338
Lucy F. Lacey	D	340
Callie Blevins	D	341
James S. Alfrey	D	355
Shadrack C. Wallen	D	368
Ada Hall	D	376
Jane M. Hicks	D	396
Fannie L. Dupree	D	403
Willis Battles, Jr.	D	404
Joshua W. Ellis	D	413
Nina B. Owen	D	450
John M. Ridenour	D	458
Emery S. Thompson	D	464

Joseph Reed	D	468
Adolphus J. Hallum	D	483
Alexander Walker	D	490
Albert J. High	D	491
America Matoy	D	501
Moses L. Grazier	D	503
Myrtle Hall	D	509
Wallace Thursday	D	544
Thomas W. Baker	D	546
Mattie E. Keys	D	550
William S. Edwards	D	560
Susan L. Reed	D	572
William H. Lyman	D	574
Gracia Davis	D	577
Edward C. Bolen	D	582
Dora Guthrie	D	585
Samuel H. Hawkins	D	594
Lula M. Purcell	D	600
Ben Estes	D	603
Thomas M. Reynolds	D	621
Arthur Dodge	D	622
Carrie L. McNair	D	624
Constantine N. Walker	D	641
Joseph Davis	D	648
Leander A. Keys	D	650
James J. Barndollar	D	655
Nathan J. Brink	D	682
William S. Miles	D	688
Emma Waybourn	D	698
Dora E. Rogers	D	708
James W. Turley	D	709
Lizzie Ward	D	711
Robert J. Holly	D	713
Belle I. Quinton	D	728
Francis M. Boothe	D	734
Amos W. Lord	D	746
Agnes N. Childers	D	749
John E. Renfrow	D	752
William Coon	D	759
Louis Bruere	D	779
Georgia A. Waybourn	D	786
Eliza Fields	D	787
William H. Brown	D	788
William A. Cox	D	793
Charles A. Robison	D	799
Artha Williams	D	800
Adam Gearhart	D	806
Cicero F. Rogers	D	855
Annie Garrett	D	856
George S. Yarborough	D	875

Rhoda A. Sanders	D	878
Manuel Spencer	D	884
Benjamin H. Hulbert	D	891
Mary Brassfield	D	935
James L. Tindle	D	944
Silas G. Reneckar	D	966
Eliza Wofford	D	967
Jasper L. Newton	D	971
John N. Guinn	D	974
Hannah Parson	D	989
Nellie C. Helterbrand	D	1003
Thomas J. Welch, Jr.	D	1006
Lizzie Christian	D	1010
George Hazlewood	D	1013
James M. Jones	D	1022
Reuben A. Evans	D	1032
Carrie H. Cobb	D	1049
John M. Burns	D	1069
Sarah E. Henson	D	1083
Laura D. Henson	D	1086
Hettie E. Downing	D	1090
Benjamin F. Crain	D	1099
Benjamin Strickler	D	1129
Nancy Spaniard	D	1130
Annie Wilson	D	1131
Ora H. Maxwell	D	1135
Reuben W. Moore	D	1136
Cora Childs	D	1146
Janie Hughes	D	1179
Francis B. Reid	D	1180
Martha Carey	D	1195
Christina Johnson	D	1199
Louvenia Ironside	D	1208
Martha J. Henson	D	1218
David A. Martin	D	1228
Fred D. McEnery	D	1235
Nathaniel R. Martin	D	1261
James H. Requa	D	1266
Frank Carver	D	1267
Etta B. Payne	D	1270
Mary Garrett	D	1271
Joe W. Goodman	D	1272
Mathew J. Flanigan	D	1274
Lizzie C. Holland	D	1285
Etta Downing	D	1291
William Caywood	D	1296
Clarence W. Turner	D	1307
Alfred Chaney	D	1313
Euphemia Sweetwater	D	1314
Etta Russell	D	1319
Ella Vann	D	1320
Linnie Wofford	D	1330
Minnie Downing	D	1332
Katie Rider	D	1334
Samuel G. Mill	D	1337
Alfred H. Woods	D	1342
Cynthia Whitekiller	D	1352
Susie McSpadden	D	1361
Martha J. Houston	D	1363
Samuel M. Collier	D	1367
Katy Payne	D	1369
Joseph H. Warren	D	1375
Mattie Miller	D	1433
S. F. Moore	D	1434
Addie Schrimsher	D	1448
Fannie Vann	D	1458
Marcella Blakeney	D	1474
G. W. Williamson	D	1555
C. F. Walker	D	1558
Louisa Blevins	D	1567
Frank Cowles	D	1581
Mary Francis Madding	D	1637
Thomas Rodman	D	1661
Katie Still	D	1866
Ira Creach	D	1913
D. A. Mounts	D	1967
J. C. Sefton	D	1991
Jennie Holland	D	2024
Lou Sanders	D	2216
Caroline Barnes	D	2591
Lacey Crane	D	2592
Daisy Cash	D	2595
Hiram A. Landers	D	2599
Charles Neel	D	2603
Mattie Robinson	D	2605
Jennie Rich	D	2606
Alexander C. Russell	D	2607
Pricilla Ross	D	2608
Tom W. Reeves	D	2609
Mary Smart	D	2612
Rufus Tidmore	D	2613
Jasper Turquitt	D	2614
Mabel West	D	2618
Ophelia West	D	2619
Cora Whisenhunt	D	2620
Katy Martin	D	2667
Willis Butler	D	2686
Claud Barger	D	2687
Disie Conner	D	2698
John Culwell	D	2699

Herbert F. Couch	D	2700
Albert C. Dykes	D	2703
Delora Drew	D	2704
Frank F. Dandelon	D	2705
James Gafford	D	2708
Anna L. Harlin	D	2715
William R. Lapsey	D	2717
Bertha Landrum	D	2718
Lila More	D	2722
John D. Mathews	D	2723
Mary McIntosh	D	2725
Bertha Nidiffer	D	2730
Richard Nichols	D	2731
William S. Ross	D	2738
Irene Riley	D	2739
William H. Rowley	D	2740
Colombus C. Scroggins	D	2741
Della Summers	D	2743
William S. Sage	D	2744
Eliza Thomas	D	2748
John P. Thurman	D	2749
Mary E. Davis	D	2770
Jessie Frick	D	2774
Enna Buffington	D	2788
Will Black	D	2789
Maggie E. Davis	D	2792
Thomas Dotts	D	2793
William Daws	D	2794
Nancy Dawson	D	2796
Lena Fields	D	2797
Effie Grayham	D	2798
Alice C. Hill	D	2799
Bertha H. Harlin	D	2800
Margrett C. Hudson	D	2801
Joseph A. Kelley	D	2803
Andrew O. Kepler	D	2804
Josephine King	D	2805
Sarah Jane Birdsong	D	2806
Marion Maddox	D	2807
John A. McKenzie	D	2808
Ione McGee	D	2809
Ollie Miller	D	2810
William A. Martin	D	2811
Jesse P. Morrow	D	2812
Oliver Mason	D	2813
Edna Whitehead	D	2814
Charley Nuckolls	D	2815
Etta M. Nidiffer	D	2817
Louizer Ossowee	D	2818
William H. Patterson	D	2820
Samuel A. Parkhurst	D	2821
Ellen Rogers	D	2822
Elijah Rolland	D	2827
Endora Steele	D	2828
William M. Stucker	D	2829
Sallie Taunencie	D	2831
Mary Tassle	D	2832
John F. Wolf	D	2835
Ruth A. Ward	D	2840
Winnie Daugherty	D	2884
Mary Guthrie	D	2885
Lydia Long	D	2886
Edda Roberts	D	2887
Manda Ward	D	2889
Elmira J. Alberty	D	2905
Thomas C. Cordray	D	2906
Edward Fowler	D	2907
Dora Foreman	D	2908
Parker Holt	D	2909
John Haston	D	2910
Georgie Harlin	D	2911
Percillia Johnson	D	2913
Bettie Morton	D	2915
Samantha Spade	D	2917
Mariah Ward	D	2918
Ellen Watt	D	2919
Nora Morten	D	2920
Lizzie Anderson	D	2981
Francis Duval	D	2984
Wade S. Hayes	D	2987
James A. Hankins	D	2988
Joseph Hardee	D	2991
Tennie Horn	D	2992
Eveline Hall	D	2993
John E. Leftwich	D	2995
Mattie Henson	D	2994
John D. Colvard	D	2998
Charles W. Phillips	D	2999
Sarah Shanks	D	3000
Nettie Young	D	3009
Jerry P. Ables	D	3048
Almedie Ross	D	3052
John S. J. Fowler	D	3055
Leaner Hood	D	3056
James D. Jackson	D	3057
Emma G. Nelson	D	3058
Alice Simco	D	3059
George O. Wallace	D	3060
Fannie Clay	D	3078
Ellen Drew	D	3079

Luc Fish	D	3081	Della Baldridge	R	105.
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Leha C Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R. Mizer	R	266
Martha Spade	D	3092	Belle A. Powell	R	352
Julian Wyrick	D	3093	Austin L. Hill	R	420
Samuel Harlan	D	3157	Mary L. Dudley	R	439
Lizzie Phariss	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A. Payne	R	484
Sarah E. Davis	D	3176	Rebecca Benge	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E. Thornton	D	3183	Dora Crane	R	628
Mamie Thompson	R	4	Andrew Sitrell	R	642
Jimmie G. Thompson	R	5	John Sitrell	R	642
William T. Kelly	R	10	Lillie May Wilson	R	643
Alice Tidwell	R	19	Ollie A. Barger	R	656
Rosenna McLaughlin	R	41	Ida Hawkins	R	671
Martha A. Perdue	R	45	Lizzie Davis	R	761
Gabriel L. Payne	R	61	Clara M. Emmons	R	803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated 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, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

.....
Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

Cherokee D-971
~~Cherokee D-6657~~

Muskogee, Indian Territory, March 24, 1902.

Mrs. Sydney Newton,

Wagoner, Indian Territory,

Dear Madam:-

The Commission is in receipt of your letter of March 20, asking to be advised if yourself and children have been listed for enrollment by the Commission as citizens of the Cherokee Nation.

In reply, you are advised that on December 14, 1900, your husband Jasper L. Newton applied for the enrollment of himself and also for the enrollment of his wife Sydney Newton, and for Dellie, Rhody, Walter, William, and Lizzie Newton, as citizens of the Cherokee Nation. Your letter would indicate that your husband is now deceased. If this is correct will you please have executed and forward to the Commission the enclosed affidavit of death.

Yours truly,

Commissioner in Charge.

Enc. 1 death certificate.

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

Muskogee, Indian Territory, February 25, 1902.

Mr. Jasper L. Newton,

Wagoner, Indian Territory,

Sir:-

You are hereby notified that the application of yourself

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

on the 13 day of March, 1902.

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

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

You are required to supply the Commission with a certified copy of your decree of divorce from your former wife.

CherokeeD-971
Register.

Yours truly,

~~Acting Chairman~~

Commissioner in Charge.

ACTING CHAIRMAN

Vinita, Feb. 2, 1903

~~Received from the Commission to the Five Civilized Tribes one copy of the testimony in the~~ matter of the application of Jasper L Newton

for enrollment as a citizen of the Cherokee Nation.

Cherokee No. 10971

No. 9711

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT, } ss.

I do solemnly swear that I delivered a true copy of the within notice to [illegible]

on the [illegible] day of [illegible], A. D. 190[illegible]

[illegible]

Subscribed and sworn to before me this

Nov. 15 [illegible]

B O Jones

Notary Public.

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.

I the undersigned agent for the within-named applicant, hereby accept service of the within notice on this the day of 190

Agent for Applicant.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
NOV 15 1902

[illegible] Commissioner.

NOTICE.

In the Matter of the application of Jasper L. Newton,
for enrollment as Cherokee citizens:

To Jasper L. Newton,

Claremore I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes, Cherokee Enrollment Division, in the town of Muskogee, Indian Territory, on Nov 15th 1902, A. D. 1902, at 8 o'clock a. m., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands at Muskogee, Indian Territory, this

No. 271

Attorneys for the Cherokee Nation.

Cherokee D 971

Muskogee, Indian Territory, February 2, 1903.

Jasper L. Newton,

Claremore, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of January 30, stating that you have been informed that the Cherokee Nation has recently introduced testimony against you in the matter of your application for enrollment as a citizen of the Cherokee Nation. You state that you had no notice of the introduction of this testimony and ask to be furnished with a copy of same.

There is enclosed you herewith a copy of all testimony that has been filed in your case up to this date. Please sign and return to the Commission the receipt for this testimony.

Respectfully,

Acting Chairman.

Encl-S-51

GRS

INDEXED.

Cherokee Land Office,
Tahlequah, I. T.,
May 8, 1903.

Transmits record in matter of application of Jasper L. Newton, Cherokee D 971, for decision.

COMMISSIONER
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-971.

Tahlequah, Indian Territory, May 8, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

There is herewith transmitted the record in the matter of the application of Jasper L. Newton for enrollment as a Cherokee citizen, Cherokee D-971.

Attention is called to the order of continuance on February 7, 1903, and to the motion made by applicant on April 27, 1903, that the case be closed.

The representative of the Cherokee Nation was apprised of such motion on April 30, 1903.

The case is deemed sufficiently complete so that a decision can be prepared, but if further testimony is considered necessary, it is recommended that the record be returned with a note as to the evidence desired.

Respectfully,

C. R. Breckinridge.

Commissioner in Charge
Cherokee Land Office.

Enc. R-51.

Cher. D971

Muskogee, Indian Territory, 7/12 1904.

Received of the Commission to the Five Civilized Tribes, one copy of the testimony of February 17-1903, in the matter of the application for the enrollment of Jasper L. Newton as Cherokee, ~~freedman~~ citizen by intermarriage.

Jasper L Newton
~~Attorney for~~ Applicants.

Applicant this day states that his post office address is now, Southwest City, Mo., Box #7

C er. D 971

Muskogee, Indian Territory, January 10, 1907.

Jasper L. Newton,

Southwest City, Mo.

Dear sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn.___D_____ Commissioner.

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 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 January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

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

Respectfully,

Encl.C-100
MTM

Commissioner.

179

REFER IN REPLY TO THE FOLLOWING:

Cherokee D971

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

Muskogee, Indian Territory, March 14, 1907.

Jasper L. Newton,

Southwest City, Missouri.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, wasaffirmed by the Secretary of the Interior, January 26, 1907.

Respectfully,

Commissioner.

RPI

DEPARTMENT OF THE INTERIOR

Commissioner to the Five Civilized Tribes

Muskogee, Indian Territory, March 9, 1907.

NOTICE IS HEREBY GIVEN that the undersigned, the Commissioner to the Five Civilized Tribes, has been designated by the Secretary of the Interior, as the official to make and approve appraisals of the value of improvements upon land in the Cherokee Nation which were made prior to November 5, 1906, by white persons who intermarried with Cherokee citizens prior to December 16, 1895, and who have the right under the Act of Congress approved March 2, 1907 (Public 180), to sell improvements.

NOTICE IS FURTHER GIVEN that former claimants to citizenship by intermarriage who have made permanent and valuable improvements on lands of the Cherokee Nation and who claim the right to sell the same under and by virtue of said Act of Congress of March 2, 1907 (Public 180), must appear before the Commissioner to the Five Civilized Tribes prior to April 1, 1907, and designate the land upon which are located the improvements which they claim the right to sell by virtue of said Act; and if any such intermarried citizen shall fail to appear before the Commissioner to the Five Civilized Tribes prior to April 1, 1907, it will be considered that he makes no claim to the benefits conferred by said Act. Such appearance and designation of improvements must be made before the Commissioner at his office in Muskogee, Indian Territory, at any time between Monday, March 11th, 1907, and Saturday, March 30th, 1907, inclusive, or at any of the following named places between the dates named at which places the Commissioner will have a representative to receive said designations and hear testimony relative thereto:

Bartlesville, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Tulsa, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Claremore, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Nowata, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Vinita, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Pryor Creek, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Tahlequah, Ind. Ter., Monday March 18, 1907, to Saturday March 23rd, 1907, inclusive.

Sallisaw, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Designations must be made in person by the intermarried white claimant, or in case proper proof is made that he is physically unable to appear, by some adult member of his immediate family, or in case proper proof is made of the fact that the intermarried white claimant is physically unable to appear and has no adult member of his immediate family, by a person holding a properly executed power of attorney; provided, that in every case the designation must be made by a party familiar with the character, ownership, location and value of the improvements to be designated. At the time of said designation the testimony of any competent person will be taken by the Commissioner as to the location, character and value of said improvements.

No former intermarried white claimant will be permitted to designate improvements upon more land than he would have been entitled to take in allotment for himself had he been admitted to citizenship. If any intermarried white claimant has made a tentative selection of a full allotment he will not be allowed to designate improvements upon other land.

NOTICE IS FURTHER GIVEN that if any citizen of the Cherokee Nation entitled to select an allotment shall claim that the improvements on land tentatively selected by a former intermarried white claimant, or held by him, do not belong to said intermarried white claimant, or makes any adverse claim to said improvements, or to the right of the intermarried white claimant to sell said improvements under the Act approved March 2, 1907 (Public 180), said citizen must appear before the Commissioner to the Five Civilized Tribes either at Muskogee, Indian Territory, prior to April 1, 1907, or at one of the places above designated and within the dates above designated and make formal complaint before the Commissioner to the Five Civilized Tribes of his contention. At Muskogee, Indian Territory, between March 11th and March 30th, 1907, inclusive, and at the other places herein named during the hearings at said places as herein fixed, plats will be open for inspection showing the location of tentative allotments made by former claimants to citizenship by intermarriage and all other land on which such claimants claim improvements, so far as indicated by the records of this office.

All persons interested should take careful note of the limitation of time herein provided for, within which designations and complaints may be made, and that they must be made by appearance before the Commissioner.

TAMS BIXBY,
Commissioner.

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

Gone. "Did't leave his forwarding Card"

Jasper L. Newton,
Southwest City, Missouri.

D971

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

Reg 27/2

Jasper L. Newton,
Southwest City, Missouri.

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

MUSKOGEE, IND. T.
FEB 15 1907
REGISTERED

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Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

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r. Jasper L. Heck,

Wagoner, Indian Territory.

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MUSKOGEE, IND. TER.

REGISTERED.
MAR
IND. TER.

2071

N THE MATTER OF THE APPLICATION OF

Jasper L. Newton

FOR ENROLLMENT AS

CHEROKEE

Jasper L. Newton

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

Original testimony Dec 14/00

Memo of application Dec 14/00

Certificate of Ex. Sec. of C. N. as to his failure to find record of marriage

Certificate of marriage

Notice of final consideration 11/3/02

Certified copy of testimony received by applicant

Cherokee Jasper 00 [illegible]

Cher D 972

DOUBTFUL, as to Jesse Sanders:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 14th, 1900.

In the matter of the application of Elizabeth Sanders for the enrollment of herself and step-child, JESSE SANDERS, as citizens of the Cherokee Nation; said Sanders being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Elizabeth Sanders.
Q What is your age? A 27
Q What is your post office address? A Westville.
Q What district do you live in? A Going Snake.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood or intermarriage? A By blood.
Q Who do you want to enroll, anybody besides yourself? A I wanted to enroll my step son if I could.
Q What is his name? A Jesse Sanders.
Q Are you married? A Yes, sir.
Q What is your husband's name? A His name is Watt Sanders.
Q Is he living? A No, sir.
Q How old is Jesse Sanders? A 14 years old.
Q What was his father's name? A Watt Sanders.
Q What was his mother's name? A Mary Hubbard.
Q Was she a white person or Indian by blood? A White person.
Q Was Watt Sanders an Indian? A Yes, sir.
Q What was your name before you married? A Foreman.
Q Never was married but once? A No, sir, just once.
Q What was your father's name? A Elias Foreman.
Q Is he living? A Yes, sir.
Q Look Roll, page 451, #474, Lizzie Foreman, Going Snake.
Q Your years ago your name was Sanders was not it? A Yes, sir.
Q Look Roll, page 7[illegible], #1[illegible] Elizabeth Sanders, Going Snake.
Q Look Roll, page 7[illegible], #[illegible], Jesse Sanders, Going Snake.
Q Look Roll, page 471, #[illegible], Walter Sanders, Going Snake.
Q By W. W. Hastings, Cherokee Representative: He (Watt Sanders) has been married three times? A Yes, sir.
Q By Commissioner Needles: Have you any proof of marriage between Walter Sanders and Mary Sanders? A No, sir.
Q By W. W. Hastings: Did he ever marry? A No, sir.
Q She never lived with him? A No, sir.
Q Never recognized her as his wife? A I do not know, I think they lived together a while.

LIZZIE SANDERS being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Lizzie Sanders.
Q What is your age? A [illegible] years old.
Q What is your post office? A Mayesville.
Q Do you know Mary Sanders, the mother of Jesse Sanders? A Yes, sir, I know her.
Q Is she your sister? A She is my half sister.
Q Do you know whether her and Walter Sanders were ever married or not? A No, sir.
Q Never were married? A No, sir.
Q Did they live together as man and wife? A Yes, sir.
Q For how long? A I would not be for certain how long, four or five months.
Q She was a white woman? A Yes, sir.
Q Was she ever married before? A No, sir.
Q Was she ever married since? A Yes, sir.

Elizabeth Sanders:--2.

Who did she marry? A A fellow by the name of Alex Vann.
Q Is she living now? A Yes, sir.
Q Was Jesse Sanders born while they were living together? A Afterwards.
Q Did Walter Sanders acknowledge him as his child? A Yes, sir, he lived with him up to his death.
Q By W. W. Hastings: Now, how long had he been living with her until Watt died? A Since 1895.

Com'r Needles:--The name of Elizabeth Sanders appears upon the authenticated roll of 1880 by her maiden name, Elizabeth Foreman, and on the census roll of 1890 as Elizabeth Sanders, she having since married one Watt Sanders, now deceased. She is duly identified according to the page and number of the rolls as a Cherokee citizen by blood and make a satisfactory proof as to her residence, and she will be duly listed for enrollment as a Cherokee citizen by blood.

The application for the enrollment of Jesse Sanders, who she avers is the child of her husband, Walter Sanders, by one Mary Hubbard. The testimony shows that the said Walter Sanders, who was a Cherokee by blood, was never married to Mary Hubbard, who was a white woman, the mother of Jesse Sanders. Other facts as to the marriage, set forth in the testimony; consequently the application for the enrollment of said Jesse Sanders as a Cherokee citizen by blood, will be suspended and his name will be placed upon a doubtful card, awaiting any further evidence that may be presented as to the marriage of said Mary Hubbard and Walter Sanders.

---oooOOOooo---

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

J. S. Lawson

Subscribed and sworn to before me this 17th day of December, 1900.

Commissioner.

D972

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 1 1902

R.

C. D-972.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March, 13, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Eliza Sanders for the enrollment of her step-son, Jesse Sanders, as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 25, 1902, that her application for the enrollment of her step-son, Jesse Sanders, as a citizen of the Cherokee Nation, would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 13th day of March, 1902, and that on said date she might appear before the Commission, either in person or by attorney, when an opportunity would be given her to introduce any additional testimony affecting her application. The applicant having this day, to-wit: the 13th day of March, 1902, been called, and failing to respond, itis deemed that her case is completed and she will be reported to the Commission for final decision based upon the evidence now of record.

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

Wm Hutchinson

JOR.
Cher. D-972.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., October 27, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of JESSE SANDERS as a citizen by blood of the Cherokee Nation.

ELIZABETH SANDERS, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Elizabeth Sanders.
Q How old are you? A Twenty-nine.
Q What is your post office address? A Westville.
Q Are you a recognized citizen by blood of the Cherokee Nation?
A Yes sir.
Q Have you been listed for enrollment as such? A Yes sir.
Q Are you the Elizabeth Sanders who appeared before the Commission December 14, 1900, and made application for the enrollment of your step9child, Jesse Sanders? A Yes sir.
Q Is Jesse Sanders living? A Yes sir.
Q Is he a Cherokee by blood? A Yes sir. His mother was a white woman.
Q What is the name of Jesse Sanders' mother? A I don't know what her name had been. She was a Hubbard, Mary Hubbard, might be Mary Sanders.
Q Is Mary Hubbard living? A No sir.
Q How long has she been dead? A I don't know how long she has been dead, about five or six years, though, I guess.
Q What is the name of the father of Jesse Sanders? A Watt Sanders
Q Is he living? A No sir.
Q How long has he been dead? A It will be two years in November.
Q Were Mary Hubbard and Watt Sanders married? A No sir, I don't think they were.
Q Do you know whether they lived together as husband and wife or not
A Yes sir.
Q How long? A Could not tell you that. They lived together a good while, I know. He brought her home, and kept her at his home.
Q Have you heard about how long they lived together, whether it was a short time, or a considerable length of time? A No sir, but her sister is here, she might know.
Q Mary Hubbard's sister? A Yes sir. I don't know exactly how long it was. Never did ask him how long they lived together.
Q Which died first, Wat Sanders or Mary Hubbard? A Mary Hubbard died first.
Q About how old is this child, Jesse Sanders? A Will be fourteen years old next June, I think. No, he is fourteen years old now.
Q Did Wat Sanders recognize this child, Jesse Sanders, as his child
A Yes sir.
Q Did Jesse Sanders live with his father? A Yes sir, he brought him home and kept him until his death. He is still there.
Q Did Mary Hubbard and Wat Sanders live together until the time of his death? A No sir.
Q They separated? A Yes sir.
Q After they separated, who kept this child? A She kept him until she gave him to me.
Q Until she died? A Yes sir. She gave him to Wat Sanders before she died.
Q You married Wat Sanders after Mary Hubbard died? A No sir.
Q Before she died? A Yes sir.
Q Wat Sanders always recognized that child as his, did he? A Yes
Q How long had Wat Sanders resided in the Cherokee Nation? A He lived in the Cherokee Nation all the time, I guess.

Q Born and raised in the Cherokee Nation and lived here all his life
A Yes sir.
Q Do you knowof his being out of the Cherokee Nation at all?
A No sir.
Q How long did Mary Hubbard reside in the Cherokee nation?
A Could not tell you that either. I don't know what year they came
Q Was she residing here when she died? A Yes sir.
Q From the time she and Wat Sanders began living together, did she reside in the Cherokee Nation continuously until she died? A Yes
Q How long has this child, Jesse Sanders, resided in the Cherokee Nation? A He was born and raised here too.
Q Has he ever lived out of the Cherokee Nation at all? A No sir.
Q How long has it been since you and Wat Sanders married?
A We were married in 1892.
Q It has been ten years since you married him? A Yes sir.
Q Did you and he live together continuously until the time of his death? A Yes sir.
Q Is this child, Jesse sanders, in your custody now? A Yes sir.
Q How long has he been in your family? A Ever since 1895.
Q He has continued to reside with you in the Cherokee Nation since that time? A Yes sir.
Q Have you been outside the Cherokee Nation for any purpose within thepast five years? A No sir.
Q Were you born and raised in the Cherokee Nation? A Yes sir.
Q Resided here all your life? A Yes sir.

ELIZABETH SANDERS, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Elizabeth sanders.
Q How old are you? A About thirty-three.
Q What is your post office address? A Westville.
Q You are a white woman, are you? A Yes sir.
Q Did you know Mary Hubbard? A Yes sir.
Q Is she related to you? A She was my half sister.
Q She is dead? A Yes sir.
Q Were she and Wat Sanders married? A No sir.
Q Did they live together as husband and wife? A Yes sir.
Q How long? A I don't know for certain how long they lived together.
Q Was it a short time or a considerable length of time?
A It was about five or six months, I reckon, may be not hardly so long.
Q Then they separated? A Yes sir.
Q How many children did they have? A Only one.
Q They were never lawfully married? A No sir.
Q She lived at his house, did she? A Yes sir.
Q Were they recognized in the community as husband and wife?
A Yes sir, she was living right with him.
Q They were separated when this child Jesse was born? A Yes sir, they were separated then.
Q How long had they been separated, do you know? A About two or three months, I reckon. Had not been separated long.
Q Is this child, Jesse Sanders, recognized as May Hubbard's child by Wat Sanders? A Yes sir.
Q Has he always recognized it as his child? A Yes sir, he did.
Q The child is living with him? A Yes sir.
Q Did Mary Hubbard always contend that that was Wat Sanders' child
A Yes sir, she did.
Q Was she ever married before she lived with Wat Sanders? A No sir

Q He was the first man she ever lived with? A He was the first man
Q Do you know anything about whether he was ever married before he lived with her? A He was lawfully married to a woman, but she was dead.
Q Was your half sister, Mary Hubbard, the second woman Wat Sanders ever lived with? A The third, I reckon.
Q What was the name of the othee woman he lived with? A She was a Stancil, I think.
QN Did he live with her before he did with Mary Hubbard? A Yes sir
Q Was she living? A Yes sir, she was living at home with her father.
Q Was Wat Sanders married to her? A No sir.
Q How long did they live together? A I don't know for certain how long.
Q Do you know about how long? A No sir, I don't. Never did hear them say that I recollect of.
Q Has Jesse Sanders resided in the Cherokee Nation continuously all his life? A Yes sir.
Q Did he reside with Wat Sanders until the time of Wat Sanders' death? A Yes sir.

This testimony will be filed with and made a part of the record in the matter of the application for the enrollment of Jesse Sanders as a citizen by blood of the Cherokee Nation, Cherokee doubtful card field No. 972.

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

Wm Hutchinson

Subscribed and sworn to before me this 14th day of November, 1902.

T B Jones
Notary Public.

Cherokee D 972

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

In the matter of the application for the enrollment of Jesse Sanders as a citizen by blood of the Cherokee Nation.

D E C I S I O N

The record herein shows that on December 14, 1900, Elizabeth Sanders appeared before the Commission at Tahlequah, Indian Territory, and made application for the enrollment of her step-child, Jesse Sanders, as a citizen by blood of the Cherokee Nation. Further proceedings were had in the matter of said application at Tahlequah, Indian Territory, on October 27, 1902.

The evidence shows that the said Jesse Sanders is the minor child of Mary Hubbard, a white woman, and Walter Sanders, a Cherokee who is identified on the authenticated tribal roll of 1880, and the said Jesse Sanders is therefore the descendant of said Walter Sanders, born since the preparation of that roll. Jesse Sanders is identified on the Strip payment roll of 1894 and the Cherokee Census roll of 1896.

The evidence further shows that said Jesse Sanders has lived in the Cherokee Nation all his life, and that he resided therein with his father up until the death of said Walter Sanders in 1900.

It is, therefore, the opinion of this Commission that Jesse Sanders 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.

Muskogee, Indian Territory,
this MAR -2 1903

Cherokee D-972

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 Elizabeth Sanders for the enrollment of her step-child, Jesse Sanders, 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-520

Memo of application on Nov 17/00
Notice of final consideration, 31/3/02

972

See Cherokee Docket 667

Cher D 973

8473

Department of the Interior.
Commission to the Five Civilized Tribes.
[illegible], I. T., December 14, 1902.

In the matter of the application of Alex Downing for an [illegible] of [illegible] to the Cherokee Nation, [illegible] the following:

Q [illegible] A Alex Downing.
Q [illegible] A 18.
Q [illegible] A Male.
Q [illegible] live in? A [illegible].
Q [illegible] Yes sir.
Q [illegible] A Yes sir, [illegible].
Q [illegible] live? A Yes sir.
Q [illegible] A [illegible].
Q [illegible] father. A Jesse Downing.
Q [illegible] A [illegible].
Land [illegible] District
Land [illegible] 20', [illegible] District.
A [illegible] to enroll my brother too, is in [illegible].
Q [illegible] brother. A Dick Downing.
Q [illegible] brother? A 22.
Q [illegible] the Cherokee Nation [illegible] his life? A [illegible].
Q [illegible] in [illegible]? A [illegible].
Q [illegible]? A Yes sir.
Q [illegible] with? A Yes sir.
Q [illegible] Land District, I [illegible].
Q [illegible] A [illegible].
Q [illegible] A I don't know. I never heard it.
Q [illegible] your brother [illegible]? A At Westville.
Q [illegible] A He is [illegible] his trial. He [illegible] sir.
Q [illegible] A [illegible] sir.
Q [illegible] A [illegible].
Q [illegible] A Yes sir.
Land [illegible] 20', [illegible] Downing, Goingsnake District.
Land [illegible] 20', [illegible], Dick Downing, Goingsnake District.

[illegible]

The applicant applies for the enrollment of himself, and brother. He [illegible] that he is in jail at Fort Smith undergoing a sentence imposed upon him last [illegible] for [illegible] conditions [illegible] to [illegible] for his brother. The applicant is listed on the roll of [illegible] as a native Cherokee. He has lived in the Cherokee Nation all his life. [illegible] full blood. He is too young to be on the roll of [illegible]. His mother is identified on that roll; and he will be listed for enrollment as a Cherokee by blood. His brother, Dick Downing, is identified on the roll of [illegible] as a native Cherokee. He has lived in the Cherokee Nation all his life, and he will now be listed for enrollment as a Cherokee by blood on a doubtful card to enable the Commission to examine the Court records if it desires to do so.
Q [illegible] Downing's postoffice address? A Paron.

T. G. [illegible], being duly sworn, states that he is stenographer to the Commission to the Five Civilized Tribes, and reported in full the testimony and proceedings in the above cause, and that the foregoing is a full, true and correct transcript of his stenographic notes in said cause.

T. G. Rotheuberger

Subscribed and sworn to before me this 14th day of December, 1902.

[illegible]
Commissioner.

D 965

[illegible] Office [illegible],

COMMISSION [illegible] Indian Affairs.

In the matter of the application for the enrollment of [illegible]; as a citizen [illegible], and his children, Bessie, John [illegible], Little [illegible], and [illegible] Crail, and a step-child Pendleton [illegible], minors.

PRELIMINARY STATEMENT.

On the [illegible] November, 1909, [illegible] the [illegible] of the [illegible], [illegible] affidavit of the [illegible], [illegible] August, 1909, [illegible] Crail [illegible] to Minnie J. Crail, the lawful wife of Darius Crail.

[illegible] accompanied by an affidavit of Sarah [illegible], [illegible], who was [illegible] phonetic birth.

It is directed that [illegible] be filed with the [illegible] case.

[illegible] Clerk.

[illegible],

[illegible] 1910.

C D 953

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Daniel Crail; his wife, Linnie J., and his children, Dellie, John H., Myrtle J., and Dora B. Crail, and a step-child Beulah L. Batson, as citizens of the Cherokee Nation.

SUPPLEMENTAL STATEMENT.

On the 13th day of December, 1900, there was filed with the Commission to the Five Civilized Tribes, an "Affidavit of the Mother," showing that on the 29th day of August, 1900, Dora Belle Crail was born to Linnie J. Crail, the lawful wife of Daniel Crail.

The affidavit is also accompanied by an affidavit of Sarah Van Meter, a neighbor, who was in attendance at the aforesaid birth.

It is directed that copies of this statement be filed with the testimony in this case.

Commissioner.

Dated at Muskogee, Indian Territory,
this 17 day of March, 1902.

Cherokee D 973

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Aleck Downing for the enrollment of his brother Dick Downing, 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 December 14, 1900, Aleck Downing appeared before the Commission at Tahlequah, Indian Territory, and then and there made personal application for the enrollment of his brother Dick Downing, as a citizen by blood of the Cherokee Nation. Aleck Downing is listed for enrollment as a citizen by blood of the Cherokee Nation on Cherokee Field Card No. 6693.

Dick Downing was born and reared in the Cherokee Nation. He is identified on the Cherokee authenticated tribal roll of 1880, as Dick Downing, and is further identified on the Cherokee census roll of 1896 as "Richard Downing."

His inability to appear in person and make application for his enrollment was due to the fact that he was confined in jail at Fort Smith, Arkansas.

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 the opinion of this Commission that Dick Downing 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 therefore so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,
this 20 day of May 1902.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

D. 973.

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 Aleck Downing for the enrollment of his brother, Dick Downing, 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 above 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.

Encl. D-973.

Original testimony Dec 14/00
Memo of [illegible]

D-973

[illegible] Card #6693

Cher D 974

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., December 14, 1900.

In the matter of the application of John N. Quinn for the enrollment of himself, wife and children as Cherokee citizens; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A John N. Quinn.
Q How old are you? A 52.
Q What is your postoffice? A Tahlequah.
Q In what district do you live? A Tahlequah.
Q You want to enroll yourself and family? A Yes sir.
Q Have you a wife? A Yes sir.
Q How many children have you? A Ten.
Q All under 21 and unmarried? A Yes sir.
Q Are you a Cherokee by blood? A No sir.
Q Is your wife a Cherokee by blood? A Yes sir.
Q When did you marry your wife? A In '82.
The applicant presents a license issued by the Clerk of Tahlequah district, March 7, 1882, authorizing marriage between himself and Susan Parris, the certificate shows they were united in accordance with said license two days thereafter by the Rev. William Weaver. This is filed herewith.
Q That is the name of your wife, is it, or was? A Yes sir.
Q Have you lived with her ever since you and she married? A Yes sir.
Q Were you ever married except to her? A Once.
Q Was ~~that~~ wife ~~that~~ when you married her? A No sir. She was a white woman.
Q Did you have a divorce from her? A Yes sir.
Q Have you a copy of the decree of divorce? A No sir.
Q What is the name of your first wife? A Victoria Middleston
Q Where were you married to her? A In the States.
Q What State? A Arkansas.
Q What County? A Logan.
Q When were you married to her? A I can't give the date.
Q When were you divorced from her? A About 27 or 8 years ago.
Q Did you get a divorce in Logan County? A Yes sir.
Q Your wife's full name is Susan Quinn? A Yes sir.
Q How old is this wife? A She's about 42.
Q You were never married but once before you married this wife? A No sir.
Q Was this wife ever married except to you? A No sir.
Q Has she lived in the Cherokee Nation all her life? A Yes sir, born and raised here.
Q Give me the name of her father. A Green Parris.
Q Is he dead? A Yes sir.
Q Give me the name of her mother. A Jane.
Q Is she dead? A Yes sir.
Q Give me the names of your children. A Lorim W.
Q How old is he? A 18 years old the 10th of this month.
Q The next child? A George W.
Q He's 15 years old? A Yes sir.
Q The next child is Lizzie E. 13 years old? A Yes sir.
Q The next one is William P, 11 years old? A Yes sir.
Q The next one is Addie B., she's 10 years old? A Yes sir.
Q The next one is Lue E., 8 years old? A Yes sir.
Q The next one is Walter F., 6 years old? A Yes sir.
Q The next child is Bertha J., 4 years old? A Yes sir.
Q The next child is Susie L., three years old? A Yes sir.
Q Arthur L., born the 7th of this month? A Yes sir.
Q These children are all living now are they? A Yes sir.
1880 roll; page 155, #2225, Susie Parris, Cooweescoowee.
1896 roll; page 1280, #87, John Quinn, Tahlequah district
1896 roll; page 1176, #1246, Susie Quinn, Tahlequah district
1176, #1247, Lorum "
1176, #1248, George "

1896 roll; page 1176, #1249, Lizzie Quinn, Tahlequah district.
1176, #1250, William "
1176, #1251, Ada B. "
1176, #1252, Lulu "
1176, #1253, Walter F. "
1176, #1254, Joanna "

Commissioner Breckinridge-

The applicant applies for the enrollment of himself, his wife and ten 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. Her change of name is established by the marriage license and certificate filed herewith, and she will now be listed for enrollment as a Cherokee by blood. Of the ten children named in the testimony, the first eight are duly identified on the roll of 1896; they are living, and they will be listed for enrollment as Cherokees by blood. When the Commission is supplied with proper certificates of birth of the two younger children, Susie L. and Arthur L., they also will be listed for enrollment as Cherokees by blood. As for the applicant himself, he is shown to have married his wife in accordance with Cherokee law March 9, 1882. The license and certificate are filed herewith. He has lived with his Cherokee wife ever since their marriage. He is identified on the roll of 1896. He states that he was once previously married; that his wife was never previously married. He states that he procured a divorce in Logan County, Arkansas, from his first wife prior to his present marriage. He is not able to supply the Commission with a copy of the decree of that divorce at this time. He is required to do this; and awaiting a copy of the decree of that divorce, he will now be listed for enrollment as a Cherokee by intermarriage upon a doubtful card.

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

E. G. Rothenberger

Subscribed and sworn to before me this 17th day of December, 1900.

Commissioner.

"R"

File with C. F. D- 974, Austin Whitmire, et al.

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

SUPPLEMENTAL TESTIMONY ON BEHALF OF CHEROKEE NATION in the matter of the application of Frank Whitmire et al., for enrollment as Cherokee Freedmen.

Appearances:
Mr. Smith, of Mellette & Smith, attorneys for applicants; post-office, Vinita, I. T.
W.W.Hastings, of attorneys for the Cherokee Nation.

SAM COLEMAN, being sworn and examined testified as follows:

BY MR. HASTINGS:

Q What is your name? A Sam Coleman.
Q How old are you? A 46.
Q What is your post-office address? A Parkville, Missouri.
Q How long have you lived in the neighborhood of Parkville, Missouri? A I have lived there in the neighborhood of Parkville Missouri, I have lived there about thirty years.
Q You know a colored man up there by the name of Frank Whitmire? A Yes sir, used to know him.
Q Did you know his wife? A Yes sir.
Q What was her name? A She went by the name of Jane Whitmire up there.
Q Did you know her before he married her? A No sir.
Q Did this Frank have any children? A Yes sir.
Q You remember any of their names? A I remember two of them their names, Charley was one of them and one Oscar, and he had a girl I can't tell her name .
Q When did you first learn to know Frank Whitmire and his family? A Along about '73.
Q How long did you know them there? A I knowed them up until along about '80 , '81.
Q 7 or 8 years? A Yes sir.
Q Were they living up there? A Yes sir.
Q In a house? A Yes, in a half mile of where I was raised at.
Q Was it in town or in the country? A In the country on a farm, he farmed there.
Q Where were you living? A I was farming, working for a man on a farm.
Q Was Frank younger or older than you? A Frank were older than I am.
Q About how much? A I suppose Frank must have been 10 or 15 years older than I am.
Q You know . what finally became of him, where he went to? A Well he sold out his property, his teams and tolls he had working with on the farm and he said he was coming to the Cherokee Nation, and I hauled his family to the depot for him.
Q You remember what year that was? A That was in the year of '80 I think.
Q And you had known him from about '72 or '3? A Yes sir.
Q During that time they lived there as your neighbors? A Yes sir.
Q You see him frequently during that time? A Pretty near every day, I was with him, I worked for a man that raised me there, worked for him

BY MR. SMITH:

Q What did you say your name was? A Sam Coleman.
Q You say this man that you are talking about is 15 years older than you are? A I said I supposedhe was 10 or 15 years older, I don't know exactly his age.
Q How old are you? A 46.

Q You don't know anything at all of the whereabouts of Frank Whitmire? or any of his family, before '72 or '3 when you first got acquainted with them? A No sir.
Q You don't know where they were then? A No sir.
Q Where were you living in '72 or '3? A I was living up near Farley, in Platt County, Missouri.
Q How long has it been since you saw this man Frank Whitmire?
A It was '81 as well as I can remember that he left there.
Q You haven't seen him since? A No sir.
Q You don't know whether the man that is applying here is the man that you are talking about do you? A I don't know it, but I think it is.
Q I don't want to know anything about what you think? A Well of course I don't know it.

BY MR. HASTINGS:

Q How far is Parkville, Missouri from Springfield? A Springfield, Missouri, I don't know exactly how far it is.
Q How far was it from where you first knew this man in '73, how far was it from where you moved to where you knew this man in '73 that is the way I want to get it; you come down in the neighborhood of where he lived? A He come in the neighborhood of where I lived; I knew him before he moved to our neighborhood where I lived.

GEORGE DAVIS, being first duly sworn, and being examined testified as follows:

BY MR. HASTINGS:

Q What is your name? A George Davis is my name.
Q How old are you? A Going on 58.
Q Where do you live? A Parkville, Platt County, Missouri.
Q How long have you lived there? A I have been over in Platt County ever since '72.
Q Do you know a colored man up there named Frank Whitmire? A Yes sir.
Q You know his wife? A No sir.
Q You know any of his family? A No I only know him by passing right by his house; I never was at his house but worked around that neighborhood.
Q How old was he with reference to your age, was he older than you?
A I should judge him to be a man about my age.
Q You know that he had a wife? A Yes sir.
Q Did he have some children? A I think from what I could see passing by as much as three or four.
Q But you don't know their names? A No sir.
Q What was Frank doing up there? A He was living on a place, I don't know exactly whether he was farming or just working around
Q How long did you continue to know him? A About a year, '72 up until about '76.
Q How did you fix it to have been '72? A '72?
Q How did you fix that, how did you fix the date that you begun to know him? A I came over there in that year. Hired to a man that lived over there, close to him.
Q You know what finally became of him? A No sir.
Q You know whether he claimed to be a Cherokee slave or not? A That's what I always understood; people that was acquainted with him.
Q How long did you say you continued to know him? A From '72 up until about '76.
Q Lived there with his family during that time? A Yes sir.
Q You know Sam Coleman up there? A Yes sir.
Q How far did he live from Sam Coleman? A Sam Coleman, I think he lived about maybe a mile or maybe not so far, half a mile maybe.

BY MR. SMITH:

Q Where did you go from when you went to this place and hired out? A I went from Leavenworth City, old Platt County.

Q You don't know whether this man that you are talking about had any family or not do you? A Don't know whether he had any family or not?
Q No; do you? A Oh know I saw him there at his house.
Q You said awhile ago you didn't know his wife at all? A No, I was not acquainted with his wife, I couldn't swear that she was his wife, but she seemed to be living there with him.
Q How many times did you you ever passed there? A I could not state the exact number of times, but a good many times; I passed there as often as three or four times during the week, ~~pxx~~ visiting a family that lived close to him.
Q And when did you leave the neighborhood? A When did I leave that neighborhood?
Q Yes. A I left there about '76 and went down about to where I live now.
Q Where you live now? A Yes sir.
Q How far is that? A About nine miles and a half below there.
Q Did you ever see this man after '76? A No sir, not after I left from up in that neighborhood.
Q How many years was it after the war, or was it before the war that you knew this man? A Before the war?
Q Did you know him before the war or after the war? A No sir, I didn't know him before the war.
Q Well, how many years after the war? A I got acquainted with him in '72.
Q Well about how many years was that after the war, do you know? A No, I don't know exactly.
Q ~~Can you state how long you knew him, how many months~~ or whether you knew him a year or more or less? A About a year.
Q You knew him how long? A About six years.
Q You are certain it was '72? A Yes sir, from '72 until '76, and then I lost trace of him.
Q From '72 until '76, you think that's six years? A I should think it ought to be six years, aint it?
Q You don't know anything about the man who has applied here, you don't know whether it is the same man you are talking about or not, do you, you don't know whether the Frank Whitmire you are talking about is the Frank Whitmire who has been in that petition before this Commission? A No sir, I could not swear it.

BY COMMISSION: This will be filed in Cherokee Freedmen D-974, D1090, and this case at bar.

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 24,1908.

Commissioner.

P/

C. D-974.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 13, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of John N. Guinn for the enrollment of himself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 25, 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, I. T., on the 13th 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 his application. The applicant having this day, to-wit: the 13th day of March, 1902, been called, and failing to respond, it is deemed that his case is completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

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

W. Hutchinson

R/

C. D-974.

Departmentof the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 13, 1902.

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

Wm Hutchinson

Cherokee D 974

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

In the matter of the application of John N. Guinn 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 December 14, 1900, John N. Guinn appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment of himself, among others, as a citizen by intermarriage of the Cherokee Nation. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that the said John N. Guinn was married under authority of a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on March 7, 1882, to Susan Parris, who is identified upon the 1880 authenticated roll of the Cherokee Nation and upon the 1896 Census roll of said nation as a native Cherokee.

The evidence further shows that the said John N. Guinn is duly identified upon the 1896 Census roll of the Cherokee Nation, and has continuously resided in said nation with his said wife, Susan Guinn, since the date of their marriage, in 1882, and up to and including the date of this application.

It is, therefore, the opinion of this Commission that John N. Guinn 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.

_____
Acting Chairman.

_____
Commissioner.

_____
Commissioner.

Muskogee, Indian Territory,
this_____

"B"

DEPARTMENT OF THE INT
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 14 1900

ACTING CHAIRMAN

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 1 1900 1900.

Name John A. Guinn

District TAHLEQUAH. Tahlequah, I.T.

Year 1896 Page 1280 No. 87

Citizen by blood Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood ~~yes~~ Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

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

On 1896 roll as John Guinn

Evidence of divorce from first wife to be supplied

Department of the Interior,
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lena Severs	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	388
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Largen	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	598
Samuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A. Patton	679
William H. Ford	173	Benjamin G. Holland	763
Thomas N. Wilson	185	William Gordon	798
Ulsie Ann Smith	206	Maggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	229	Susie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	253	William H. Burrow	967

Mary Pettit	977
Bettie Mitchell	985
John J. Harrison	993
Jasper N. Bateman	1029
Susan Ballard	1065
Lucy Eva Simmon	1073
Ellen Thornton	1089
Sarah E. Hair	1090
Norman S. Drake	1092
Susan Hogg	1094
David L. Scott	1099
James C. Taylor	1111
Roxie Shepard	1128
Robert G. Elgin	1136
William Hall	1137
Mary Ella Lattimore	1141
Maggie J. Keys	1149
Joseph M. Correll	1177
Jane Ratley	1225
George E. Norton	1234
Mahala D. Thompson	1247
Charles M. Trammel	1264
Flora Carlile	1265
William H. Norrid	1275
Olivia Benge	1276
Dollie Wilson	1278
Moses Bell	1279
Sarah Fleetwood	1290
Rosa E. Fargo	1299
William M. Oliver	1333
Andrew J. Couch	1340
Lina Hyles	1347
Mary M. Miller	1350
Mary E. Taylor	1368
Polly Ann Benge	1369
Margaret Moton	1385
Minnie McKinney	1390
Nettie Seabolt	1418
Lawrence G. Faulkner	1433
Sarah A. Holt	1449
Jennette Polecat	1492
Ellen Seabolt	1508
Charles W. Nettles	1509
Lena Sittingdown	1511
Tim Creeden	1513
Odie Pidcock	1517
Silas A. Saterfield	1529
Laura J. Jeremiah	1530
Etta Hicks	1540
Mary A. B. McKinney	1550

Millie Morton	1554
Andrew Walters	1573
John H. Holder	1610
Mary M. Burr	1612
Thomas L. Bonham	1644
Florence Headrick	1663
Daisy B. Brewer	1709
Annie Cordrey	1717
Adam Eckert	1722
Isaac Timmons	1726
Gent Gibson	1727
Amos Anderson	1731
William J. Mounts	1734
James D. Alexander	1745
Willis E. Miles	1769
Lora Adair	1781
John Yarborough	1796
Lillie M. Dassler	1802
Bryant C. Redington	1804
Melisa A. Maxwell	1808
Richard Dukes	1811
Fannie Pettit	1816
Genevia Pool	1817
Mollie Crossland	1822
Lizzie Benge	1828
John H. Welty	1847
Edward P. White	1884
Lauren P. Green	1887
Charles Rosser	1898
Fay Adair	1913
Henrietta Irving	1920
Bird Trippard	1925
John C. Carlile	1937
John W. Gilstrap	1954
Sarah Young	2018
Nancy A. Coleman	2049
James N. Whisenhunt	2118
Hiram Stephens	2157
Asa L. Guinn	2159
Rebecca J. Flying	2172
Thomas J. Measles	2192
Julia Coody	2215
Sarah Crutchfield	2224
Henry E. Lee	2251
Sarah Gritts	2256
John A. Madden	2261
Henry C. Pennel	2271
Matilda S. Cleland	2302
Dona A. Frazier	2312
Laura B. Cordrey	2320

Lafayett D. Kindred	2328	William A. J. Trotter	3257
Pearl V. Sisson	2339	Albert P. Goforth	3298
Nancy J. Sevier	2380	Anna B. Martin	3307
Mollie Hair	2385	William Brown	3344
Dora Sayers	2474	Jennie B. Bluejacket	3345
William T. Jones	2501	William Little	3377
Sarah L. Martin	2502	Julia M. A. Russell	3386
William J. Shoemaker	2506	Andrew J. Smith	3393
Maud Baldridge	2511	William N. Blakemore	3396
James L. Townsend	2513	Lizzie Denton	3417
George L. Morgan	2568	Belle Hudson	3435
Andrew A. Brown	2575	Thomas S. Heady	3437
Louis K. Fair	2623	William M. Roseborough	3444
James L. Mitchell	2644	Madison G. Hawkins	3467
Martha E. McNair	2659	Japhat F. Ellis	3491
Millard F. Eggleson	2668	Emma McAffrey	3543
Elisha M. Gray	2686	William T. Huitt	3570
Jessie M. Ballard	2694	Myra F. Chouteau	3580
Annie Mayes	2798	Phillip Donohoo	3581
Belle Sixkiller	2809	Fred L. Kelley	3593
James P. Riley	2825	Annie Herod	3594
William Broaddus	2854	Maggie V. Fields	3615
William A. Martin	2865	Lou Payne	3616
~~Joseph Q. Buchanan~~	~~2888~~	~~Frederick W. Strout~~	~~3692~~
Marcellus L. Baker	2905	Andrew L. McCamish	3713
Etta M. Hill	2915	Sarah Dirtthrower	3731
John R. Smith	2922	William P. Coble	3758
Ira W. Wallen	2926	Robert L. Madison	3761
John B. Laurence	2959	Mariah McDowell	3795
Lula O. Hitchcock	2961	Elizabeth R. Thornton	3811
Bell L. Muskrat	2975	Donithan A. Wilson	3841
Eliza O'Field	2977	Charles F. Covey	3868
Margaret Suagee	2993	Tamsey M. Williams	3886
Winfield S. Nance	3007	Mary J. Wolfe	3889
Benjamin F. Kelley	3010	Lathan Lumbard	3891
Mollie Daugherty	3039	Micajah P. Haynes	3897
Charles H. Leatherman	3043	Annie L. Wingfield	3903
Alice A. Edwards	3100	Mary Fields	3907
Dorinda Adair	3106	William W. Dudley	3944
William R. Gray	3118	Minnie M. McLaughlin	3950
Dora B. Caulk	3143	Henry B. Lindsey	3978
Jesse M. Gallman	3161	Wilbert H. Parkison	3999
Martha E. Garrett	3162	Seth R. Hall	4011
Artie E. Large	3164	Wiley Hanna	4016
Andrew A. Kelley	3191	Martha M. Woods	4093
Anna B. Ryne	3193	Lizzie Gray	4117
Eliza Henderson	3198	Nancy C. Carey	4131
David E. Jenkins	3212	Annie E. Kenney	4165
Lizzie Falling	3233	William H. Ward	4169
Robert L. Payne	3252	Nannie Brewer	4189

Nancy J. Kinney	4225
Sydney E. Bell	4232
Isaac H. Jordan	4235
Charles Parks	4244
Dora Frenchman	4262
James R. Fugate	4275
Maud Adams	4277
Elizabeth Black	4281
Anna Thornton	4291
Robert T. Morrison	4294
Perley Israel	4295
William A. Long	4304
Mollie Swannock	4319
Frances Guess	4324
Allen H. Gibson	4327
John McFall Jr.	4343
Albert W. Fitzsimmons	4360
George S. Ford	4386
Quinn Carr	4387
William A. Powell	4390
Austin Hasley	4400
Anna Bible	4414
Elizabeth Riley	4428
John P. Sudderth	4449
Anderson Keen	4450
Ida M. Adams	4451
Martha J. Randall	4457
Mollie Conner	4477
Jane McGhee	4491
Jennie Riley	4525
Hannah Randall	4528
Charles W. Childers	4542
Nannie B. Riley	4543
John W. McDaniel	4544
Minnie Armstrong	4548
Ada Chouteau	4549
Mary Thompson	4571
Ota Armstrong	4593
Mary Spencer	4594
Clarkson F. Woody	4603
James M. McConnell	4604
Annie E. Coker	4605
Jennie Long	4606
Julia Gilstrap	4607
Laura E. Smith	4608
Annie Nicholas	4609
Minnie R. Taylor	4611
Mary E. Rogers	4614
Emma Downing	4615
William Steere	4619

Rosie J. Ketchum	4623
Lizzie Love	4626
Robert K. Wann	4632
Frederick Metzner	4633
John C. Bratcher	4634
Pierow L. Jone	4641
Ada Bertholl	4642
Alice Robbins	4644
Jane Dougherty	4649
Samuel Lanier	4650
Clemon C. Peck	4652
Mont C. Frazier	4653
Frank J. Mayberry	4656
Charles W. Moore	4660
Jefferson D. Edmondson	4661
Monzo H. Boone	4662
Thomas C. Mock	4668
Sallie Allison	4669
Elizabeth E. Burgess	4671
LaFayette Breeden	4673
James M. Bohng	4676
Frances A. Neilson	4681
John L. Smith	4689
Rufus S. Steward	4691
John L. Haddock	4694
Maggie O. Walkley	4695
George W. Talbert	4698
Mary Miller	4700
Henry C. White	4707
Mattie E. Hill	4760
Alice A. Bible	4772
Katie Coker	4785
John Creek	4801
Ruby R. Bean	4804
William J. Dodson	4836
Blackburn Reed	4882
Viola Lowther	4891
William B. Ritchson	4910
Henry D. McDonald	4950
Della McDaniel	4956
Dorothy Rattlinggourd	4991
Ida McCay	5093
Henry M. Lyon	5100
Alice J. Wofford	5101
Nancy Morris	5137
Ella Sullivan	5140
Winfield Williams	5144
Bessie M. Smith	5145
May Humphrey	5207
Donnie Burgess	5235

Nora B Burgess	5236
John E Etter	5239
Harriette Roger	5240
Amanda Foreman	5244
William H Well	5261
John T Gaylor	5266
Annie Sweeten	5269
Rosalee Hendrick	5278
Emma Chamber	5328
James H Thoma	5329
Melville B Baird	5332
James R Goodall	5356
Charles Horton	5390
James W Goddard	5417
Dora Cox	5425
Nannie G Alberty	5438
Sallie Ward	5455
William H. Sutherlin	5484
Lizzie Hall	5487
Cyrus B Essex	5489
Eda Taylor	5493
Laura Taylor	5494
Elector D. Miller	5496
Emberson M Arnold	5498
Stella Henry	5499
~~William E. Oneal~~	~~5506~~
John M. Sharp	5509
John L. Davis	5514
Sarah E Downing	5518
Samantha C Glass	5524
Harry Jones	5525
Aggie Paris	5532
James W Hallford	5535
Phoebe Coker	5537
Anthony K. Douglas	5538
Joseph H. Johnson	5541
Harvey O Riggs	5547
Alice Glass	5553
Addison Reeves	5566
Alice Coats	5572
Julia Kidd	5575
William R Greer	5576
Rosa M Sixkiller	5581
Nancy Inlow	5587
Daisey H. Owen	5599
Annie R C Owen	5600
Jesse McKnight	5602
Cicero J. Strange	5610
Henry Westenhaver	5611
Emma H Roach	5612
William A Polson	5613
Paulina P Pitcher	5614
Charley Headrick	5615
William N Stinson	5616
Lenora A Henry	5621
Ellie M Adams	5622
John H Shump	5624
Thomas B. Dickson	5625
Minnie Henry	5628
Thomas J Simpson	5629
Cap L Lane	5630
Reuben E DeLozier	5631
John Heape	5640
Perry G Brock	5645
Mary J Newcomb	5650
George W. Seigel	5660
Martha A Parks	5666
Zelda C Mills	5674
Lizzie Rogers	5675
Emma Pigeon	5676
Nellie Bluejacket	5677
Lucy Bacon	5679
Thomas B. Wood	5681
Asa W. Simerson	5683
William J. Kuhn	5686
~~Elsie Couch~~	~~5688~~
William H. Robinson	5692
Rachel Washington	5693
Isaiah B. Blackwood	5700
John R. Johnson	5701
Dennis W Smith	5702
William H Chesnut	5705
William H. Durham	5707
Albert B Buckmaster	5710
Maud Crutchfield	5730
Joseph S. Layne	5731
Lena Bell	5737
Juan N. Corn	5748
Robert N Crafton	5750
Benjamin F Coffee	5756
Frank McSpadden	5760
Charles D. Pendleton	5775
Harden H. Green	5776
Emma J Ward	5778
Robert C Fuller	5781
Henry F Extine	5796
Ida Wyly	5802
Richard L. Fite	5815
Edward Lutz	5816
John F Woodworth	5829

Horace H. Huddleston	5832
William R. Sartain	5837
Joseph A. Lawrence	5843
William H. Hinton	5846
Joseph Lehr	5851
Emma M. Young	5852
Mary C. Barne	5853
Matilda Thompson	5861
William W. Young	5872
Earley F. Ellis	5874
Rosa B. Alberty	5877
Sarah Cannon	5879
Mamie Beck	5887
Jack H. Merchant	5888
John D. Merchant	5889
Sarah E. Ghormley	5894
Jerry Young	5906
James H. Brickey	5916
Mary Hicks	5919
George W. Weems	5922
Albert Crain	5923
James M. Jones	5932
Alfred W. Shelly	5935
John M. Stratton	5936
Waddie Hudson	5937
Robert C. Johnson	5939
Mary T. Thompson	5941
Edith A. Parris	5943
Addie Hubbard	5949
John A. Lowry	5962
John R. W. Brantley	5963
James T. Carroll	5964
Christopher F. Jordan	5965
Minerva E. Stover	5966
John W. Twilley	5967
Joseph W. Mounce	5970
Cornelius P. Potter	5971
Amanda C. Thompson	5972
John M. Rusk	5976
Harrison L. Hughes	5978
Silas B. Dildine	5983
Lewis M. Payne	5985
Nancy Beamer	5988
Sarah F. Selvidge	6002
Posy F. Buckner	6005
John A. Moreland	6010
Alice Welch	6015
Mary C. Thompson	6022
Ida Beck	6029
William R. Tittle	6030
George C. Duffield	6031
Amelia Reese	6033
Alexander West	6036
John Tootle	6037
Florence G. Langley	6038
John T. Ham	6042
Mary L. Jordan	6048
John W. Bradshaw	6076
James L. Dean	6079
Amanda J. Thompson	6082
Malissa Hubbard	6089
Jane Benge	6111
John D. Ryals	6113
John C. DeLozier	6117
Jessie Willis	6118
Mary A. Clark	6124
Mary J. Tipton	6126
Leander Newton	6136
William A. Qualls	6138
Henderson B. Thomas	6144
Hugh T. Watkins	6163
Nancy Keys	6172
Berry Hutchins	6186
Eli Parker	6189
Sarah E. Shaw	6194
Julia Keys	6211
Boon J. Grey	6214
John Grubb	6216
William M. Costephens	6230
Jane Bean	6232
Lillie I. Taylor	6236
Abbie B. Adair	6239
Mack C. Watkins	6246
Robert W. Murray	6261
John G. Petty	6269
Lucinda Poorboy	6279
Sarah Mayes	6286
Henry W. Pyeatt	6300
Isaac A. Wilson	6308
John T. Hall	6310
Edward L. King	6315
Katie Still	6325
Emmer Carlile	6338
Bird Webster	6347
Fannie Morris	6353
Leonard Lee	6357
James R. Miller	6362
James Brackett	6370
Nora Allen	6371
John T. Washington	6373

James J. Snider	6375
William H. Winget	6376
Ida R. Wilkerson	6384
George A. McBride	6385
Matilda Cook on	6387
William A. Fick	6392
William O. Ame	6394
Thomas Wilkerson	6396
Alice C. Springston	6407
Fanny N. Witt	6413
Lillie M. Adair	6424
Mark F. Matheson	6428
Ida L. Wilson	6431
George E. Marrs	6441
Ulysses S. Reeves	6443
Daniel A. Smith	6447
Henry J. Dawson	6450
Sarah Adair	6452
Ida F. Wilson	6455
Mary E. Taylor	6459
Catherine Henson	6468
Charles C. Fitzsimmons	6471
Mary E. Campbell	6476
Columbus N. Long	6478
Mary Wilkerson	6480
Myrtle Ward	6484
Belle Manus	6499
Martha E. McLain	6508
Mary A. Brown	6517
Marion M. Ballew	6530
Mellie Mayfield	6540
Sarah Blevins	6541
Frank Powell	6542
Georgia Jackson	6546
Leonard S. Simpson	6549
Almira Ussrey	6560
James McInerney	6561
Fannie Carlile	6578
Sadie A. Mayfield	6580
Silas A. Bryan	6581
William S. Martin	6585
Emma J. Thompson	6589
Lydia McDaniel	6593
David W. Lamb	6595
Gus R. Hart	6603
Poca Phillips	6632
Lois E. Daniel	6678
William W. Turner	6689
Lillie B. Blackstone	6714
Mary Lillard	6715

James L. Lee	6717
Rosa Phillips	6723
Kate Brown	6735
Laura B. Barnett	6743
Elizabeth Sanders	6745
William T. Neff	6747
William R. Scott	6751
Laura Lish	6770
Maggie Ketcher	6779
Dora A. McDonald	6783
Rosia B. Willis	6785
Daniel Hubbard	6787
Mary R. Tadpole	6801
Magnus A. McSpadden	6814
Sarah E. Pathkiller	6824
Clora Twist	6845
Mattie M. Welch	6846
Cora Griffin	6850
John S. Hyatt	6853
Jefferson K. Tyner	6855
Flora R. Miller	6859
Lizzie Craig	6872
Jacob C. Johnson	6876
George W. Ware	6897
James B. Deatherage	6901
Lucinda F. Hartness	6943
Frances E. Tehee	6961
James M. Burt	6965
Rady Tipton	6975
Laura Hendricks	6976
Laura V. Smith	6979
Lorenzo C. Darnell	6988
Robert M. Mitchell	7004
William Henry Reeve	7005
James Pyle	7009
Willie Hilderbrand	7015
Alice M. Roberson	7031
Charles Morris	7043
Minerva J. Trent	7051
John H. Keith	7078
Katie E. Ratley	7080
Etta Patrick	7081
Nannie Martin	7090
Rosa B. Harris	7094
Samuel Brown	7100
William H. Turner	7101
Florence Mayes	7104
Maggie McCoy	7112
Mary Belle Cordry	7113
Benjamin Haner	7119

James Maher	7128
Terry A Parkinson	7146
Cora L Hanks	7147
Otto J Zufall	7149
Rufus M Norman	7155
Mary F Foreman	7158
Alma West	7159
James M Connally	7161
Francis M Crowell	7163
Fannie E McClure	7171
Benjamin B Graham	7176
Ada Phariss	7180
William L Whisenhunt	7184
Frances B Perry	7191
Philip Shultz	7210
Hester A Miller	7212
Minnie B Edmonds	7213
Eliza Jordan	7217
William T Ross	7218
Thomas M Price	7225
James G Wilson	7231
Frank Rhomar	7263
John W Thompson	7267
Melissa Booth	7271
Solon L Jackson	7273
Henry W Coughran	7282
Sarah Ross	7291
Mary S Smith	7322
John A Martin	7323
Myrtle Robinson	7330
Allen L Buckner	7331
James L. Goad	7350
Elijah Johnson	7351
Mary E Kimbrough	7360
Jennie Burr	7367
Kiasay Sapsucker	7378
Sarah J. Johnson	7394
William I. Branan	7409
Wyatte T. Brady	7412
Lena O. Holderman	7413
Mary F. Hummingbird	7420
Bertha A. Allen	7425
Robert J. Tyner	7426
Fannie B. Martin	7434
Myrtle Wolfe	7435
Mary Blevins	7479
Sarah Ketcher	7488
Charles D England	7512
May Cochran	7544
Rebecca Oglesby	7549

Robert B Collins	7556
Nancy I. Brown	7579
Mary B Walkingstick	7642
Robert T Kelleam	7653
Mollie Morton	7797
Mattie Girty	8006
Mack Alfred	8015
Ida Harmon	8016
Ida McCoy	8417
Rosie Foreman	8903
Annie Jackson	9034
Margaret T Langley	9092
Ida M Davis	9266
Nora Crapo	9289
Margaret Harmon	9378
Mary B Langley	9438
Ella Gravitt	9439
William M Wilson	9444
David O Scott	9446
Harriett Forbes	9447
John Carver	9449
Thomas J. Davis	9451
Clara M. Boudinot	9453
Mary E Keys	9454
John G Ainsworth	9456
Mary J Christy	9460
Mahnda Seabolt	9462
Mary Cumpton	9464
Mollie P. Mulkey	9465
Andrew Brimmer	9467
James F. Flippin	9471
William Bird	9473
Mollie C Forbes	9476
William H. Thomason	9478
Mollie Devine	9481
Mary P. Guthrie	9482
Detlev N. Leerskov	9484
Nannie Cowart	9485
Leona Catcher	9489
Alexander B Clapp	9502
Tennie Sanders	9503
Virgil A Wiltshire	9505
Joshua K. Carr	9510
Herbert Kneeland	9518
Hugh E. Hope	9519
Thomas J. Ritter	9522
Martha Baldridge	9529
James R. Poindexter	9535
Maud Foreman	9539
Belle Bryant	9542

Joseph P. Smith	9550
George E. Watkins	9552
Florence Henry	9553
Jesse H. Johnson	9560
Lydia B. Barger	9561
Mary Jane Thomas	9562
James I. Petty	9563
Laura McCrary	9566
Joel D. Smith	9568
William T. Cave	9572
William Bugher	9577
James M. Smith	9582
John E. Nazworthy	9583
Beverly L. Lafon	9587
Robert L. Gentry	9590
John C. Barker	9591
John P. Greenwood	9593
Henry Hayes	9596
Ella Cornwell	9598
Asa A. Hedrick	9599
William C. M. Robinson	9600
Woodrow Hadley	9612
William T. Gregory	9613
Charles M. Keys	9616
Bate O. Reed	9618
Joseph E. Feland	9623
Florence C. Smith	9625
Charles M. Cox	9630
Otis S. Skidmore	9634
William H. Hundley	9635
Thomas A. McDonald	9636
Annie Sanders	9638
Mack H. Martin	9640
Mary Ward	9653
George Givens	9658
Pheney Poorboy	9660
Charley Kiper	9671
Andrew J. Snider	9672
William T. Barton	9684
Dániel Crail	9770
Mary M. Motte	9771
Lecia E. Herrin	9854
Gailen E. Carrick	9855
Rosa B. Barger	9857
Rachel Foreman	9858
Serepta C. Willis	9861
Virgie Seabolt	9864
Annie Cannon	9867
Isabella McCoy	9874
Robert E. Dry	9875

William G. Brown	9879
John B. Delay	9881
Pauline Thompson	9882
Guenther W. Werther	9883
Margaret Crittenden	9884
Mose L. Morri	9889
Sarah L. Rogers	9891
Stephen Duncan	9892
Gideon D. Sleeper	9895
William A. Maddin	9896
John H. Horton	9904
Howe L. Rogers	9905
William Rush	9912
George W. Edens	9916
William H. Hall	9920
Edith B. Pheasant	9935
Carrie A. Collins	9936
Lucinda Spriggs	9937
Ella F. Hail	9939
John W. Harris	9949
Hannah Raper	9942
John J. Coughran	9945
Youra F. Waybourn	9946
Louisa J. Taylor	9947
William M. Evans	9948
William L. Pierce	9940
May F. Chambers	9950
Albert Stevenson	9954
Henry Kiefer	9955
Sarah Bear	9956
Zeno M. Cox	9964
Jerusha E. Blair	9965
Elias Kyle	9991
Ida Cushman	9992
James W. Fleming	9994
Samuel Holmes	9995
Walter H. Talley	9997
Hannah J. Miller	9998
Clara V. Ward	10002
Stephen W. Pittsenberger	10005
Mary E. Palmour	10008
William T. Partin	10011
Nellie Fields	10013
Sarah A. Dawes	10015
Willard E. Hutchins	10016
Jesse Talbert	10020
Julia E. Setser	10021
Amanda E. Howell	10022
Mamie J. Rogers	10023
Nannie Rogers	10024

James B. Bradshaw	10025
Ida L. White	10026
Addie B. Miller	10027
William R. Condry	10028
James D. Canary	10029
John Kelley	10031
Kate Craig	10033
John A. Butts	10034
John J. Dameron	10035
William Warner	10036
George A. Allen	10037
Watie Shetley	10038
John E. Carter	10039
John M. Boyd	10043
William Fister	10047
Darius B. Troth	10049
Harry A. Kelley	10050
Mary E. Purcell	10051
Myron L. Bronson	10052
George W. Taylor	10053
Josie Lowther	10054
Fannie D. Perry	10055
Minnie B. Williams	10056
Solomon Copeland	10058
Etha B. Wood	10059
James Pace	10060
Wiley B. McElhaney	10062
Nancy Patrick	10063
James R. Stout	10072
George Parker	10073
Laura Morton	10074
John D. Kelly	10075
Nettie Swift	10078
Maggie Baldridge	10079
David R. Stubblefield	10080
Thomas J. C. Thompson	10081
Cora P. Harlan	10082
William L. Singleton	10083
Lester Evans	10084
Ellen Mayfield	10085
Ella Bray	10087
David J. Matthews	10094
Thomas Brown	10100
Houston J. Payne	10103
Malinda E. Scudder	10104
Henry Odell	10105
Fred Macy	10107
Mary Russell	10108
Thomas B. Brown	10109
Samuel L. Milligan	10111
Millie A. Carnes	10113
Lucy E. Robards	10114
Edward H. Fitzgerald	10115
John T. Pickard	10117
Charle Rains	10118
Nancy Mayfield	10123
Anna B. Tittle	10124
Richard A. Clark	10126
Emma B. Martin	10128
Walter L. Bates	10129
Nellie Brewer	10130
William Heffernan	10131
Levi Ackley	10132
Bessie Davis	10133
Eva Brackett	10135
Caleba Carnes	10136
Jacksie M. Waybourn	10138
Minnie Shutt	10139
Charles L. McClure	10140
William W. Russell	10141
Delia Jenkins	10142
John A. Hood	10143
Oba Maxfield	10145
Mary L. Cloud	10146
Callie Inlow	10147
Everett M. Lowrence	10148
Dora E. Hays	10150
Julia M. Schrimsher	10151
Parmelia E. Lyman	10153
Charles F. Trickey	10161
Louisa J. Palmour	10169
George L. Walker	10170
Annie Taylor	10171
Josie Winters Hall	10174
Alice Nichols	10181
Lizzie Dry	10182
Emma Murray	10183
Annie Winton	10187
Marian Evans	10188
Elizabeth J. McClain	10192
Eliza J. Price	10199
Rissie Still	10200
Hannah E. Langley	10201
Alma Keith	10203
Flora A. Terrill	10204
Talesphora A. Paradee	10205
Samuel Shadix	10206
Mary E. Childers	10207
Robert M. Hamilton	10208
Julia Billingslea	10209

Nannie Martin		10210
Sarah A. Fields		10211
Susie Henderson		10216
Charles H. Rienhardt		10218
William H. Watkins		10221
Frank M. Rucker		10222
Henry C. Reed		10224
Laura B. Timberlake		10226
George A. Brown		10228
Drucilla Lowrey		10232
Almira Mouse	D	9
Lenora Prather	D	16
Andrew M. Cooter	D	17
Martin L. Stokes	D	28
Peter Walters	D	44
Columbus M. Reeves	D	58
Sarah Barnes	D	103
George T. Kiddy	D	108
Henry C. Agent	D	139
Joseph Phipps	D	147
Henry Hilton	D	149
David A. McGlamery	D	161
Maggie Doublehead	D	169
Annie Lovett	D	180
Nora Hood	D	184
John A. Johnson	D	232
Nathaniel G. Simpson	D	242
Oncico W. Head	D	244
Etta Taylor	D	245
Susan V. Sullivan	D	262
Levi H. Tackett	D	263
William H. Connelley	D	264
Julia A. Sullivan	D	284
May Fields	D	297
Katie Hummingbird	D	308
William F. Sager	D	320
Lovick P. Garrison	D	334
Henry Grubb	D	338
Lucy F. Lacey	D	340
Callie Blevins	D	341
James S. Alfrey	D	355
Shadrack C. Wallen	D	368
Ada Hall	D	376
Jane M. Hicks	D	396
Fannie L. Dupree	D	403
Willis Battles, Jr.	D	404
Joshua W. Ellis	D	413
Nina B. Owen	D	450
John M. Ridenour	D	458
Emery S. Thompson	D	464

Joseph Reed	D	468
Adolphus J. Hallum	D	483
Alexander Walker	D	490
Albert J. High	D	491
America Matoy	D	501
Moses L. Grazier	D	503
Myrtle Hall	D	509
Wallace Thursday	D	544
Thomas W. Baker	D	546
Mattie E. Keys	D	550
William S. Edwards	D	560
Susan L. Reed	D	572
William H. Lyman	D	574
Gracia Davis	D	577
Edward C. Bolen	D	582
Dora Guthrie	D	585
Samuel H. Hawkins	D	594
Lula M. Purcell	D	600
Ben Estes	D	603
Thomas M. Reynolds	D	621
Arthur Dodge	D	622
Carrie L. McNair	D	624
Constantine N. Walker	D	641
Joseph Davis	D	648
Leander A. Keys	D	650
James J. Barndollar	D	655
Nathan J. Brink	D	682
William S. Miles	D	688
Emma Waybourn	D	698
Dora E. Rogers	D	708
James W. Turley	D	709
Lizzie Ward	D	711
Robert J. Holly	D	713
Belle I. Quinton	D	728
Francis M. Boothe	D	734
Amos W. Lord	D	746
Agnes N. Childers	D	749
John E. Renfrow	D	752
William Coon	D	759
Louis Bruere	D	779
Georgia A. Waybourn	D	786
Eliza Fields	D	787
William H. Brown	D	788
William A. Cox	D	793
Charles A. Robison	D	799
Artha Williams	D	800
Adam Gearhart	D	806
Cicero F. Rogers	D	855
Annie Garrett	D	856
George S. Yarborough	D	875

Rhoda A. Sanders	D	878	Ella Vann	D	1320
Manuel Spencer	D	884	Lannie Wofford	D	1330
Benjamin H. Hulbert	D	891	Minnie Downing	D	1332
Mary Brassfield	D	935	Katie Rider	D	1334
James L. Tindle	D	944	Samuel G. Mill	D	1337
Silas G. Reneckar	D	966	Alfred H. Woods	D	1342
Eliza Wofford	D	967	Cynthia Whitekiller	D	1352
Jasper L. Newton	D	971	Susie McSpadden	D	1361
John N. Gunn	D	974	Martha J. Houston	D	1363
Hannah Parson	D	989	Samuel M. Collier	D	1367
Nellie C. Helterbrand	D	1003	Katy Payne	D	1369
Thomas J. Welch, Jr.	D	1006	Joseph H. Warren	D	1375
Lizzie Christman	D	1010	Mattie Miller	D	1433
George Hazlewood	D	1013	S. F. Moore	D	1434
James M. Jones	D	1022	Addie Schrimsher	D	1448
Reuben A. Evans	D	1032	Fannie Vann	D	1458
Carrie H. Cobb	D	1049	Marcella Blakeney	D	1474
John M. Burns	D	1069	G. W. Williamson	D	1555
Sarah E. Henson	D	1083	C. L. Walker	D	1558
Laura D. Henson	D	1086	Louisa Blevins	D	1567
Hettie E. Downing	D	1090	Frank Cowles	D	1581
Benjamin F. Crain	D	1099	Mary Francis Madding	D	1637
Benjamin Strickler	D	1129	Thomas Rodman	D	1661
Nancy Spaniard	D	1130	Katie Still	D	1866
Annie Wilson	D	1131	Ira Creach	D	1913
Ora H. Maxwell	D	1135	D. A. Mounts	D	1967
Reuben W. Moore	D	1136	J. C. Sefton	D	1991
Cora Childs	D	1146	Jennie Holland	D	2024
Janie Hughes	D	1179	Lou Sanders	D	2216
Francis B. Reid	D	1180	Caroline Barnes	D	2591
Martha Carey	D	1195	Lacey Crane	D	2592
Christina Johnson	D	1199	Daisy Cash	D	2595
Louvenia Ironside	D	1208	Hiram A. Landers	D	2599
Martha J. Henson	D	1218	Charles Neel	D	2603
David A. Martin	D	1228	Mattie Robinson	D	2605
Fred D. McEnery	D	1235	Jennie Rich	D	2606
Nathaniel R. Martin	D	1261	Alexander C. Russell	D	2607
James H. Requa	D	1266	Priella Ross	D	2608
Frank Carver	D	1267	Tom W. Reeve	D	2609
Etta B. Payne	D	1270	Mary Smart	D	2612
Mary Garrett	D	1271	Rufus Tidmore	D	2613
Joe W. Goodman	D	1272	Jasper Turquitt	D	2614
Mathew J. Flanigan	D	1274	Mabel West	D	2618
Lizzie C. Holland	D	1285	Ophelia West	D	2619
Etta Downing	D	1291	Cora Whisenhunt	D	2620
William Caywood	D	1296	Katy Martin	D	2667
Clarence W. Turner	D	1307	Willis Butler	D	2686
Alfred Chaney	D	1313	Claud Barger	D	2687
Euphemia Sweetwater	D	1314	Dixie Conner	D	2698
Etta Russell	D	1319	John Culwell	D	2699

Herbert F Couch	D	2700	Samuel A. Parkhurst	D	2821
Albert C Dykes	D	2703	Ellen Rogers	D	2822
Delora Drew	D	2704	Elijah Rolland	D	2827
Frank F. Danderson	D	2705	Endora Steele	D	2828
James Gafford	D	2708	William M Stucker	D	2829
Anna L. Harlin	D	2715	Sallie Taunneacie	D	2831
William R Lapsey	D	2717	Mary Tassle	D	2832
Bertha Landrum	D	2718	John F. Wolf	D	2835
Lila More	D	2722	Ruth A Ward	D	2840
John D. Mathews	D	2723	Winnie Daugherty	D	2884
Mary McIntosh	D	2725	Mary Guthrie	D	2885
Bertha Nidiffer	D	2730	Lydia Long	D	2886
Richard Nichols	D	2731	Edda Roberts	D	2887
William S. Ross	D	2738	Manda Ward	D	2889
Irene Riley	D	2739	Elmira J. Alberty	D	2905
William H. Rowley	D	2740	Thomas C. Cordray	D	2906
Colombus C. Scroggins	D	2741	Edward Fowler	D	2907
Della Summers	D	2743	Dora Foreman	D	2908
William S Sage	D	2744	Parker Holt	D	2909
Eliza Thomas	D	2748	John Haston	D	2910
John P. Thurman	D	2749	Georgie Harlin	D	2911
Mary E. Davis	D	2770	Percillia Johnson	D	2913
Jessie Frick	D	2774	Bettie Morton	D	2915
Emma Buffington	D	2788	Samantha Spade	D	2917
Will Black	D	2789	Mariah Ward	D	2918
Maggie E Davis	D	2792	Ellen Watt	D	2919
Thomas Dotts	D	2793	Nora Morten	D	2920
William Daws	D	2794	Lizzie Anderson	D	2981
Nancy Dawson	D	2796	Francis Duval	D	2984
Lena Fields	D	2797	Wade S. Hayes	D	2987
Effie Grayham	D	2798	James A Hankins	D	2988
Alice C. Hill	D	2799	Joseph Hardee	D	2991
Bertha H Harlin	D	2800	Tennie Horn	D	2992
Margrett C. Hudson	D	2801	Eveline Hall	D	2993
Joseph A. Kelley	D	2803	John E Leftwich	D	2995
Andrew O Kepler	D	2804	Mattie Henson	D	2994
Josephine King	D	2805	John D Colvard	D	2998
Sarah Jane Birdsong	D	2806	Charles W. Phillips	D	2999
Marion Maddox	D	2807	Sarah Shanks	D	3000
John A. McKenzie	D	2808	Nettie Young	D	3009
Ione McGee	D	2809	Jerry P Ables	D	3048
Ollie Miller	D	2810	Almedie Ross	D	3052
William A Martin	D	2811	John S J Fowler	D	3055
Jesse P Morrow	D	2812	Leaner Hood	D	3056
Oliver Mason	D	2813	James D. Jackson	D	3057
Edna Whitehead	D	2814	Emma G Nelson	D	3058
Charley Nackoll	D	2815	Alice Simco	D	3059
Etta M Nidiffer	D	2817	George O Wallace	D	3060
Leo[illegible] Ossmee	D	2818	Fannie Clay	D	3078
William H Patterson	D	2820	Ellen Drew	D	3079

Luc Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Lelia C Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R Mizer	R	266
Martha Spade	D	3092	Belle A Powell	R	352
Julian Wyrick	D	3093	Austin L Hill	R	420
Samuel Harlan	D	3157	Mary L Dudley	R	439
Lizzie Phariss	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A. Payne	R	484
Sarah E. Davis	D	3176	Rebecca Benge	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E. Thornton	D	3183	Dora Crane	R	628
Mamie Thompson	R	4	Andrew Sitrell	R	642
Jimmie G. Thompson	R	5	John Sitrell	R	642
William T. Kelly	R	10	Lillie May Wilson	R	643
Alice Tidwell	R	19	Ollie A. Barger	R	656
Rosenna McLaughlin	R	41	Ida Hawkins	R	671
Martha A. Perdue	R	45	Lizzie Davis	R	761
Gabriel L. Payne	R	61	Clara M. Emmons	R	803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated 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, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

.....
Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

Cherokee D 974

Muskogee, Ind. Ter., June 7, 1902.

Mr. John N. Guinn,

Tahlequah, Ind. Ter.

Sir:

In the matter of your application for enrollment as a citizen of the Cherokee Nation, you are advised that it is necessary, for the proper consideration of your case, that you furnish this Commission with a certified copy of the decree of divorce you claim to have obtained from your first wife or submit additional testimony showing that you were divorced from said wife.

This testimony must be furnished on or before June 23, 1902.

Yours truly,

Acting Chairman.

Register.

Cherokee D 974

Muskogee, Indian Territory, October 13, 1902.

John N. Guinn,

Tahlequah, Indian Territory.

Dear Sir:

The act of Congress approved July 1, 1902 (Public No.241) and ratified by the citizens of the Cherokee Nation, August 12, 1902, provides that " the roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two."

In accordance with said provision, you are hereby notified to appear before the Commission to the Five Civilized Tribes, at its office at Muskogee, Indian Territory, prior to October 31, 1902, and testify relative to your right to enrollment as an intermarriage citizen, on September 1, 1902.

It will also, be necessary for you to furnish the Commission with evidence of your divorce from your former wife.

This evidence should be introduced immediately, as it is necessary in determining your right to share in the allotment of the lands of the Cherokee Nation, and until the same is furnished no further action will be taken looking towards your final enrollment.

Please present this letter when you appear before the Commission.

Respectfully,

Commissioner in Charge.

Cherokee D-974

Muskogee, Indian Territory, December 2, 1902.

John N. Guinn,

Tahlequah, Indian Territory.

Dear Sir:-

There has heretofore been mailed you a notice requiring you to appear before the Commission at its offices at Muskogee, Indian Territory, for the purpose of giving additional testimony relative to your right to enrollment, on September 1, 1902, as a citizen by intermarriage of the Cherokee Nation.

This testimony has not yet been introduced, and you are now notified that, until same is presented, your application for enrollment will not be complete.

Respectfully,

Acting Chairman.

Cher. D974

Muskogee, Indian Territory, January 10, 1907.

John N. Guinn,

Tahlequah, Indian Territory.

Dear sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. D

Commissioner.

Cherokee D974

Muskogee, Indian Territory, March 14, 1907.

John N. Guinn,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 26, 1907.

Respectfully,

RPI

Commissioner.

Cherokee
v. et al.

Muskogee, Indian Territory, March 14, 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 January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

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

Respectfully,

Encl.C-100
MTM

Commissioner.

Hospital.

Prison.

CHEROKEE 974

John N. Guinn

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

2 Original testimony Dec 14/00

3 Memo of application Dec 14/00

Notice of final consideration, 3/13/0

974

Cherokee

Cher D 975

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3-5 This not applied in this case D 975

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., SEPTEMBER 25, 1900.

In the matter of the application of Rosa E. Foust for the enrollment of herself and three children as citizens of the Cherokee Nation; said Foust being sworn by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name, please? A Rosa E. Foust.
Q How old are you? A 30
Q What is your post office? Needmore.
Q What district do you live in? A Delaware.
Q Who is it you want to have put on the roll? A Myself and three children.
Q Do you apply for yourself as a Cherokee by blood? A Yes, sir.
Q What proportion of Cherokee blood do you claim? A Quarter.
Q How long have you lived in the Cherokee Nation? A All my life.
Q What is the name of your father.? T. J. McGee.
Q Cherokee or white man? A WM Cherokee.
Dead or alive? A Alive.
Q Your mother's name? A Martha.
Q Cherokee or white woman? Cherokee.
Q Dead or alive? A Dead.
Q How long has she been dead? A About three years.
Q When were you married? A In 1885.
Q What was the name of your husband? J. W. Foust.
Q Cherokee or white man? White man.
Q Dead or alive? A Alive.
~~Q How long did you live with him? A About 11 years.~~
Q Are you divorced from him? A Yes sir.
Q Have you a decree of dirvoce. A Not here with me.
Q Give me the name of your children, please? A Jefferson.
Q How old is that child? 12 years old.
Q The next child? A Bertha.
Q How old is that child? A Ten.
Q The next child? A James M.
Q How od is that child? A Five.
Q All living now are they? A Yes, sir.
Q You and your husband separated some three or four years ago, did you? A Yes, sir.

Interrogatories by W. T. Hutchins, Cherokee Representative:

Q Have you re-married since? A No, sir.
Q What was the cause of the separation between yoursel fna dyour husband, what was the ground upon which the divorce was granted?
A Cruelty.
Q You sued him for divorce and got it? A Yes, sir.

1880 enrollment; page 288, #1750, R. E. McGee, Delaware.
1896 enrollment; page 468, #1093, Rose Ella Foust, Delaware.
1896 enrollment; page 572, #177, James W. Foust, Delaware.
1896 enrollment; page 468, #1094, Thomas Jefferson Foust, Delaware.
1896 enrollment; page 468, #1095, Birtha Foust, Delaware.
1896 enrollment; page 468, #1096, James Monroe Foust, Delaware.

Q You have the custody of these children have, you? A Yes, sir.

Com'r Breckinridge:--The applicant applies for the enrollment of herself and three children. She is identified on the rolls of 1880 and 1896 as a native Cherokee, and she has lived in the Cherokee Nation all her life, and will be listed now for enrollment as a Cherokee by blood.

Her husband from whom she is divorced, married her in 1885, and he is identified with her on the roll of 1896, and no application is made for him. The three children enumerated in the testimony are identified on the roll of 1896. They are living at this time, a and they will be listed at this time for enrollment as Cherokees by blood.

---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 26th day of September, 1900

Commissioner.

D 475

[illegible] OF THE INT[illegible]
[illegible] TO THE FIVE CIVILIZED TRIBES.

FILED
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[illegible] CHAIRMAN.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES
TAHLEQUAH, I.T., DECEMBER 14th, 1900.

IN THE MATTER OF THE APPLICATION OF James W. Foust for enrollment as a citizen of the Cherokee Nation, and he being sworn and examined by Commissioner, T. B. Needles, testified as follows:

Q Whatis your name? A James W. Foust.
Q How old are you? A Forty two.
Q Whatis your Postoffice address? A Needmore.
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 adoption.
Q Whom do you desire to enroll? A Myself.
Q Any one else? A I think my wife enrolled the children.
Q Are you and your wife not living together? A No sir.

Com'r. T. B. Needles: The applicant presents a duly authenticated marriage license and certificate, certifying that he was married to Miss Rose Ellen McGee on the 21st day of December, 1885.

(1880 Roll, Page 288, #1750, R. F. McGee, Delaware District)
(1896 Roll, Page 572, #177, James W. Foust, Delaware District)

Q Is Rose Ellen your first wife? A Yes sir.
Q Are you her first husband? A Yes sir.
Q You were never married before? A ~~Yes~~ No sir.
Q You are not living with her? A No sir.
Q You were married in 1885? A Yes sir.
Q How long did you live with her? A We were divorced about three years ago.
Q About 1897? A Yes sir.
Q Who sued for divorce? A She applied for divorce.
mQ Divorce was granted upon her application? A Yes sir; it was a mutual compromise divorce: I got the children and she got the divorce.
Q Were all of the children awarded to her? A No sir, to me.
Q Who has possession of the children now? A She has possession of them: She went off and was gone up until August; she had possession of them, and then she came back and held her place: She ran a millinery store up here at Grove.
Q What was the cause of the separation? A All I know it was a mutual disagreement: She wanted to live and town, and we disagreed about it.
Q Did she not charge you with cruelty? A Yes sir, the allegations were cruelty.
Q They were proven, were they not? A No sir.
Q You acknowledged it then? A No sir; I did not appear.
Q You have never married since? A No sir.

Com'r. T. B. Needles: The name of the applicant, James W. Foust appears upon the census roll of 1896, and he presents satisfactory proof of marriage to one, Rose Ellen McGee, a Cherokee citizen by blood, in 1885, and her name is found upon the authenticated roll of 1880. The testimony of both himself and his wife, when she applied for her own enrollment, show that they have separated and a divorce was procurred at the instigation of the said Rose Ellen (McGee) Foust, she averring cruelty. By reason of the evidence of divorce and separation, final judgment as to the enrollment of the said James W. Foust will be suspended and his name will be placed on a doubtful card.

JAMES W. POUST.

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

Subscribed and sworn to before me this 8th day of January, 1901.

COMMISSIONER.

D. 970-

[illegible] MENT OF [illegible]

C[illegible]ON TO THE FIVE [illegible] ILS.

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ACTING CHAIRMAN

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 22, 1901.

Supplementary testimony in the matter of the application for the enrollment of James W. Foust as a citizen of the Cherokee Nation.

Ellis C. Harlin, being sworn and examined by Commissioner C.R. Breckinridge, testified as follows:

Q What is your name? A Ellis C. Harlin.
Q What is your age? A 27.
Q What is your postoffice? A Welch.
Q In what district do you live? A Owassoowee.
Q How long have you lived in the Cherokee Nation? A All my life.

Examination by J. L. Baugh, representative of the Cherokee Nation-

Q Mr. Harlin, are you acquainted with James W. Foust? A Yes sir.
Q How long have you known him? A I expect ten years probably, or longer.
Q Was he an intermarried white man? A I think so.
Q Whom did he marry? A He married Rose McGee.
Q Are they living together now? A I think not.
Q Have they been separated for some time? A Yes sir.
Q Did she ever sue him for a divorce? A I think she did.
Q Was the divorce granted to her? A I think it was.
Q Do,you know that it was granted to her? A I won'dn't say positively; that is what I understand.
Q Tell how you knew these facts? A Just simply from general hear say is all I know; don't know any facts in the case.
Q Whom did you hear make those assertions - did you ever hear Rosella say anything about it? A I heard her say she was granted a divorce from him, and also heard him say that she was.
Q You heard it from both sides? A Yes sir.
Q In talking with him, did you ever hear him say whether or not he appeared against her when she sued for divorce, or did he allow it to go by default? A I couldn't say; I understand it went by default; that he did not appear against her.
Q He is not living with her now? A I think not.
Q How far do you live from her? A Twenty miles.
Q But you have known the family intimately? A Yes sir, always; all my life.
Q Did you ever hear whether or not in a conversation with those parties, whether any compromise that he made; whether that compromise was in a suit for divorce or for the purpose of paying a certain amount that Foust owed that he agreed to pay if she would go off and leave him? A It is my understanding; in the first place she left and he agreed to pay her a certain amount and he failed to do it, and she come back and took possession of the home, and then he agreed to leave if she would pay a certain amount to him.
Q Do you know or not, if you ever heard whether she had given him or paid that amount, or whether he gave her a note? A He gave her his note, but never paid it, and she come back and claimed her home.
Q Is she living on that home now? A No, I believe she is living in Afton at present.
Q Does she own that place? A It is called hers.
Q Where is Mr. Foust now? A I don't know. The last account I heard of him he was on Cow-Skin Prairie.
Q He is not on this home? A No sir, I think not.

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

E. L. Rothenberger

Subscribed and sworn to before me this 22nd day of March, 1901.

Commissioner.

R.

C. D-975.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 13, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of James W. Foust for the enrollment of himself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 26, 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, I. T., on the 13th 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 his application. The applicant having this day, to-wit: the 13th day of March, 1902, been called, and failing to respond, it is deemed that his case has been completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

It is directed that copies of the testimony had in the matter of the application of the applicant's wife, Rosa E. Foust, Cherokee Number 3442, be filed with and made a part of the record in this case.

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

Wm Hutchinson

D9475

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
VINITA, I. T., SEPTEMBER 25, 1900.

In the matter of the application of Rosa E. Foust for the enrollment of herself and three children as citizens of the Cherokee Nation; said Foust being sworn by Commissioner C. R. Breckinridge, testified as follows:

Q. Give me your full name, please? A Rosa E. Foust.
Q How old are you? A. 30
Q What is your post office? A Needmore.
Q What district do you live in? A Delaware.
Q Who is it you want to put on the roll? A. Myself and three children.
Q Do you apply foryourself as a Cherokee by blood? A Yes sir.
Q What proportion of Cherokee blood do you claim? A Quarter.
Q How long have you lived in the Cherokee Nation? A All my life.
Q What is the name of your father? A T. J. McGee.
Q. Cherokee or white man? A Cherokee.
Q Dead or alive? A Alive.
Q Your mother's name? A Martha.
Q Cherokee or white woman? A Cherokee.
Q Dead or alive? A Dead.
Q How long has she been dead? A About three years.
Q When were you married? A In 1885.
Q What was the name of your husband? A J. W. Foust.
Q Cherokee or white man? A White man.
Q Dead or alive? A Alive.
Q How long did you live with him? A About 11 years.
Q Are you divorced from him? A Yes sir.
Q Have you a decree of divorce? A Not here with me.
Q Give me the name of your children, please. A Jefferson.
Q How old is that child? A 12 years old.
Q. The next child? A Bertha.
Q How old is that child? A Ten.
Q The next child? A James M.
Q How old is that child? A Five.
Q All living now, are they? A Yes sir.
Q You and your husband separated some three or four years ago, did you? A Yes sir.

Interrogateries by W. T. Hutchins, Cherokee Representative:

Q Have you re-married since? A No sir.
Q What was the cause of the separation between yourself and your husband, what was the ground upon which the divorce was granted?
A Cruelty.
Q You sued him for divorce and got it? A Yes sir.

1880 enrollment; page 288, #1750, R. E. McGee, Delaware.
1896 enrollment; page 468, #1093, Rose Ella Foust, Delaware.
1896 enrollment; page 572, #177, James W. Foust, Delaware.
1896 enrollment; page 468, #1094, Thomas Jefferson Foust, Delaware.
1896 enrollment; page 468, #1095, Birtha Foust, Delaware.
1896 enrollment; page 468, #1096, James Monroe Foust, Delaware.

Q You have the custody of these children, have you? A Yes sir.

Com'r Breckinridge:--The applicant applies for the enrollment of herself and three children. She is identified on the rolls of 1880 and 1896 as a native Cherokee, and she has lived in the Cherokee Nation all her life, and will be listed now for enrollment as a Cherokee by blood.

Her husband from whom she is divorced, married her in 1886, and he is identified with her on the roll of 1896, and no application is made for him. The three children enumerated in the testimony are identified on the roll of 1896. They are living at this time, and they will be listed at this time for enrollment as Cherokees by blood.

---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 26th day of September, 1900.

C. R. BRECKINRIDGE.

Commissioner.

D. 975.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 19, 1902.

In the matter of the application of James W. Foust for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

SUPPLEMENTAL TO D-975.

In the matter of the application of Paulina P. Pitcher for enrollment as a citizen by intermarriage of the Cherokee Nation.

SUPPLEMENTAL TO 5614.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the said James W. Foust that it would introduce testimony at the offices of the Commission to the Five Civilized Tribes on the 19th day of April, 1902, tending to disprove his right to enrollment as a citizen by intermarriage of the Cherokee Nation. The applicant has this day, to wit the 19th day of April, 1902, been called and fails to respond either in person or by attorney.

The Cherokee Nation makes satisfactory proof of service on the said Paulina P. Pitcher, now Paulina Foust, that it would, by its representative, introduce testimony at the offices of the Commission to the Five Civilized Tribes in the town of Muskogee, Indian Territory, on the 19th day of April, 1902, tending to disprove her right to be enrolled as a citizen by intermarriage of the Cherokee Nation. The applicant in this case has been called three times and fails to respond either in person or by attorney.

The Cherokee Nation, by its representative, offers in evidence a certified copy of a marriage license issued at Miami, Indian Territory, on the 25th day of December, 1901, by Charles A. Davidson, Clerk of the United States Court for the Northern District of the Indian Territory, by H. H. Butler, Deputy Clerk, authorizing the marriage of J. W. Foust and Mrs. Paline Pitcher. The certificate of marriage shows that they were united in matrimony by William T. Freeman, a minister of the Gospel, on the 26th day of December, 1901.

The Cherokee Nation, by its representative, desires to call attention to section 666 of the Compiled Laws of the Cherokee Nation for the year 1892.

Upon an examination of the records of the Commission it is found that James W. Foust has been listed for enrollment as a citizen by intermarriage on Doubtful Cherokee Card Field No. D-975, and that his wife, Paulina P. Foust, nee Paulina P. Pitcher, has been listed for enrollment under the latter name as a citizen by intermarriage of the Cherokee Nation on Cherokee Roll Card Field No. 5614.

Said marriage license is as follows:

MARRIAGE LICENSE.

United States of America,)
Indian Territory,)ss. No. 479.
Northern District.)

To any person authorized by law to solemnize marriage, greeting: YOU ARE HEREBY COMMANDED to Solemnize the Rite and publish the Banns of Matrimony between Mr. J. W. Foust, of Dawes, in the Indian Territory, aged 43 years, and Mrs. Paline Pitcher, of Welch, in the Indian Territory, aged 28 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal at Miami, Indian Territory, this 25 day of Dec. A. D. 1902. (1901)

Chas. A. Davidson,
Clerk of U. S. Court.

By H. H. Butler, Deputy.

CERTIFICATE OF MARRIAGE.

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

I, Wm. T. Freeman, a Minister of the Gospel, DO HEREBY CERTIFY, that on the 26 day of Dec. A. D. 1901, I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this 26 day of Dec. A. D. 1901.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book C, Page 120.

W. T. Freeman,
A Minister of the Gospel.

CERTIFICATE OF RECORD.

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

I, CHAS. A. DAVIDSON, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed in my office the 3 day of Feby 1902, and duly recorded in Book M, Marriage Record, Page 87.

WITNESS my hand and seal of said Court at Muscogee, in said Territory, this 1 day of Mch, A. D. 1902.

Chas. A. Davidson, Clerk.

CERTIFICATE OF TRUE COPY.

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

I, CHARLES A. DAVIDSON, Clerk of the United States Court in the Northern District, Indian Territory and ex-officio Recorder of said District and Territory, do hereby certify that the instrument hereto attached is a full, true and correct copy of a marriage License filed in my office on the 3 day of Feby, 1902.

WITNESS my hand and seal of said Court at Muscogee, in said Territory, this 25 day of March, A. D. 1902.

(SEAL) Chas. A. Davidson,
Clerk and Ex-Officio Recorder.

By R. D. Owen,
Deputy Clerk.

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

Arthur G. Croninger

Subscribed and sworn to before me this 26th day of April, 1902.

E. L. Reitler
Notary Public.

75

5614

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 19, 1902.

In the matter of the application of James W. Foust for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

SUPPLEMENTAL TO D-975.

In the matter of the application of Paulina P. Pitcher for enrollment as a citizen by intermarriage of the Cherokee Nation.

SUPPLEMENTAL TO 5614.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the said James W. Foust that it would introduce testimony at the offices of the Commission to the Five Civilized Tribes on the 19th day of April, 1902, tending to disprove his right to enrollment as a citizen by intermarriage of the Cherokee Nation. The applicant has this day, to wit the 19th day of April, 1902, been called and fails to respond either in person or by attorney.

The Cherokee Nation makes satisfactory proof of service on the said Paulina P. Pitcher, now Paulina Foust, that it would, by its representative, introduce testimony at the offices of the Commission to the Five Civilized Tribes at the town of Muskogee, Indian Territory, on the 19th day of April, 1902, tending to disprove her right to be enrolled as a citizen by intermarriage of the Cherokee Nation. The applicant in this case has been called three times and fails to respond either in person or by attorney.

The Cherokee Nation, by its representative, offers in evidence a certified copy of a marriage license issued at Miami, Indian Territory, on the 25th day of December, 1901, by Charles A. Davidson, Clerk of the United States Court for the Northern District of the Indian Territory, by H. H. Butler, Deputy Clerk, authorizing the marriage of J. W. Foust and Mrs. Paline Pitcher. The certificate of marriage shows that they were united in matrimony by William T. Freeman, a minister of the Gospel, on the 26th day of December, 1901.

The Cherokee Nation, by its representative, desires to call attention to section 666 of the Compiled Laws of the Cherokee Nation for the year 1892.

Upon an examination of the records of the Commission it is found that James W. Foust has been listed for enrollment as a citizen by intermarriage on Doubtful Cherokee Card Field No. D-975, and that his wife, Paulina P. Foust, nee Pauline P. Pitcher, has been listed for enrollment under the latter name as a citizen by intermarriage of the Cherokee Nation on Cherokee Roll Card Field No. 5614.

Said marriage license is as follows:

"MARRIAGE LICENSE.

United States of America,)
Indian Territory, } SS. No. 479.
Northern District.)

To any person authorized by law to solemnize marriage, greeting:

YOU ARE HEREBY COMMANDED, to Solemnize the Rite and publish the Banns of Matrimony between Mr. J. W. Foust, of Dawes, in the Indian Territory, aged 43 years, and Mrs. Paline Pitcher, of Welch, in the Indian Territory, aged 28 years, according to law, and do you officially sign and return this License to the parties therein

named.

WITNESS my hand and official seal at Miami, Indian Territory, this 25 day of Dec. A. D. 1902. (1901)

Chas. A. Davidson,
Clerk of U. S. Court.

By H. H. Butler, Deputy.

CERTIFICATE OF MARRIAGE.

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

I, Wm. T. Freeman, a Minister of the Gospel, DO HEREBY CERTIFY, that on the 26 day of Dec. A. D. 1901, I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this 26 day of Dec. A. D. 1901.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book C, Page 120.

W. T. Freeman,
A Minister of the Gospel.

CERTIFICATE OF RECORD.

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

I, CHAS. A. DAVIDSON, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed in my office the 3 day of Feby 1902, and duly recorded in Book M, Marriage Record, Page 97.

WITNESS my hand and seal of said Court at Muscogee, in said Territory, this 1 day of Mch, A. D. 1902.

Chas. A. Davidson, Clerk.

CERTIFICATE OF TRUE COPY.

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

I, CHARLES A. DAVIDSON, Clerk of the United States Court in the Northern District, Indian Territory, and ex-officio Recorder of said District and Territory, do hereby certify that the instrument hereto attached is a full, true and correct copy of a marriage License filed in my office on the 3 day of Feby, 1902.

WITNESS my hand and seal of said Court at Muscogee, in said Territory, this 25 day of March, A. D. 1902.

(SEAL) Chas. A. Davidson,
By R. D. Owen, Clerk and ex-Officio Recorder.
Deputy Clerk."

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

Arthur G. Croninger

Subscribed and sworn to before me this 26th day of April, 1902.

Notary Public.

Cherokee D 975

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

In the matter of the application of James W. Foust 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 December 14, 1900, James W. Foust appeared before the Commission at Tahlequah, Indian Territory, and made personal application for his 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 22, 1901; also further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 13, 1902, and it was directed that copies of the testimony had in the matter of the application of the applicant's wife, Rose E. Foust, Cherokee, No. 3442, be filed with and made a part of the record in this case; also further proceedings in the matter of said application were had at Muskogee, Indian Territory, on April 19, 1902.

The evidence shows that James W. Foust was lawfully married under authority of a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on December 21, 1885, to one Rose Ellen McGhee, who is duly identified upon the 1880 authenticated roll of the Cherokee Nation as a native Cherokee.

The evidence further shows that in 1897 the said James W. Foust and his wife, Rose Ellen Foust, were divorced.

The evidence further shows that the said James W. Foust was a resident of the Cherokee Nation from 1885 until 1897 and at the date of this application, and he is duly identified upon the 1896 census roll of the Cherokee Nation.

The evidence further shows that subsequent to his divorce from his first wife, on December 26, 1901, he was lawfully married to Mrs. Pauline Fitcher, a white woman. 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".

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."

It is, therefore, the opinion of this Commission that the application for the enrollment of James W. Foust 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.

C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,
this JUL 16 1902

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. [illegible] 977. Muskogee, I. T., March [illegible], 1 [illegible].

Mrs. [illegible] Locust,
[illegible], [illegible].

Dear Madam:

Please advise us what was the cause of your separation from your husband, [illegible] Locust. He has made application to the Commission for enrollment as a citizen of the Cherokee Nation, and we would like to have the particulars of this separation to determine whether or not he is entitled to enrollment by virtue of his marriage to you. We have been informed that he made some kind of a deal with you for your land; that he gave you a note. Please advise us if there was any dealings of this kind, and also the exact reason why you and he separated, and give the details in full of any facts you may know affect his right to enrollment as a citizen of the Cherokee Nation.

Yours truly,

ATTORNEYS
L. B. BELL
W. W. HASTINGS
J. M. DAVENPORT
J. C. STARR, SECRETARY

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.

C. D. 975.

Muskogee, I. T., March 6, 1903.

B. W. Albert, Esq.,

Tahlequah, I. T.

Dear Sir:

Please examine the Circuit Court records of Delaware District and send us a certified copy of the ~~divorce~~ decree of divorce in the case of Rose E. Faust vs James W. Faust. Send a copy of the original citation in the case if you can find it.

Yours truly,

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D-975.

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 James W. Foust for the enrollment of himself as a citizen by intermarriage 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-62.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING NO.
Cherokee D 975.

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 James W. Foust for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 16, 1902.

Respectfully,

Tams Bixby

Acting Chairman.

See testimony of Rose E.
Faust No. 34402

IN THE MATTER OF THE APPLICATION OF

James W Power

FOR ENROLLMENT AS

CHEROKEE CITIZEN

A Original testimony Dec 14/00
B Memo of application Dec 14/00
C Certified copy of decree of divorce
D Marriage license or certificate
E ~~Reference to testimony in #3442~~
F Supplemental testimony 3/22/96
G Notice of final consideration 3/13/96

Proof of service 1/13/02

Transferred to R-710

Cher D 976

To be filed in D 976.

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

IN THE MATTER OF THE APPLICATION OF John Parks, wife and children for enrollment as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A John Parks.
Q What is your age? A Forty six.
Q What is your postoffice? A Vinita.
Q What district do you live in? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood or intermarriage? A By blood.
Q For whom do you apply? A Myself, wife and children.
Q What is the name of your wife A Margaret J. Parks.
Q What was her name before you married her? A Margaret . Praither.
Q Have you any certificate of marriage? A Yes, sir.
The applicant presents a marriage license and certificate of marriage, certifying that he was married according to the laws of the Cherokee Nation to one Mollie E. Prather, a Cherokee citizen, on the 20th day of September, 1871.
Q Is the Mollie E. Prather mentioned in this certificate the Margaret J. Parks whom you now claim to be your wife? A Yes, sir.
(1896 Roll, Page 585, #139, John Parks, Delaware D'st)
(1896 Roll, Page 517, #2417, Margaret J. Parks, Delaware D'st)
Q What are the names of your children under age and unmarried?
A John Parks.
Q Has he any middle name? A No, sir.
Q How old is he? A Nineteen years old.
Q Next one? A Ora Ada Parks.
Q How old is she? A Fifteen.
Q Next one? A Owen B.
Q How old is he? A Nine.
Q Next? A That is all.
Q Are these children living and living with you now? A Yes sir.
Q How long have you lived in the Cherokee Nation? A Twenty eight years.
Q Have you been living with your wife continuously since you married her? A Yes sir.
Q Was she your first wife? A Yes sir.
Q Were you her first husband? A Yes sir.
(1896 Roll, Page 517, #2421, John Parks, Delaware D'st)
(1896 Roll, Page 517, #2422, Cora Ada Parks, Delaware D'st)
(1896 Roll, Page 517, #2323, Owen Bell Parks, Delaware D'st)

The names of John Parks, and his wife, Margaret J. Parks, appear upon the census roll of 1896: Applicant also presents a certificate of admission, certifying that his wife, Margaret J. Parks was admitted to citizenship on the 13th day of July, 1886, said certificate being signed by W. P. Boudinot, Executive Secretary of the Cherokee Nation under the great seal of the Cherokee Nation. He also presents satisfactory proof, by certificate issued from the Office of the Commission on Citizenship, June 27th, 1887, signed by W. M. Gullager, Assistant Executive Secretary, under the seal of the Nation, certifying that his wife, Margaret J. Parks, was declared a citizen on the 19th day of December, 1870, said certificate being signed by J. T. Adair, Chairman, D. W. Lipe and H. C. Barnes, Commissioners, under the seal of the Cherokee Nation.

The name of John Parks, being found upon the census roll of 1896, as well as the name of his wife, Margaret J., and he producing satisfactory proof of marriage to his wife, in the year 1871, her maiden name being Margaret Prather; and the names of his children, John, Cora Ada and Owen B. appearing upon the census roll of 1896; they all being duly identified and having made satisfactory proof both as to their citizenship and their residence, the said John Parks will be duly listed for enrollment as a Cherokee citizen by intermarriage, and his wife, Margaret J. Parks, and his children, John, Ora Ada and Owen B. as Cherokee citizens by blood.

For more particular proof as to the citizenship of his wife, see the testimony in the case of his wife's mother, Caroline C. Prather, who was enrolled this day on Card #4014.

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
7th day of October, 1900.
C. R. Breckinridge.
Commissioner.

Retta Chick, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the foregoing copy, and that the same is a true and complete copy of the original.

R. Chick

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

(Seal)

Phillip Porter

Notary Public.

[illegible] OF THE [illegible]

[illegible] TO THE FIVE C[illegible] [illegible]ES.

FILED
JAN 11 1901

ACTING CHAIRMA[illegible]

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES
TAHLEQUAH, I.T., DECEMBER 14th, 1900.

IN THE MATTER OF THE APPLICATION OF Lee B. Prather for the enrollment of his nephew, Jesse Prather, ~~for enrollment~~ as a citizen of the Cherokee Nation, and said Lee B. Prather, being sworn and examined by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A Lee B. Prather.
Q How old are you? A Thirty nine.
Q What is your Postoffice? A Grove, I. T.
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 Whom do you desire to enroll? A I want to enroll a nephew of mine.
Q Just your nephew? A Yes sir.
Q What is his name? A Jesse Prather.
Q How old is he? A Nineteen.
Q What is his father's name? A Richard L. Prather.
Q Is he living? A No sir.
Q What is his mother's name? A Bettie Prather: He married her under the name of Wes Lewis.
Q Is he a Cherokee by blood? A Yes sir.
Q He married in Arkansas under the name of Wes Lewis? A Yes sir.
Q How did that happen? A I can not tell you.
Q How is his name on the roll of 1880? A He was not enrolled in 1880 I reckon.
Q What right has he to citizenship? A He was a citizen.
Q Well, what makes him a citizen if he is not on the roll of 1880?
A We were disputed then.
Q Are you in dispute now? A No sir.
Q Were you admitted by the Commission? A Yes sir.
Q Where is your proof of Richard T. Prather's admission?
A I have not got it with me.

(1896 Roll, Page 514, #2351, Jesse Prather, Delaware District)

Com'r. T. B. Needles: The name of Jesse Prather is found upon the census roll of 1896: Lee B. Prather comes and applies for his enrollment as a Cherokee citizen by blood, and as to proof of citizenship of the said Jesse Prather, and the marriage between his father and mother, Richard L. Prather and Bettie Prather, he refers to the papers in the case of Lenora Prather et al, D. Card #16.

The Commission not being fully advised, final judgment as to the enrollment of the said Jesse Prather will be suspended, and his name will be placed upon a doubtful card.

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

Subscribed and sworn to before me this 8th day of January, 1901.

COMMISSIONER.

To be filed with,- D. #976.

MARRIAGE LICENSE.

State of Arkansas)
(
County of Franklin)

To any person authorized by law to solemnize marriage:
You are hereby commanded to solemnize the rites and publish the bans of Matrimony between Wesley F. Louwis aged 25 years, and Sarah E. Ford aged 19 years, according to the law, and do you officially sign and return this license to the parties herein named.
Witness my hand official seal this 14th day of June, 1878.
(seal) (signed) G. H. Ross, County Clerk,
By George Spencer, D.C.

State of Arkansas :
County of Franklin:
I, J. R. McLaughlin, do hereby certify that on the 16th day of June, A.D., 1898, I did duly and in accordance to law, as commended in the foregoing license, solemnize the rites and publish the bans of matrimony between the parties therein named.
Witness my hand this 16th day of June, 1878.
(SEAL) (signed) James R. McLaughlin, J.P.
Filed July 25th and recorded July 27th, 1878.
(signed) G. H. Ross, Clerk
By George Spencer, D.C.

I, A. R. Cheever, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I made the foregoing copy and that the same is a true and complete copy of the original manuscript.

A. R. Cheever

To be filed with, - D. #976.

Sarah E. Lewis, Plaintiff,
vs. Complaint for divorce.
Wesley R. Lewis,

Now, on this day this cause came on to be heard upon the complaint, the proofs herein adduced, and the report of the attorney for the non-resident defendant, Wesley R. Lewis, and the court having the same under consideration and being fully advised relative thereto doth find the issue in favor of the plaintiff. It is therefore ordered, adjudged and decreed by the court that the bonds of matrimony heretofore existing between the plaintiff and defendant, be and the same is hereby dissolved annulled and held for naught and set aside, and the plaintiff be restored to all rights and privileges of a single person. And it is further ordered that the plaintiff pay all the costs in this action.

State of Arkansas :
:
County of Franklin:

I, John E. Bryan, Clerk of the Circuit Court within and for the county aforesaid do hereby certify that the above and foregoing is a true and perfect copy of the decree in the above entitled cause rendered on the 7th day of June, 1888, in the Franklin Circuit court for the Ozark District thereof at the June term, 1888, as it now appears of record in my office in Chancery Records, "C" at page 485.

In testimony whereof I have hereunto set my hand and affixed the seal of said court on this the 17th day of September, 1900.

(SEAL) (signed) John E. Bryan,
Circuit Clerk.

10 cent.

By Chas. W. Bell, D. C.

I. R.

I, A. R. Cheever, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I made the foregoing copy and that the same is a true and complete copy of the original manuscript.

A R Cheever

Cherokee

Jesse Q. Prather.

See Cherokee Case No D16.

Cher D 977

D 97.6

DEC 17 1900

ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T. December, 14th 1900.

In thematter of the application of William Hendricks for the enrollment of himself, wife and two children as Cherokees by blood. He being sworn before Commissioner Breckinridge testified as follows-

Q What is your name? A. William Hendricks.
Q What is your age? A. 36.
Q What is your post office? A. Menard.
Q What district do you live in? A. Tahlequah.
Q Who do you want to have enrolled? A. Myself and family.
Q Have you a wife? A. Yes sir.
Q How many children? A. Two.
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 Have you lived in the Cherokee Nation all your life? A. Yes sir except a year.
Q When was that? A. A year ago.
Q Where were you living then? A. In the Creek Nation.
Q What were you doing there? A. Went to see my wife's people.
Q Did you move your wife and children there? A. Yes sir.
Q Did you make a crop while you were there? A. Yes sir.
Q Did you go there to live? A. No sir, just went there to see my wifes people and when we got there I thought I would make a crop there.
Q Just went there on a visit and took a notion while there of making a crop? A. Yes sir.
Q What property did you leave at home if any? A. My plow tools were all here.
Q Did you have any other property back here, land or stock? A. Left some cattle back here.
Q How many head of cattle? A. One.
Q One cow? A. No sir it was not a cow yet, just a heifer.
Q Was that as much as you had with you in the Creek Nation? A. Yes sir
Q When was it that you were in the Creek Nation? A. Last ~~xxxxxx~~ June a year ago.
Q Did you get back this past June? A. Yes sir made a crop here in the Cherokee Nation this year.
Q Give me the name of your father? A. Joseph.
Q Is he dead? A. Yes sir.
Q Give me your mothers name? A. Eliza J.
Q Is she dead? A. No sir.
Q Give me your wifes name? A. Emily.
Q How old is she? A. 35.
Q When did you marry her? A. In 1895
Q Have you a certificate of marriage? A. Yes sir.
Q What was her name when you married her? A. Hammond.

The applicant presents a marriage license issued by the Clerk of the United States Cout for the Northern District od the Indian Territory dated July 18th 1895, authorizing marriage between himself and his wife as stated by him. The certificate shows that they were married by the Rev. F. L. H. Higgins. This is filed herewith.

Q Were you ever married except to this wife? A. Yes sir once.
Q Was your first wife dead before you married this one? A. No sir.
Q Were you divorced from her? A. Yes sir.
Q Have you a copy of the decree of divorce? A. Yes sir.
Q Let me see it. (Witness hands Commission a paper)
Q When were you divorced from your first wife? A. In 1895 I think.
Q This Certificate is dated July 1893. A. She sued me for divorce in 1893 I think, am not certain.

The applicant presents a certificate signed be the District clerk of Tahlequah district, d ted July 13th 1893, certifying to a paper purport-

ing to ~~[illegible]~~ be a copy of a decree of divorce between himself and Rachel Hendricks. This is filed herewith, and he is desired to supply ~~[illegible]~~ a copy of the document referred to.

Q Your first wifes name was Rachel? A. Yes sir.
Q And you say that your wife Emily was never married except to you? A No sir she was never married before.
Q Has she lived with you ever since she married you? A. Yes sir.
Q What are the names of your children? A. James R.
Q How old is that child? A. 4.
Q Next child? Sarah H.
Q How old? A. 3.
Q Are these children both living? A. Yes sir.
Q Did you have any children by your first wife? A. No sir.
Q When you worked in the Creek Nation did you buy any land? A. No sir
Q What did you do? A. Just rented some land.
Q Just spent a year there to be with your wifes kin folks? A. Yes sir.

1880 roll, page 765, No 896, Wm. Hendricks, Tahlequah dist.

1896	1180	1344	William Hendricks	"
1896	1281	95	Emily Hendricks	"
1896	1180	1345	James Hendricks	"

The applicant applies for the enrollment of himself, wife and two children. He is identified on the 1 80 roll as well as the roll of 1896 as a native Cherokee. He has lived in the Cherokee Nation all his life, exception one year in the Creek Nation which was of a transitory character, and is not considered to have impaired his rights as a Cherokee citizen, and he will therefore be listed at this time for enrollment as a Cherokee by blood. His wife is shown to have married him in July 1895, the license and certificate are filed herewith. She is a white woman, she is identified with him on the roll of 1896, she was never previously married, he was only married once prior to his marriage to his present wife, and he states that he had been divorced from his first wife before he married his present wife. He is desired to supply this Commission with an official copy of the decree of that divorce. An alleged certificate referring to it is filed to day. His wife will be listed for enrollment at this time on a doubtful card as a Cherokee by adoption, to await evidence of her husbands divorce from his first wife. Of the two children mentioned in the testimony, the older one, James R. is identified with his parents on the roll of 1896, he is living and will be listed now for enrollment as a Cherokee by blood but on a doubtful card to await evidence of his fathers divorce from his first wife. When the Commission is supplied with a certificate as to the birth of his younger child, Sarah H., this child also will be listed for enrollment as a Cherokee by blood on a doubtful card to await the evidence of divorce just referred to.

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

Chas von Weise

Subscribed and sworn to before me this the 15th of December, 1900.

[signature] Commissioner.

"R"

DEPARTMENT OF THE INT
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 14 1900

ACTING CHAIRMAN.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 14 1900 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

25 Wife's name Emily Hendricks, Maynard, I.T.

District TAHLEQUAH. Year 1896 Page 1281 No. 95

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

2 James R. Hendricks Dist. Year 1896 Page 1180 No. 1345 Age 4

3 Sarah H " Dist. Year Page No. Age 2

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Supplied

Evidence of divorce of husband William Hendricks from former wife to be supplied

No 3 affidavit of birth to be supplied

"X"

DEPARTMENT OF THE
WASHINGTON, D.C.

DES

DE

Divorced.

Rachel Hendricks

vs.

Williams Hendricks

I hereby certify that the above record is a true copy of the original now on file in the clerks office for Tahlequah District C. N.

R. M. Daningberg
Deputy Clk.
L. T. C. N.

July 13-1893.

CERTIFICATE OF RECORD.

United States of America,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss.

I, JAMES A. WINSTON, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the ..... day of ..... 189..., at ..... M., and duly recorded in Book ..... Marriage Record, Page .....

WITNESS my hand and seal of said Court at Muscogee, in said Territory, this ..... day of ..... A. D. 189...

By ..... Clerk.

..... Deputy.

DEC 14 1900
FILED
COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR
A. TING CHAIRMAN

CLERK
JUN 25 1901
FILED

MARRIAGE LICENSE.

United States of America,
INDIAN TERRITORY,
NORTHERN DISTRICT. } SS.

No. 1

To Any Person Authorized by Law to Solemnize Marriage--Greeting:

YOU ARE HEREBY COMMANDED to Solemnize the Rite and publish the Banns of Matrimony between Mr. William Hendricks *of* Manard *in the* Indian Territory *, aged* 28 *years, and Miss* Emily Hammond *, of* Manard *in the* Indian Territory *, aged* 19 *years, according to law, and do you officially sign and return this License to the parties therein named.*

WITNESS my hand and official seal at Tahlequah, this the 18th *day of* July *A. D. 1895.*

James A. Winston,
Clerk of the U. S. Court.

By H. W. C. Shelton, *Deputy.*

CERTIFICATE OF MARRIAGE.

United States of America,
INDIAN TERRITORY,
NORTHERN DISTRICT. } SS.

I, W. H. Higgins *, a* Minister

DO HEREBY CERTIFY, that on the 18th *day of* July *A. D. 1895 I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.*

WITNESS my hand this 19th *day of* July *A. D. 1895*

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book a *, Page* 264

W. H. Higgins
a Minister

NOTE.—This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court in the Northern District, Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars ($100.00).

[illegible]

[illegible]

[illegible]

[illegible] 1902, [illegible] children [illegible] consideration [illegible] to [illegible] before the commission [illegible] affection [illegible] acquiesce [illegible] income.

[illegible] to [illegible] recommend the proceedings [illegible] the foregoing [illegible] complete transcript [illegible] thereof.

[illegible]

R.

C. D-977.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 14, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Emily Hendricks for the enrollment of herself and children as citizens of the Cherokee Nation.

The applicant was notified by registered letter February 26, 1902, that her application for the enrollment of herself and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 14 th day of March, 1902, that on said date she might appear before the Commission, either in person or by attorney, when an opportunity would be given her to introduce any additional testimony affecting her application. Receipt has been acknowledged of the Commission's letter, and the applicants having this day, to-wit, the 14th day of March, 1902, been called, and failing to respond, it is deemed that her case iscompleted, and same will be reported to the Commission for fianal decision based upon the evidence now of record.

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

Wm Hutchinson

R.

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

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

Supplemental to D 977.

William Hendricks, being duly sworn, testified as follows:
Examination by the Commission.

Q. What is your name? A. William Hendricks.
Q. How old are you? A. 35 years the 22nd day of July.
Q. What is your post office address? A. Manard.
Q. You are the husband of Emily Hendricks, are you? A. Yes, sir.
Q. When were you married to her? A. In 1894, I believe.
Q. Have you and she been living together continuously since that time? A. Yes, sir.
Q. Never separated? A. No, sir.
Q. Were you married before you married this Emily? A. Yes, sir.
Q. What is the name of your first wife? A. Parsons was her father.
Q. Was he a Cherokee? A. Yes, sir.
Q. When were you married to her? A. I couldn't tell you what year.
Q. Who married you? A. Parson Dobson.
Q. You were married by a minister? A. Yes, sir.
Q. How long did you live together before you separated? A. One month.
Q. Did you live together again after your separation? A. No, sir.
Q. Did you have any children by her? A. No, sir.
Q. How long after your separation from your first wife was it before you married your present wife Emily? A. Pretty nearly 3 years.
Q. Did you ever see your first wife again after your separation from her? A. Yes, sir; I saw her once or twice.
Q. Has she married since that time? A. Yes, sir.
Q. What was her husband's name? A. They always called him Sequoyah Neggin. I think his name was Henry.
Q. Do you know whether they were married after your marriage to Emily? A. I don't know. I don't know whether they was married.
Q. Did you ever institute proceedings for divorce against your first wife? A. I never did.
Q. Do you know whether she instituted proceedings against you? A. Yes, sir.
Q. Did you appear against her? A. No, sir.
Q. Do you know whether the divorce was granted? A. No, sir.
Q. You have had the records examined to see whether there is any record of a divorce in the case? A. Yes, sir.
Q. Is this what the clerk furnished you with? A. It is.

There is offered in evidence a certificate signed by B. W. Alberty, in which he certifies that the only record which he can find as to the divorce of Rachel Hendricks from her former husband is as follows:
"Rachel Hendricks vs. William Hendricks, Divorce."

This certificate is filed and made a part of the record in this case.

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

James O. Carr

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

(Seal)

Notary Public.

28 Rachel Hendricks
Vs
William Hendricks

Divorce.

Executive Office Cherokee Nation,
Tahlequah I.T.

I,B.W.Alberty,assistant Executive secretary of the Cherokee Nation do hereby certify that the above is a true copy of all that can be found on the Circuit Court Record and docket of the Divorce matter of parties in said docket named; that the circuit Court record and docket for Tahlequah District Cherokee Nation ~~[illegible]~~ has been filed in this Office by and are in my legal custody,and I have Examined them to find the above divorce and find only the docket of the case as appears above.
,Given under my hand and the seal of the Cherokee Nation this the 25th day of June 1902.

B.W. Alberty
Assistant Executive secretary,
Cherokee Nation.

Cherokee D 977.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 29, 1902.

In the matter of the application of Emily Hendricks for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her three minor children, James R., Sarah H. and Isaac K. Hendricks, as citizens by blood, of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

EMILY HENDRICKS, being sworn, testified as follows:

By the Commission,

Q What is your name, Mrs. Hendricks? A Emily Hendricks.
Q How old are you, Mrs. Hendricks? A Twenty-seven years old.
Q What's your postoffice? A Manard.
Q Are you an applicant for enrollment as an intermarried citizen of the Cherokee Nation? A Yes, sir.
Q What is your husband's name? A William Hendricks.
Q Is he living? A Yes, sir.
Q Is he a Cherokee by blood? A Yes, sir.
Q When were you married to William Hendricks? A July, '95.
Q July, '95? A Yes, sir.
Q Where were you married? A Manard.
Q In Manard? A Yes, sir.
Q Were you ever married before you married Mr. Hendricks? A No, sir.
Q Was he ever married before his marriage to you? A Yes, sir.
Q How many times has he been married? A Once.
Q What was his first wife's name? A Rachel Potts.
Q Was his first wife living or dead when you and he married?
A Living.
Q Had he been divorced from her? A I suppose he had; he sent a copy of the divorce.
Q Did you say he sent us a copy of the divorce? A He did.
Q Have you and William Hendricks lived together as man and wife since your marriage up to the present time? A Yes, sir.
Q Never separated? A No, sir.
Q You and he 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 your marriage to Mr. Hendricks? A No, sir.
Q Where have you lived? A In the Creek Nation.
Q In the Creek Nation? A Yes, sir.
Q How much of the time have you lived in the Creek Nation? A About eighteen months.
Q You have lived all the time in the Cherokee Nation and Creek Nation since your marriage? A Yes, sir.
Q Never lived out of the Indian Territory since your marriage?
A No, sir.
Q Are these children, James R., Sarah H. and Isaac J., your children by your husband, William Hendricks? A Yes, sir.
Q Are these three children living now? A Yes, sir.
Q They have lived in the Indian Territory all their lives, have they? 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.

Notary Public.

Cherokee D-977.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William Hendricks for the enrollment of his wife, Emily Hendricks, as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his minor children, James R., Sarah H. and Isaac J. Hendricks, as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on December 14, 1900, William Hendricks appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment, among others, of his wife, Emily Hendricks, as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his minor children, James R. and Sarah H. Hendricks, as citizens by blood of said Nation. Affidavit of the birth of Isaac J. Hendricks was filed with the Commission on September 27, 1901, showing the date of his birth to have been subsequent to the date of this application. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on June 27, 1902. The other party to this application is differently classified and is not embraced in this decision.

The evidence shows that William Hendricks is a Cherokee by blood, and is identified as such on the 1880 authenticated roll of the Cherokee Nation; that Emily Hendricks is identified as an adopted white on the 1896 census roll of said Nation; and that William Hendricks and James R. Hendricks are identified as native Cherokees on the said 1896 census roll. Sarah H. Hendricks and Isaac J. Hendricks 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.

The evidence further shows that on July 18, 1895, William Hendricks was married to Emily Hendricks (nee Hammond), a white woman, under a marriage license issued by the Clerk of the United States Court for the Northern District of Indian Territory. They have lived together as husband and wife ever since their marriage, and the minor applicants, James R., Sarah H. and Isaac J. Hendricks, are the issue of such marriage. The said William Hendricks had been once previously married, and it appears that his former wife, Rachel Hendricks, was living at the time of his second marriage, and it is not proven that he was divorced from her prior thereto.

Section 692 of the 1892 Compiled Laws of the Cherokee Nation, provides as follows:

"All marriages which are herein prohibited on account of consanguinity between the parties, or on account of either of them having a former husband or wife then living, shall be absolutely void in this Nation, without any judgment of divorce or other legal proceeding; provided, that the issue from such unlawful marriage shall nevertheless be legitimate."

It is therefore the opinion of this Commission that James R. Hendricks, Sarah E. Hendricks and Isaac J. Hendricks, 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), that the name of Lily Hendricks appears on the said 1896 census roll without authority of law, and that her application for enrollment as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

Acting Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this NOV 12 1902

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T. December, 14th 1900.

In thematter of the application of William Hendricks for the enrollment of himself, wife and two children as Cherokees by blood. He being sworn before Commissioner Breckinridge testified as follows-

Q What is your name? A. William Hendricks.
Q What is your age? A. 36.
Q What is your post office? A. Manard.
Q What district do you live in? A. Tahlequah.
Q Who do you want to have enrolled? A. Myself and family.
Q Have you a wife? A. Yes sir.
Q How many children? A. Two.
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 Have you lived in the Cherokee Nation all your life? A. Yes sir except a year.
Q When was that? A. A year ago.
Q Where were you living then? A. In the Creek Nation.
Q What were you doing there? A. Went to see my wife's people.
Q Did you move your wife and children there? A. Yes sir.
Q Did you make a crop while you were there? A. Yes sir.
Q Did you go there to live? A. No sir, just went there to see my wifes people and when we got there I thought I would make a crop there.
Q Just went there on a visit and took a notion while there of making a crop? A. Yes sir.
Q What property did you leave at home if any? A. My plow tools were all here.
Q Did you have any other property back here, land or stock? A. Left some cattle back here.
Q How many head of cattle? A. One.
Q One cow? A. No sir it was not a cow yet, just a heifer.
Q Was that as much as you had with you in the Creek Nation? A. Yes sir
Q When was it that you were in the Creek Nation? A. Last June a year ago.
Q Did you get back this past June? A. Yes sir made a crop here in the Cherokee Nation this year.
Q Give me the name of your father? A. Joseph.
Q Is he dead? A. Yes sir.
Q Give me your mothers name? A. Eliza J.
Q Is she dead? A. No sir.
Q Give me your wifes name? A. Emily.
Q How old is she? A. 25.
Q When did you marry her? A. In 1895
Q Have you a certificate of marriage? A. Yes sir.
Q What was her name when you married her? A. Hammond.

The applicant presents a marriage license issued by the Clerk of the United States Court for the Northern District od the Indian Territory dated July 18th 1895, authorizing marriage between himself and his wife as stated by him. The certificate shows that they were married by the Rev. F. L. H. Higgins. This is filed herewith.

Q Were you ever married except to this wife? A. Yes sir once.
Q Was your first wife dead before you married this one? A. No sir.
Q Were you divorded from her? A. Yes sir.
Q Have you a copy of the decree of divorce? A. Yes sir.
Q Let me see it. (Witness hands Commission a paper)
Q When were you divorced from your first wife? A. In 1895 I think.
Q This Certificate is dated July 1893. A. She sued me for divorce in 1893 I think, am not certain.

The applicant presents a certificate signed be the District clerk of Tahlequah district, dated July 13th 1893, certifying to a paper purport-

ing to ~~[illegible]~~ be a copy of a decree of divorce between [illegible]
[illegible] Hendrickson. This is filed herewith, [illegible] to be [illegible] by
[illegible] a copy of the document referred to.

Q Your first wife was [illegible] Daniel? A. Yes sir.
Q And you married your [illegible] Polly [illegible]
He sir [illegible]
Q Have [illegible] before.
[illegible] you ever [illegible] you? A. [illegible]
[illegible] Will? A. 4.
[illegible] Sarah H.
[illegible] Will? A. 2.
Q Are these children both living? A. [illegible]
Q Did you have any children by your first wife? A. No sir.
Q When you worked in the Creek [illegible] did you buy any land? A. No sir
Q What did you do? A. Just rented some land.
Q Just a out 1 year [illegible] you died [illegible]? A. Yes sir.

[illegible] 705, No. [illegible], Wm. Hendrickson, [illegible]
[illegible] 1130 [illegible] William [illegible]
[illegible] 1130 [illegible] Sarah [illegible]

The applicant applies for the enrollment of himself, his wife and two children. He is identified on the 1880 roll as well as the roll of 1896 as a native Cherokee. He has lived in the Cherokee Nation all his life, with the exception one year in the Creek Nation which was of a temporary character, and he will not be considered to have impaired his rights as a Cherokee citizen. He will be listed at this time for enrollment [illegible] by blood. His wife is shown to have married him in July 1895. She is a citizen [illegible] Cherokee woman. She is identified with him on the roll of 1896, she was never previously married, he was only married once prior to his marriage to his present wife, and he states that he had been divorced from his first wife before he married his present wife. He is desired to supply this Commission with an official copy of the decree of that divorce. An alleged certificate referring to it is filed to day. His wife will be listed for enrollment at this time on a doubtful card as a Cherokee by adoption, to await evidence of her husband's divorce from her first wife. Of the two children mentioned in the testimony, the older one, James R. is identified with his parents on the roll of 1896, he is living and will be listed now for enrollment as a Cherokee by blood but on a doubtful card to await evidence of his fathers divorce from his first wife. When the Commission is supplied with a certificate as to the birth of his younger child, Sarah H., this child also will be listed for enrollment as a Cherokee by blood on a doubtful card to await the evidence of divorce just referred to.

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

Subscribed and sworn to before me this the 15th day of December, 1900.

Commissioner.

Cherokee D-977.

Muskogee, Indian Territory, June 17, 1902.

William Hendricks,

Mamard, Indian Territory.

Sir:

In the matter of your application for the enrollment of your wife, Emily Hendricks, and your three minor children, you are directed to supply this Commission, prior to July 2, 1902, with a certified copy of the decree of divorce alleged to have been granted in the tribal court in Tahlequah District, Cherokee Nation, separating you from your former wife, Rachel Hendricks.

Yours truly,

Commissioner in Charge.

Register.

Cherokee D-976

Tahlequah, Indian Territory, October 21, 1903.

Emily Hendricks,

Manard, Indian Territory.

Dear Madam:

You are hereby notified that, before your application for enrollment as a citizen by intermarriage of the Cherokee Nation will be complete, it will be necessary that you introduce, before the Cherokee Land Office of this Commission at Tahlequah, I.T., further evidence to establish whether or not your present husband, William Hendricks, had been divorced from his former wife, Rachel Potts, before his marriage to you. If possible, a certified copy of the decree of divorce should be supplied.

This evidence should be introduced at the earliest possible date. When you appear, please present this letter.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

MPM

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 977.

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 William Hendricks for the enrollment of his three minor children, James R., Sarah H. and Isaac J. Hendricks, as citizens by blood, and rejecting his application for the enrollment of his wife, Emily Hendricks, as a citizen by intermarriage, of the Cherokee Nation.

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

Respectfully,

T. Riggs

Commissioner in Charge.

~~Acting Chairman.~~

Enclosure H. No. 14.

(COPY)

D.C. 52915-1906.

Y.P.

DEPARTMENT OF THE INTERIOR

WASHINGTON.

FHE.

I.T.D. 1986-1903.

November 28, 1906.

L.R.S.

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Referring to departmental letter of August 19, 1903, in the matter of the application for the enrolment of certain persons as citizens of the Cherokee Nation, including Emily Hendricks 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 applications for the enrolment of said Emily Hendricks 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.

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

Cherokee D-977.

Muskogee, Indian Territory, December 5, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated November 12, 1902, rejecting the application of William Hendricks for the enrollment of his wife, Emily Hendricks, as a citizen by intermarriage, and granting his application for the enrollment of his three minor children, James R., Sarah H and Isaac J. Hendricks, as citizens by blood of the Cherokee Nation, a copy of which decision was furnished you on November 17, 1902, has this day been transmitted to the Secretary of the Interior for his review and decision.

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

Respectfully,

Acting Chairman.

Cherokee
D 977.

Muskogee, Indian Territory, December 12, 1906.

Emily Hendricks,

Manard, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated November 12, 1902, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation was affirmed by the Department November 28, 1906.

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

Respectfully,

Commissioner.

Encl.W-19.1/2
S.W.

REFER IN REPLY TO THE FOLLOWING
Cherokee
D 977.

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

Muskogee, Indian Territory, December 12, 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 November 12, 1902, rejecting the application for the enrollment of Emily Hendricks as a citizen by intermarriage of the Cherokee Nation was affirmed by the Department November 28, 1906.

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

Respectfully,

Commissioner.

Encl.W-20.
S.W.

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DEPARTMENT OF THE INTERIO
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ACTING CHAIRMAN

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 14th, 1900.

In the matter of the application of Walter H. Talley for the enrollment of himself, wife and children as citizens of the Cherokee Nation, said Talley being sworn and examined by Commissioner Breedinridge, testified as follows:

Q Give me your full name? A Walter H. Talley.
Q How old are you? A 26.
Q What is your post office? A Melvin.
Q In what district do you live? A Tahlequah.
Q Who is it you want to enroll, yourself and family? A Yes, sir.
Q Have you a wife? A Yes, sir.
Q How many children have you? A Two.
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? (Hands paper to Commr.)

Commr:--The applicant presents a license issued by the Clerk of Tahlequah district and certificate in accordance therewith, showing that on the 2nd of August, 1894, he was married to Miss Mary J. Wood by the Rev. L. Dobson. This is filed herewith. This document is found to be endorsed as a literal copy of the original made on February 20, 1890, and to be recorded in the office of the Clerk of the Tahlequah district, the copy being issued by the Deputy Clerk on October 27, 1896 and which bears the seal of the office. This is filed herewith.

Q How did you happen to get this copy? A The license they was sent in to be recorded they was destroyed and I let it go on a while and went after it, they made me out that.
Q Who wrote you out this one? A Arch Gearn.
Q Was he Clerk then? A He was Deputy Clerk.
Q I see this dated August 27, 1894? A Yes, sir.
Q That is part of the copy, then was this made out for you, in 1896?
A Yes, sir.
Q He did not have the original to copy from, they had been destroyed; did he take this from the books? A Yes, sir, it was destroyed in the burn out up here.
Q In the burn out where? A In Town.
Q Were the books destroyed? A No, sir, the license itself, but they had been done recorded.
Q Have you lived with your wife ever since you married her in August, 1894? A Yes, sir.
Q Were you ever married except to her? A No, sir.
Q Was she ever married except to you? A No, sir.
Q Give me your wife's name, please? A Mary J.
Q How old is she? A She is 21.
Q Is she a native of the Cherokee Nation? A Yes sir.
Q Has she livedhere all her life? A Yes, sir.
Q Give me the name of her father? A Frank Wood.
Q Is he dead? A No, sir.
Q Give me the name of her mother? A Roseann Wood.
Q Is she dead? A No, sir.
Q Give me the names of your children? A Della Ruth.
Q How old is that child? A Four years old.
Q The next child? A Ida B.
Q How old is that child? A She is a year old.
Q These children are living with you both of them? A Yes sir.

1880 Roll; page 825, #2686, Mary Woods, Tahlequah.
1896 Roll; page 1251, #3269, Mary J. Talley, Tahlequah.
1896 Roll; page 1289, #258, Walter H. Talley, Tahlequah.

Walter H. Talley--2.

Com'r Breckinridge:--The applicant applies for the enrollment of himself, his wife and two children: His wife, according to the testimony given and what purports to be an official copy of the marriage license and certificate, is identified on the rolls of 1880 and 1896 as a native Cherokee. She is stated to have lived in the Cherokee Nation all her life. It is desired that the applicant procure from the executive office of the Cherokee Nation, a duly authenticated copy of his marriage license and certificate in addition to the document of that character, which is now been filed. His will will now be listed for enrollment as a Cherokee by blood, but upon a doubtful card to await her more satisfactory identification by the authenticated copy of the applicant's license and certificate of marriage.

The applicant himself is shown by the purported copy filed herewith to have been married to his wife in accordance with Cherokee law in August, 1894. He is identified on the roll of 1896 with his wife. He states that they have lived together ever since their marriage, and that neither was previously married. He will now be listed for enrollment as a Cherokee by intermarriage on a doubtful card to await the official evidence evidence of marriage just indicated. The two children, Della R. and Ida R., said to be living, will also be listed upon a doubtful card, for enrollment as Cherokees by blood when proper certificates of their birth are filed with the Commission.

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

J O Rosson

Subscribed and sworn to before me this 13th day of December, 1900.

Commissioner.

C D 978

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Walter H. Talley, his wife, Mary J., and his daughters, Della R., and Ida B. Talley, as citizens of the Cherokee Nation.

SUPPLEMENTAL STATEMENT.

On the 15th day of December, 1900, there was filed with the Commission to the Five Civilized Tribes, and "Affidavit of Mother", wherein it was shown that there was born to Mary J. Talley, the lawful wife of Walter H. Talley, on the 9th day of December, 1896, a female child; and that said child has been named Della R. Talley. The affidavit was also accompanied by an "Affidavit of the mid-wife" who was in attendance at said birth.

There was also filed with the Commission on the same date, an "Affidavit of Mother", wherein it was shown, that there was born to Mary J. Talley, the lawful wife of Walter H. Talley, on the 6th day of August, 1899, a female child, and that said child has been named Ida B. Talley. The affidavit was also accompanied by an "Affidavit of the Mid-wife" who was in attendance at said birth.

Said affidavits are now on file in the office of the Commission. Copies of this statement are hereby ordered to be filed with the testimony in this case.

Commissioner.

Dated at Muskogee, Indian Territory.

this 1 day of _____, 1902.

Cherokee D 978.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 29, 1902.

In the matter of the application of Walter H. Talley for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Mary J. Talley, and his two minor children, Della R. and Ida B. Talley, as citizens by blood, of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

WALTER H. TALLEY, being sworn, testified as follows:

By the Commission,

Q What is your name, please? A Walter H. Talley.
Q What? A Walter Henry Talley.
Q How old are you, Mr. Talley? A Twenty-eight years old.
Q What is your postoffice? A Melvin.
Q Are you an applicant for enrollment as an intermarried citizen of the Cherokee Nation? A Yes, sir.
Q What's your wife's name? A Mary J.
Q She a white woman or Cherokee? A Cherokee.
Q Is she recognized as a Cherokee by blood? A Yes, sir.
Q When were you married to her? A August 23, '94.
Q Were you ever married prior to your marriage to this wife?
A No, sir.
Q Was she ever married before her marriage to you? A No, sir.
Q Have you and she lived together as husband and wife since your marriage up until now? A Yes, sir.
Q You have never been separated? A No, sir.
Q Were you and she living together as husband and wife on the first day of September, 1902? A Yes, sir.
Q Have you lived in the Cherokee Nation ever since your marriage to your wife? A Yes, sir.
Q Has your wife lived in the Cherokee Nation since 1880 up until now? A Yes, sir.
Q These children, Della R. and Ida B., your children by your wife, Mary J.? A Yes, sir.
Q Are they both living? A Both living.
Q Lived all their lives in the Cherokee Nation? 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 6th day of December, 1902.

T. G. Rister
Notary Public.

Cherokee D 978

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Walter H. Talley for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife Mary J. Talley, and of the Cherokee Nation.

D E C I S I O N.

--oOo--

The record in this case shows that on December 14, 1900, Walter H. Talley appeared before the Commission at Tahlequah, Indian Territory, and then and there made personal application for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Mary J. Talley, and their daughters, Della R., and Ida B. Talley as citizens by blood of the Cherokee Nation.

Mary J. Talley is identified on the Cherokee authenticated tribal roll of 1880 as "Mary Woods," She is also identified on the Cherokee census roll of 1896.

She married Walter H. Talley in accordance with the laws of the Cherokee Nation on the 23rd day of August 1894. The said Walter H. Talley is identified on the Cherokee census roll of 1896.

Della R., and Ida B. Talley having been born subsequent to the taking of the Cherokee census roll of 1896, are sufficiently identified by certificates of birth on file in the office of this Commission.

Mary J. Talley has resided in the Cherokee Nation all her life. Walter H. Talley has resided therein since 1894.

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 Walter H. Talley is lawfully entitled to be enrolled as a member by intermarriage, and that Mary J. Talley, and their daughters Della R., and Ida B. Talley are lawfully entitled to be enrolled as members by blood of the Cherokee Tribe of Indians in Indian Territory, and the application for their enrollment as such should be granted and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Kosing Chairman.

Commissioner.

C. R. Breaking

Commissioner.

Muskogee, Indian Territory,
this 22 day of May 1902.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

D - 978.

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 H. Talley 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 - 978.

IN THE [illegible] OF THE APPLICATION OF

Walter H. Talley, et al

[illegible]

[illegible]

Original Returning Dec 14/00

~~Minor's application Dec 14/00~~

Marriage license & certificate

Marriage license & certificate

Certificate of birth Walter Allen

Ida B. "

Supplemental Returns

Cher D 979

see Cher D 324

Nos. 2, 3, + 4 trans. to Cher 10769
April 12, 1904

Cher D 979

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., December 14, 1900.

In the matter of the application of George A. Mabry for the enrollment of himself, wife and children as Cherokee citizens; the will being taken down by Commissioner T. M. Needles, testified as follows:

Q What is your name? A George A. Mabry.
Q What is your age? A 75.
Q What is your postoffice address? A Vinita.
Q What district do you live in? A Cooweescoowee.
Q Are you a citizen of the Cherokee Nation? A I have been.
Q Are you married or intermarried? A Intermarried.
Q How many in your family will apply? A My wife and two children.
Q And yourself? A No, I have not got my certificate.
Q Have you got your certificate of marriage at all? A I have when I landed in the State.
Q Were you ever married according to the laws of the Cherokee Nation? A Yes sir.
Q Did you get a license according to the laws of the Cherokee Nation? A Yes sir.
Q What is the name of your wife? A Edna Dawson, it was.
Q How old is she? A 75.
Q Was she ever been married before? A No sir.
Q Give me the names of your children. A Roby.
Q How old is he? A He's fourteen.
Q The next child? A [illegible].
Q How old is she? A 11.
Applicant presents a certificate executed by William H. Hayes, Assistant Executive Secretary, under the seal of the Cherokee Nation, certifying that by an act of the National Council approved Dec. 1st, 1894, Edna Mabry and family were readmitted to all the rights and privileges of citizenship. Applicant also presents marriage license and certificate, certifying that he was married according to the laws of the State of Arkansas on the 14th day of December 1[illegible]4, to one Edna Dawson.
Q Was your wife enrolled in 1896? A I guess so, when she was re-admitted.
Q Did your family draw Strip money? A No sir.
1894 roll; page 249, (no number given) Edna Mabry, Cooweescoowee.
Note: Stricken from rolls by direction of an act approved May 5, 1894.
Q Were you ever married according to the laws of the Cherokee Nation? A Yes sir.
Q Have you your marriage license and certificate? A No sir; I gave them to Mr. Hayes to place me on the rolls once before that and the papers, and he placed me on the roll, and I never did get my papers back. He said that Walter Jackson had my papers, and he never forwarded them to me, and I had to go to work and get re-admitted again.
Q The question I asked you was whether you were married according to the laws of the Cherokee Nation? A Yes sir, that was what I was trying to explain to you.

By W. W. Hastings-
Q When were you married to Edna Dawson according to Cherokee law?
A In '96.
Q That was before she was admitted by this act of the National Council? A Yes sir, she had been admitted once before. It seems as though they didn't put it on record before I was ever married.
Q What was the name of your wife's father. A Robert Dawson.
Q What was the name of her mother? A Nancy Dawson.
Q She claimed her citizenship through Robert Dawson her father?
A Yes sir.

3- G.A.V.

Q [illegible]

Q [illegible]

Cross-exam-

Q How long have you lived in the Cherokee Nation? A For [illegible]

Cross-exam-

[illegible] Edna Haby and her [illegible] according to the [illegible] of December, 1[illegible] to his wife, [illegible] according to the laws of the Cherokee [illegible] that effect. The [illegible] herself, [illegible] Haby and Charley, for [illegible] the Cherokee [illegible] in the Cherokee Nation [illegible] the said George [illegible] according [illegible] not of his two [illegible] of the name of the [illegible] the other fact of the present [illegible] as to [illegible] and [illegible] the Haby proceeding on the [illegible] was admitted to citizenship [illegible] dibel [illegible].

[illegible] to the Cherokee Tribe, he [illegible] in full [illegible] proceedings in the above case, and that the foregoing [illegible] correct transcript [illegible] said case.

Subscribed and sworn to before me this [illegible] day of December 1900.

E. C. Rothenberger

Commissioner.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 14 1900 1900.

(38) Name George A. Mabry Talala Ind Ty

District Year 1894 Page No.

Citizen by blood no Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

(39) Wife's name Edna Mabry

District COOWEESCOOWEE Year 1894 Page 249 No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

3 Roby Mabry	Dist.	Year	Page	No.	Age 14
4 Charley "	Dist.	Year	Page	No.	Age 11
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

Certified copy of the marriage license acts No. 1 to be supplied

2970

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBE
FILED
JAN 19 1901

ACTING CHAIRM.

S U P P L E M E N T A L T E S T I M O N Y .

D #979.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JANUARY 15th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Augustus Mabry et al. for enrollment as citizens of the Cherokee Nation; Said Mabry being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A George Augustus Mabry.
Q How old are you? A 39.
Q What is your post office? A Talala.
Q You want to introduce some additional testimony do you? A Yes, sir, I have a witness here.
Q You made application for enrollment before? A Yes, sir, I made application for enrollment at Tahlequ ah.
Q Have you applied for your own enrollment before? A No, sir.
Q You want to apply now for yourself? A Yes, sir.
Q In what district do you live? A Cooweescoowee.
Q Do you apply as a Cherokee by blood? A No, sir.
Q White man? A Yes, si r.
Q Have you your marriage license and certificate? A No, sir, I give you my marriage license where I was married in the State and ~~the marriage license where I was married in the Territory~~, got misplaced and I could not find it.
Q Why did not you get an official copy of it? A I tried to but could not find it.
Q Did you get an official license? A Yes, sir.
Q When did you marry? A In '89.
Q To whom were you married? A Edna Dawson.
Q She is living now is she? A Yes, sir.
Q How old is she? A 39.
Q Were you ever married except to her? A No, sir.
Q Was she ever married except to you? A No, sir.
Q Have you and she lived together ever since you were married? A Yes, sir.
Q Was your wife enrolled in 1880 or was she admitted by the Cherokee Commission? A She was admitted.
Q Where is the certificate of Admission? A I could not say, I gt give you where she was admitted in 1896.
Q By the Dawes Commission or by the Cherokee Court? A It was by the Cherokee Council.

Com'r:--The applicant presents an offi cial copy of Senate Bill No. 15, of the Cherokee Council approved December 1, 1894, showing that certain persons were admitted to citizenship by t he Cherokee Commission on Citizenship as Cherokee citizens by blood, and among them appears the name of Edna Mabry. (Q That is intended for your wife is it? A Yes, sir.) This is recognized as official evidence of the applicant's wife's admitted to citizenship and is filed herewith.

Q Mr. Mabry, is appears that your wife was admitted to citizenship in 1894, but k nonw of them are on the roll of 1896? A I lived in Cooweescoowee district and they were prejudiced against me.
Q I am talking now particularly about the roll of 1896, did you apply to be admitted on that roll? A Yes, sir, I appears before the Dawes Commission.
Q It appears that you were put on the roll, that is your and your family and afterwards struck off; you consider that a hostile act and that you should have been kept on there? A Yes, sir.

Q Have you and your family lived in the Cherokee Nation ever since your wife and children were admitted in 1894? A Yes, sir.
Q Have not lived outside at all? A No, sir.
Q Now, Mr. Mabry, how can you explain the lack of official evidence of your marriage according to the Cherokee law in the record; in what district were you married? A I was married in Delaware district.
Q Those books have not been burned or anything of that sort have they? A I can't say; I do not think they have.
Q Have you made search at Tahlequah for the records? AI wrote twice and they wrote back that they could not find anything.
Q You got the license from the Clerk did you? A Yes, sir.
Q What did you pay for it? A Ten dollars.
Q Did you take the oath of allegiance to the Cherokee Nation? A Yes, sir.
Q When did you get the license? A 1889.
Q You were not married under Cherokee law after your wife was admitted? A No, sir.
Q When did you wife make application for admission? A It is a long story to tell you; she was readmitted once before and did not show up on the books and had to be readmitted again.
Q When did she make application for the second admission? A It was either 1893 or '94..
Q Now, your wife was admitted in December, 1894, when did she make the application on which she got that admission? A November of 1894.
Q You say you took the oath of allegiance to the Cherokee Nation when you married? A Yes, sir, I taken it when I got the license.
Q What did you do with your license? A I turned them over to Sam Mayes, he placed me on the rolls.
Q Who is Sam Mayes? A He was in the Senate at that time.
Q What did you do about getting your license recorded with the clerk, did you turn it over to the Clerk to be recorded? A No, sir.
Q Who is there here that known that you got out your license? A Mr. Dawson there knows it.

FRANSIS M. DAWSON, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your full name, please? A Francis M. Dawson.
Q How old are you? A 58.
Q What is your post office? A Oceo.
Q How long have you lived in the Cherokee Nation? A Ever since 1883.
Q Do you know Mr. Mabry here? A Yes, sir.
Q His wife is your daughter? A No, sir, half sister.
Q Do you know about his getting out a Cherokee license to marry her? A Yes, sir, I was at the Clerk's office when he ogt ot.
Q Did you see him apply for it? A Yes, sir.
Q You saw him pay the legal fees? A Yes, sir.
Q Did you see him take the oath of allegiance to the Cherokee Nation? A Yes, sir.
Q And about when was all that, Mr. Dawson? A I do not remember the dates; it has been a great while ago, it has been nine or ten years ago.
Q Do you know of any reason why the fact of his getting the license is not of record in the official record? A No, sir.

GEORGE A. MABRY, The Applicant, further testified:
Examination by W. W. Hastings.

Q Do you remember the exact date of your marriage in 1889? A As near as I can recollect it was in May, 7th .
Q You got your license from Cal James who was Deputy clerk at that time under Claude Shelton? A Yes, sir.

By Commissioner Breckinridge:

Q Who married you? A A fellow by the name of Faulks.

Com'r Breckinridge:--The applicant is found to be included in the application in case D #979 and this testimony will be filed with this case as supplemental thereto for the further consideration of the Commission and a note will be made on the card of this additional testimony.

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J. O. Rosso , 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 Rosso

Subscribed and sworn to before me this 17th day of January, 1901.

Commissioner.

Marriage Certificate.

Mr.

to

M

Recorded, Book, *l*

Returned and filed *day of*

190

S.

Clerk.

State of Arkansas }
County of Boone } ss

I, [illegible] clerk of the county court in and for said county and state aforesaid, do hereby certify that the foregoing and annexed Marriage Certificate and signature of the officer thereon, is a true and correct copy of the original filed and of record in my office in Book [illegible] Page [illegible] of Marriage records of said county.

This 1st day of [illegible] 1900

[illegible] Clerk
By [illegible] D.C.
County Clerk

Marriage Certificate.

Mr. .....

— TO —

M .....

Recorded, Book Page

Returned and filed this ..... day of

..... 190

..... Clerk.

Certificate of Record.

STATE OF ARKANSAS, }
County of } I,

Clerk of the County Court of said County, certify that the above License for and Certificate of the Marriage of Mr. and Mr was filed in my office on the day of 190 , and the same is duly recorded on page of Book of Marriage Records.

Witness my hand and the seal of said Court this day of 190

(SEAL)
(HERE)

Clerk.

By D. C.

Form No. 760

For sale by Arkansas Democrat Co. Ella de Park Manufacturers Printers and Stationers Little Rock Ark.

MARRIAGE LICENSE.

STATE OF ARKANSAS, COUNTY OF Carroll

To any Person Authorized by Law to Solemnize Marriage Greeting:

You are hereby commanded to solemnize the rite and publish the bans of Matrimony between Mr L A Mabry of — in the County of Carroll and State of Arkansas aged 24 years, and Mrs Edna Dickson of — in the County of Carroll and State of Arkansas aged 22 years, according to law; and do you officially sign and return this License to the parties herein named.

Witness my hand and official seal this 11 day of Dec ~~A.D.~~ 188

N H Moore

County Clerk.

D.C.

CERTIFICATE OF MARRIAGE.

State of Arkansas.
County of Carroll } I, G W Pierce
do hereby certify that on the 11 day of December ~~A.D.~~ 188 I did, duly and according to law, as commanded in the foregoing License, solemnize the rite and publish the bans of Matrimony between the parties therein named.

Witness my hand this 11 day of Dec ~~A.D.~~ 188

My Credentials are recorded in Recorder's Office
County, Ink. Book Page } G W Pierce M G

NOTE This License with the Certificate duly executed and officially signed must be returned to the office whence it is issued within sixty days from the date of License, under penalty of forfeiture of the License

EXECUTIVE DEPARTMENT,

CHEROKEE NATION.

Tahlequah, Ind. Ter., Nov 11th 1895

To whom it may concern:

I W H Mayes asst Executive Secretary do hereby certify that, by an act of the National Council, approved Dec 1st 1894, Edna Mabry and family was readmitted to all the rights and privileges of Cherokee citizenship in the Cherokee Nation

W H Mayes
Asst Executive Secretary

blood.

of

B. W. Albert
Cherokee Nation

B. W. Alkesby

Supl.-C.D.#979.

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

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of GEORGE A. MABRY, ET AL., as citizens of the Cherokee Nation; introduced on part of the applicants:

The case having been set for final hearing on this 17th day of March, 1902, the following proceedings were had.

Appearances:
Mr. A. S. McKennon, of Counsel for Applicants;
Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

S. H. MAYES, being duly sworn, testified as follows on part of applicants:
MR. McKENNON:

Q What is your name? A S. H. Mayes.
Q What is your age? A 56 years old.
Q Do you know George A. Mabry? A Yes, sir; this is the gentleman that is here?
Q Yes, sir. A Yes.
Q Were you a member of the Cherokee Senate in 1891? A Yes, sir.
Q The question would be were you a member of the Cherokee Senate from 1889 to 1891? A Yes, sir; that is my recollection.
Q During that time did applicant, George A. Mabry, furnish you with any papers relating to his citizenship? A Yes, he came down there and appeared about his right question; in taking the census he was put on what is called a doubtful card, doubtful roll, and he came down there with some papers, and I don't remember whether it was a marriage license or marriage certificate; any way with the papers we had before that was satisfactory to the Committee and we put him off of the doubtful card on the straight Cherokee roll, but what that paper was I don't know; I could not be positive about it; it has been a good while ago.
Q Do you know what went with those papers? A No, sir; I do not.
Q You don't know whether they were ever returned to him or not? A No, when he started away from here he told me about some papers and I asked him to send them; the papers was in the hand of the Committee and I instructed Mr. Baugh to send them to him; Mr. Baugh was Clerk of the Committee at that time.
Q Do you know what he did with them? A No, sir, I don't.
MR. HASTINGS, of Counsel for Cherokee Nation:
Q You don't remember whether this was a marriage certificate or marriage license? A No, sir.
Q You don't know who signed it? A No, sir.
Q You remember more about the action of the Committee, that there was some sort of paper there? A Yes, sir; that is what I remember about it.

GEORGE A. MABRY, the applicant, re-called, further testified in his own behalf:
MR. McKENNON:

Q Your name is George A. Mabry? A Yes, sir.
Q You are a white man? A Yes, sir.
Q You intermarried with Edna Dawson, did you not? A Yes, sir.
Q Who claims to have been admitted as a Cherokee citizen? A Yes.
Q When was that? A When this marriage took place?

Q Yes. A In the spring of '89.
Q Did you obtain a marriage license under Cherokee law at that time?
A Yes, sir.
Q Have you that license now? A No, sir.
Q What became of it? A I turned them over to Mr. Sam Mayes.
Q S. H. Mayes? A Yes, sir.
Q Have you ever seen it since? A Yes, sir.
Q Then it is lost or mislaid? A Yes, sir.
Q In obtaining that license did you comply with the Cherokee laws for intermarriage? A Yes, sir.
Q Did you take the oath of allegiance before the Clerk? A Yes, sir.
Q Who was the clerk who issued that license? A Cal James, he wasn't the Clerk, he was the Deputy there.
Q Where? A Fairland.
Q What district? A In Delaware.
Q You were duly married then to Edna Dawson under that license, were you? A Yes.

MR. HASTINGS, of Counsel for Cherokee Nation:

Q Was that your first marriage, Mr. Mabry? A No, sir.
Q You had been married to your wife previous to that, same wife?
A Yes, sir.
Q Where were you married to her? A Berryville, Arkansas.
Q When? A That was in, I don't remember; '84 as I recollect.
Q That was before she came here? A Well, she had been here before, but she had went back to her mother was sick there and she went back.
Q How long did you live there before you came here; when did you come here in,-17 years ago last August.
Q That would be in '85, wouldn't it, last August you say; that would be August of '84? A Yes.
Q What time of the year did you marry her? A December.
Q You are mistaken about that; you came the next August after you were married, didn't you? A No, I was here, I just went back there; she was out here and went back there and I went back there. I come from Texas here and I went back there; I come here in August from Texas and in December I went on there.
Q Then you come to the Cherokee Nation in August; then you married in December? A Yes, sir.
Q August of '84? A Yes, sir.
Q How long did you stay out at Arkansas when you married in '84?
A I must have stayed a month or two months, I don't remember; I think it was in February I come back.
Q Do you remember now whether it was 1889 or 1890 you married the last time? Itwas in '89 the best of my knowledge.
Q Now, what time in the year 1889? A It was in the spring.
Q First part of the year? A Along in April.
Q Well, now, do you remember what year it was that you presented this marriage license to Mr. Mayes? A Seems to me it was in the fall of the year.
Q Was it that same fall of 1889? A I don't hardly think it was; I think it was in the next fall.
Q You think it was in the fall of '90? A Yes, sir.
Q You don't think you have ever seen that since? A No, sir.

FRANCIS M. DAWSON, being duly sworn, testified as follows on part of the applicants:

MR. McKENNON:

Q What is your name? A Francis M. Dawson.

Q How old are you, Mr. Dawson? A I will soon be 60.
Q What relation are you to George A. Mabry? A A brother-in-law.
Q His wife then was your sister? A Yes, sir.
Q Do you know anything about his having obtained a license about the year 1889 under Cherokee laws to marry his wife Edna? A Yes, sir; I went with him to the Clerk's office to get the license.
Q Tell what occurred there? A Cal James was Deputy Clerk and issued the license to him to marry his wife.
Q Did he comply with the Cherokee laws in obtaining that?
A Yes, sir
Q Took the oath of allegiance? A Yes, sir.
Q You were present? A Yes, sir.

MR. HASTINGS:

Q Who married them? A I wasn't at the wedding.

---oooOOOooo---

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 case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J O Rosson

D 979

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
MUSKOGEE, I.T., OCTOBER 15TH, 1902.

In the matter of the application of George A. Mabry for the enrollment of himself as a citizen by intermarriage and for the enrollment of his wife, Edna, and two children, Roby and Charley, as citizens by blood of the Cherokee Nation.

George A. Mabry, being first duly sworn, under examination by the Commissioner testified as follows:

Q What is your name? A George A Mabry.
Q How old are you? A 41.
Q What is your postoffice? A Talala.
Q Are you a white man? A Yes.
Q Are you claiming as a citizen by intermarriage? A Yes.
Q What is your wife's name? A Edna Dawson.
Q That was her name before you married her? A Yes sir.
Q Is she a Cherokee citizen by blood? A Yes sir.
Q How long has your wife been living in the Cherokee Nation? A Been living here 17 years.
Q Was she admitted in 1883? A Yes.
Q When were you married to her? A I was married to her in 1884 in the State of Arkansas.
Q When were you married to her under a Cherokee marriage license? A '89.
Q Is Edna your first wife? A Yes sir.
Q Are you her first husband? A Yes sir.
Q Neither you nor your wife had ever been married before? A No sir.
Q Have you and your wife, Edna, been living together ever since you have been married? A Yes sir.
Q Have you made the Cherokee Nation your home all that time? A Yes.
Q How many children have you by your wife, Edna? A 2, Roby and Charley.
Q Are they both living now? A Yes sir.
Q And your wife is living also? A Yes sir.

Cora Moore, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she reported in full the testimony and proceedings in this case and that the foregoing is a true and complete transcript of her stenographic notes thereof.

Cora E. Moore.

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

B A Jones
NOTARY PUBLIC

To be filed with C. D. 472, Effie Pierce.

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

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

Q What is your full name? A Francis Marion Dawson.
Q What is your age? A I am fifty eight years old.
Q What is your Postoffice? A Ocooma.
Q What District do you live in? A Delaware.
Q Who is it you want to have enrolled? A Myself and family.
Q Your wife? A Yes, sir.
Q How many children? A Six.
Q Do you apply for enrollment as a Cherokee by blood? A Yes, sir.
Q Is your wife a Cherokee by blood? A No, sir; she is a white woman.
Q How long have you lived in the Cherokee Nation? A Since 1883.
Q Were you admitted by the Cherokee Commission? A Yes, sir.

The applicant presents a duly authenticated certificate of admission to citizenship, showing that on the 11th day of January, 1883, certain persons were admitted by the Commission on citizenship, and among them appears the name of F. M. Dawson.

Q That is your name is it? A Yes, sir.

This is recognized as satisfactory evidence of the facts stated.

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

The applicant presents a duly authenticated marriage license and certificate, showing that he was married to his wife, as stated by him, in 1880, by the Reverend R. W. Goudelock, in Carrol County, Arkansas, the license being issued by the Clerk of that County.

These papers are filed herewith.

Q Your wife was not admitted by the Cherokee Commission, when you were? A No, sir.
Q Or at any other time? A No, sir.
Q By act of the Commission or Council? A No, sir: she was placed on the rolls.
Q On the census rolls? A Yes, sir.
Q Give me the names of your children, please? A Lula.
Q How old? A Seventeen.
Q Next child? A Ray.
Q How old? A Fifteen.
Q Next child? A Jessie Jane.
Q How old? A Fourteen.
Q Next child? A Jacob Levy.
How old? A Ten.
Q Next child? A Hugh A.
Q How old? A He is eight I believe.

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

(1896 Roll, Page 461, #902, Francis Marion Dawson, Delaware.
(1896 Roll, Page 509, #135, Katie Dawson, Delaware District.
(1896 Roll, Page 461, #903, Lula Dawson, " "
(1896 Roll, Page 461, #904, Ray Dawson, " "
(1896 Roll, Page 461, #905, Jesse James Dawson, Delaware Dist'.
(1896 Roll, Page 461, #906, Jacob Levy Dawson, " "
(1896 Roll, Page 461, #907, Hugh A. Densmore Dawson," "
(1896 Roll, Page 461, #908, Laura Albertie Dawson, " "

Q Is this Lula or Luly? A Luly.

The applicant applies for the enrollment of himself, wife and six children:

Q Were these children all born since you were admitted into the Cherokee Nation? A Yes, sir.

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

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

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

(Signed) R. R. Cravens.

Subscribed and sworn to before me
this 18th day of September, 1900.

(Signed) C. R. Breckinridge,

Commissioner.

BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED TRIBES.

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

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

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

DIRECT EXAMINATION BY G. B. DENISON:

Q State your name, age, residence and occupation?
A T. F. Thompson, 53 years old, I live near Vinita, Cherokee Nation, I. T. I am a farmer.
Q How long have resided in the Cherokee Nation? A All my life.
Q Are you a citizen of the Cherokee Nation as now constituted?
A Yes, sir.
Q Upon what is that citizenship based, blood or otherwise?
A Blood.
Q What, if any official position have you held in the Cherokee Nation, and at what time?
A I was elected to the Cherokee Council in 1870 some odd, I don't remember the exact year, I was also on the Commission Court.
Q Do you remember when that was? A Some time in 1860 or 1861, I think, it may have been earlier.
Q Did that Commission or Court have anything to do with admission to citizenship in the Cherokee Nation? A Yes, sir.
Q State, if you remember, how many members of that Commission or Court, there were, and who they were besides yourself?
A There were three, Tehee, Wolf and myself, Tehee was President of the Court.
Q Where were the sessions of that body held? A Tahlequah, Cherokee Nation.
Q Did you have a Clerk? A Yes, sir.
Q Do you remember who that was? A D. W. C. Duncan.
Q Do you know whether the members of that Commission beside yourself, are living or dead? A Yes, sir, they are both dead.
Q Can you recollect now what period of time that Commission lasted?
A About two years I think, two, sessions, and there was one session each year.
Q Were the sessions of that body held in Tahlequah, open to the public at all times when it was in session?
A Yes, sir.
Q Were the cases coming before that body heard in open session?
A Yes.
Q Witnesses examined orally? A Yes, sir.

Q Judgments of the Court or Commission pronounced in open session?
A In case of decisions I think they sometimes had secret sessions, yes, the judgments of the Commission were pronounced openly.
Q What you intended to convey by you answer to the [illegible] question was that after hearing the proof the Commission or Court deliberated in secret session upon the testimony taken before reaching a decision or announcing it? A After hearing all the testimony we went into secret session.
Q I will present you with a paper which the Notary will mark exhibit "A" and a copy of which he will attach to your deposition and will ask you if with the exception of [illegible] on record by W. L. Bragdon, Clerk, and John L. Adair Assistant Clerk, [illegible] copy, you recognize it as a paper you have ever seen before [illegible]
A I recognize the signature to it, but don't [illegible]
Q Which signature on that paper do you recognize [illegible]
Q That signature is in your own handwriting? A Yes, sir.
Q Do you know whether Thomas Tehee, president of the commission could write in English or not? A No, I don't think he could.
Q How as to Alexander Wolfe, a member of the commission?
A I don't think he could write either, I don't think either of them ever wrote except by touching the pen.
Q Were you, and are you familiar with the handwriting of W. J. Duncan the Clerk of that Commission?
A Tolerably well, but it has been a long time since I [illegible] of it.
Q Will you look at the paper again and say whether [illegible] recognize his signature attached thereto?
A Yes, that is his signature to the best of my knowledge.
Q Do you preserve any personal recollection of the application before that Commission of F. H. Dawson and other members of the Dawson family, to be admitted as citizens of the Cherokee Nation by that Commission?
A I remember F. H. Dawson and his brother, that is about the only ones I remember.
Q The question was not as to the personal recollection of the individuals, but as to the claim being presented by the Dawsons for admission?
A Yes, there was such a claim before the Commission.
Q Can you state as to the citizenship of Thomas Tehee, whether he was a citizen of the Nation by blood or not?
A Yes, sir, he was always recognized as such, full blood besides.
Q What is your knowledge of Alexander Wolfe?
A About the same, he was also a full blood and recognized as a Cherokee.
Q Judge Thompson, if you possessed or had, or have now any knowledge of any corruption or bribery of the court or Commission, or any member of it by F. H. Dawson or any of the Dawson family or anybody connected with the presentation of their claim for citizenship, state it fully?
A None whatever as far as I was concerned, and I don't think there was by the balance of the Court.

CROSS-EXAMINATION BY W. T. HUTCHINGS.

Q Do you mean to say Mr. Thompson that your name attached to the certificate shown you is in your handwriting?
A Yes, sir.
Q When Mr. Duncan certified that this is a transcript of the decision in the case, he is mistaken, that is the original?
A No, I don't know, that may be the original, if that is not the original I did not sign it, if it is the original I signed it.
Q You state that the witnesses were examined orally before the Court, don't you know that in almost every case you took ex parte

[illegible]avits of witnesses when those witnesses were not present?
[illegible] think we ruled exparte evidence out, as well as I remember.
[illegible] you have any stenographer or anybody to copy the evidence?
[illegible]can did all of the copying.
[illegible] the evidence copied and preserved?
[illegible] sir, I think it was.
[illegible] was done with that evidence, where was any of it ever put?
[illegible] ose it is at Tahlequah in the office of the Treasurer or [illegible]
[illegible] you went into secret session did you have Mr. Duncan read [illegible]ence to you?
[illegible]r, we went over the evidence thoroughly.
[illegible] you allow the applicants or their attorneys admission to [illegible] our secret sessions?
[illegible] you go ready to render your decisions did you then send [illegible] applicants or their attorneys?
[illegible] sir.
[illegible] you rendered them in secret also, did you? A Yes, sir.
[illegible] you any recollection who testified in the Dawson case, [illegible] claim? A No, sir, I have not.
[illegible] you any recollection as to who they claimed their Cherokee [illegible] were? A Yes, sir, they claimed the Rogers.
[illegible] they claim relationship with any of the present families of [illegible] residing in the Cherokee Nation?
The applicant objects to this question as tending to [illegible]licit testimony wholly incompetent and irrelevant to the issue, and not cross-examination of this witness.
[illegible] don't know what they did, particularly.
[illegible] could your court determine when they claimed descent through [illegible] Rogers family, that that family was of Cherokee blood?
The applicant objects to the question upon the same grounds as their objection to the previous question.
A By the evidence they produced.
Q Didn't you make them prove that that family was well known at one time to be connected with the Cherokee Nation, and were citizens thereof? A Yes.
Who was the attorney for the Dawsons? A Old man Houston Benge.
Could either Tehee or Wolfe speak English? A They could understand, but they never spoke English, they had an interpreter.
Did you ever talk to either of them as to whether they got anything for deciding this case? A No, sir.
[illegible]ldng were you considering the case altogether?
A I could not say as to that, I think we were on it two or three [illegible] anyhow, I could not say positively now, they were a long time [illegible]ting in testimony.
[illegible] There were only two or three witnesses examined all told, were [illegible]
[illegible] think so, three I think, they had quite a lot of affidavits, [illegible] did not consider them.
[illegible] the Court was a good while arriving at its conclusion after [illegible] evidence was closed?
A [illegible] quite a good while, I don't remember the exact time.

RE-DIRECT EXAMINATION:

Do you remember who the interpreter the Commission had during [illegible] hearing of the Dawson case.
A His name was Reese, I forgot his given name.

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

(Signed) T. F. Thompson.

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

CERTIFICATE OF RECORD.

United States of America,
Indian Territory,
Northern District.

I, Marshall L. Bragdon, Clerk of the United States Court in the Indian Territory, hereby certify that the instrument hereto attached was filed for record in my office the 9 day of March, A. D. 1893, at 10-30 o'clock A. M. and duly recorded in book C. Mich Record Mortg. & Liens, page 339,

Witness my hand and seal of said court at Muscogee, in said Territory this 16 day of March, A. D. 1893.

(SEAL) M. L. Bragdon,

Clerk.

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

"No. 108, Robt. Dawson et al, VS the Cheroke Nation, Transcript of Judgment, Filed Mar. 9, 1893 10-30 A. M. Marshall L. Bragdon, Clerk.,

OFFICE OF COMMISSION ON CITIZENSHIP,
TAHLEQUAH, CHEROKEE NATION, JANUARY 11th, 1883.

Robt. Dawson, F. M. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly
No. 108 Dawson, Wilbron Dawson, James Dawson, Rial Dawson,
VS,
The Cherokee Nation.

And now on this, the 11th day of January, A. D. 1883, this case coming on for final hearing and all the evidence produced in the case being carefully read and duly considered by the Commission, it was adjudged and determined by the Commission on Citizenship, that the claimants, Rob't Dawson, F. M. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson. Molly Dawson, Wilbron Dawson, James Dawson, and Rial Dawson, are Cherokees by blood: and that they are entitled to all the rights and priviliges of Cherokee citizenship within the Cherokee Nation, and that they should be, and they should be, and they are hereby

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

D. W. C. Duncan,)
Clerk of Commission.)

Thomas Tehee, President of Com.
Alex Wolf,)
T. F. Thompson,) Commissioners.

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

January 11th, 1883.

D. W. C. Duncan,
Clerk of Commission.

Executive Department,
Tahlequah, Cherokee Nation,

January 11th, 1883,

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

Witness my hand the

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

John L. Adair,
Asst. Ex. Secretary.

United States of America,
Indian Territory,
Northern District,

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

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

(SEAL)

(Signed) Lewis T. Martin.

Notary Public.

My commission expires Feb 3rd. 1902.,

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

DIRECT EXAMINATION BY G. B. DENISON:

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

Q Was that the usual manner of certifying to the action of the Commission to applicants as to the decision of their application for citizenship, where admitted?
A In all instances where it was necessary for the Court to sign a paper of any kind it was adopted by that Court for the Clerk to sign Tehee's and Wolf's names and T. F. Thompson to sign his own name.
Q You didn't catch exactly my idea, but perhaps that answered it, what I intended to call you attention to, was whether when applicants had been admitted to citizenship a paper of this kind now shown you, signed by the judges as you have explained, and certified by you as a transcript of the proceedings was issued?
A My recollection is that a transcript of the judgment was issued to the applicant when they were admitted at their request, the judgment was entered upon the record when they were admitted and signed by the judges, and whenever the transcript was delivered to the applicants I think it was signed by the judges.
Q If you had any knowledge at the time the application of the Dawson family, F. M. and others whose names are mentioned in that paper, was pending before that Commission, or before or after, of any corruption or bribery, or attempted corruption or bribery of the Court or any of its officers, by F. M. Dawson, or any person connected in any manner with the claim of the Dawsons to citizenship in the Cherokee Nation, state it fully?
A I never heard a thing of the kind, I know nothing of the kind, all that I have ever heard about a question of that kind is what has originated recently, since the enrollment business has been inaugurated.

CROSS EXAMINATION BY W. T. HUTCHINGS:

Q If as you certify, this paper was a transcript of the record, why did you have the judges sign it?
A I know no reason further than that was the practice at that time, the members of the Court being present I presume it was thought it would be as good or better than the signature of the Clerk.
Q Examine that signature of Mr. Thompson, examine the first T in his name and the T in Tehee's name and see if it is not all your own handwriting?
A No, I would not call that mine, there is a resemblance between the letters but I am satisfied it is a mere fortuity, accident.
Q How was the evidence taken in those cases?
A It was taken by the witness being present and detailing his knowledge of the case, I wrote it down sentence by sentence as it was delivered.

Q Do you know whether that evidence is in existance or not?
A I do not, the last I saw of it was when I turned the records over to the Executive office at Tahlequah, and I have not seen it since.
Q You say you never heard any talk about this being an improper case until very recently?
A Well, that would depend upon what you mean by recently, I don't think I ever heard of it prior to three years ago, I can safely say that did not.

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

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

A They claimed their right of citizenship through a man by the name of Rogers, I don't recol ect his first name.
Q Do you know how many Rogers families there are who have citizenship in the Cherokee Nation?
A I do.

(Signed) D. W. C. Duncan.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT,

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

Given under my hand this 4th day of October, A. D. 1900.
(SEAL)

(Signed) Lewis T. Martin.

Notary Public.
My commission expires 2/3/1902.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 8, 1902.

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

Q What is your name? A Francis Marion Dawson.
Q How old are you? A Soon will be sixty years old.
Q What is your postoffice address? A Afton now, it used to be [illegible].
Q What was the name of your wife? A My first wife was Julia Ann [illegible].
Q Was she a white woman? A Yes, sir.
Q When were you married to her? A I think it was the 8th of January, 1864.
Q Where were you living at that time? A In Arkansas.
Q Who married you? A A man by the name of Dave Sturdy.
Q Was he a preacher? A Yes, sir.
Q A minister of the Gospel? A Yes, sir.
Q Did you and she live together as husband and wife up to the time of her death? A Yes, sir.
Q Did you have any children by her? A Yes, sir.
Q What are their names? A William R. Dawson.
Q The next one? A Francis Marion Dawson Jr.
Q The next one? A Johnnie.
Q The next child? A Elizabeth.
Q The next one? A Arizona Allred.
Q 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 10th day of June.
Q Are you related to the applicant here in this case, Francis M. Dawson? A Yes, sir.
Q How are you related to him? A Brother.
Q Did you know his former wife, Julia? A Yes, sir.
Q Is she living or dead? A She is dead.
Q Was she a Cherokee or white woman? A I couldn't say what; they married in the states.
Q Do you know when he was married to her? A Yes, sir.
Q When was it? A About the close of the war.
Q Who married them? A Parson Sturdy.
Q Were you present when they were married? A Yes, sir.
Q Did they continue to live together as man and wife up until the time his wife Julia died? A Yes, sir.

John K. Stevens, being sworn and examined by the Commission, testified as follows:
Q What is your name? A John K. Stevens.
Q How old are you? A 56 years old.
Q What is your postoffice address? A Afton.
Q Are you acquainted with the applicant here in this case, Francis M. Dawson? A Yes, sir, as we call him, Bud Dawson.
Q How long have you known him? A My first acquaintance with him was in '61.
Q Did you know his first wife, Julia? A Yes, sir.

Q Do you know whether or not they were married? A Yes, sir, they were married.
Q Were you present at the marriage? A No, I wasn't present at the marriage.
Q Did you see them soon after their marriage? A Yes, sir.
Q Did you continue to know them for any length of time afterwards? I knowed them as long as she lived.
Q During the time you knew them did they live together as husband and wife? A Yes, sir.
Q Were they recognized in the community as such? A Everybody recognized them.

This testimony will be filed with and made a part of the record in the following Cherokee cases:
Arizona Allred et al D-835, John Dawson, D-580, William R. Dawson D-581, Lizzie Dawson D-584 and Francis M. Dawson Jr. D-588.

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

(Signed) E. G. Rothenberger.

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

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

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

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

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

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

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

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

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

After consultation with the attorneys upon the two sides it is found to be agreeable that the parties start to Fort Gibson to-morrow morning at half past eight o'clock, and it is agreed then and directed with an official of the Commission with a stenographer leave from the office of the Commission for Fort Gibson at 8:30 to-morrow morning.

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

MR. HUTCHINGS:

Q What is your name? A Francis M. Dawson.
Q Where do you reside? A In Afton.
Q You have been examined in this case heretofore, have you?
A I don't know which case it is.
Q In your own case? A Yes, sir.
Q Are you the one that is commonly called Bud Dawson? A Yes, sir.
Q You made the original application in the Dawson family for admission to citizenship in the Cherokee Nation, didn't you? A Yes, sir; my brother.
Q What was his name? A A. E. Dawson.
Q You and Robert Dawson and Elbert Dawson and others applied Sep-tember 24, '81, about that time? A Yes, sir.
Q And you were admitted about the 11th of January '83? A Yes, sir.
Q There were other members of your family that applied and were admitted after that time? A Yes, sir.
Q Do you or not remember the evidence offered in theirs to substan-tiate their cases was the relationship between yourself and Robert and others and the evidence of your admission by the Tah Court. In all the subsequent admissions I mean the only evidence offered was the fact that you and your brothers had been admitted before and that they were kin to you; that was the only evidence offered in any subsequent cases, wasn't it; so far as you know?
A That is afterwards?
Q Yes, afterwards? A I think there was some other evidence introduced.
Q Don't you know that there was never any evidence offered in any other case except evidence of Dr. Baker of Arkansas? A Yes, sir.
Q Who else? A Oliver Miller.
Q Who was Oliver Miller; the records in this case have been somewhat destroyed and mutilated? A Oliver Miller he lived in Arkansas.
Q What was he, who was he? A He is he kin as his dad.
Q Well, what station in life did he occupy; was he a farmer?
A Yes, sir, farmer.
Q Were you present when he testified? A Yes, sir.
Q Were you present when Dr. Baker testified? A Yes, sir.

Have you a fair preconception of the testimony of these two men?
No, not at all.
You don't read do you, Mr. Dawson? A No, sir, I dont read nor write; I can barely write my name
Do you think you would remember the testimony of Dr. Baker if your memory refreshed on it? A Part of it I think.
Where were you present when you were admitted? A I was not in the room.
Q You were in Tahlequah at the time? A I was in the town of Tahlequah at the time.
I will read this paper to you and desire for you to say whether or not was the testimony of Dr. Baker in your case:
(A Affidavit of Dr. Arthur Baker read to witness, and asked to be copied in the record later.)
Is that the correct transcript of the testimony? A It has been long ago; I could not say; a part of it is, I could not remember it all.
Does that state the facts as to the family history correctly so far as you know about it? A So far as I know.
Now, you were a son of what Dawson? A Robert Dawson.
Q How many children did Robert Dawson have, and give me their names?
A Elbert Dawson, the oldest; Lila, Jesse, Francis Marion-
Q That is yourself? A Yes, sir; Elizabeth Dawson, Josephine Dawson, John Dawson, Joseph Dawson, Jane Dawson, James Dawson, Fana Dawson, Mollie Dawson, Wilburn Dawson.
Q Thirteen? (No response.)
Q Now, Robert Dawson's father was who? A Sam Dawson.
Q Who was Sam Dawson's wife, your grandmother? A I have been told.
Q By family history is all you know? A She was called Polly Dawson.
Q Who was Anna Pruitt? A I don't know.
Q Never heard of anybody in the family by the name of Anna Pruitt? A No, sir, that was away back in the old country; I have heard talk about it, and Dr. Baker talked about it.
Q Your grand-mother's name was Polly Dawson? A Yes, sir; I don't remember seeing her but once, she died when I was small, died in Texas
Q Pollie Dawson? A Yes, sir.
Q And she was known to be Pollie Rogers, her maiden name? A Yes, sir.
Q Daughter of Captain John Rogers? A Yes, sir.
Q Now, she died in Texas what time? A I don't remember.
Q Can't you guess at it? A Oh, I could guess.
Q Give your best recollection? A About '58 or '59, or no, '48 or '49; I don't say positive, just guessing at it.
Q How old a boy were you then? A I was born in '42.
Q Have you any distinct recollection of her? A No, sir.
Q Have you any recollection of all the children of Sam and Pollie Dawson; that is, your father, uncles and Aunts? I didn't see all of them.
Q Do you know by family history the names of all of them? A Yes, sir.
Q Will you give them to me?
A Betsy Ann Dawson, I believe her name was.
Q Did she marry a Petty? A Yes, sir; the next is Robert Dawson.
Q Your father? A Yes, sir.
Q Next one? A I think the next was James Dawson, and I think the next one was a girl, Edna Dawson.
Q Did he have two daughters? A Yes, sir.
Q Well sir? A The next one was Joe Dawson; I never saw him; Riley Dawson.

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

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

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

(Attorney for applicants waives examination.)

C. H. TAYLOR, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name? A C. H. Taylor.
Q Where do you reside, Mr. Taylor? A Near Coffeyville.
Q Were you an attorney before various citizenship Courts along in '81 to '87 in the Cherokee Nation at Tahlequah? A Yes, sir.
Q Were you attorney for F. M. Dawson commonly known as Bud Dawson?
A Yes, sir.
Q Were you present at the taking of testimony in that case? A No, sir: I wasn't present.
Q Do you know who composed the court that decided the case at that time? A Yes, sir.
Q Who were they? A Tom Tehee and Alex Wolfe and Tommy Thompson.
Q Do you know whether or not they were all there when the case was decided? A No, sir, there were only two of them present.
Q Which two? A Tehee and Wolfe.
Q Who was the Clerk of the Court at that time? A Mr. Duncan, D. W. C. Duncan.
Q Do you know what witnesses were used in the case of Bud Dawson?
A No, sir; now I was the attorney in the case and the evidence had already been filed before the Court.
Q When was you made attorney? A I was only called in as an attorney at the-- Well, Mr. Duncan came down there, and Mr. Bryant had the case and several other attorneys had the case and he employed me.
Q Did you read the evidence in this case? A No, sir.
Q Did you deliver any money? A Now, I was the attorney in the case and I don't think it would be right for me to make any statement.
Q Now, you have claimed your privilege, I ask that you answer the question? Did Dawson ever send you any money with the direction to pay it to either member of the Court or the Clerk of the Court, D. W. C. Duncan, and if so state the amount? A I had a lead of trouble over this matter.-

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

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

COMMISSIONER BRECKINRIDGE:
Q Do you desire to reply to the last question? A I don't think it is right; I was attorney in the case.
Q Mr. Taylor, do you object to answering that question? A Yes, sir.
Q You refuse to answer that question, do you? A I had rather not answer it.

Q Either answer it or say you won't answer it? A I had rather not answer it.
Q Mr. Taylor, you have answered a number of questions down to this point, but it is at this point that you prefer to plead your privileges, as an attorney, do you? A Yes, sir.

Com'r Breckinridge: The power in regard to these matters is lodged in the United States. The Court is clothed with special power with reference to matters which arise through this Commission. Of course the Commission desires and the Government needs for the making of a correct roll the fullest information possible, but it is subject to the limitation of law, and it is not for this Commission to decide of the law in a matter of this character with any authority as I understand it at this time, but to report the matter to the United States Court and let the Court pass judgment.

Under section 21 of the Curtis law as it is commonly called Act of June 28 1898, the members of the Commission shall in performing all duties required of them by law, have authority to administer oaths, examine witnesses and send for papers and persons, and the court is clothed with authority to enforce obedience. The law having enumerated certain powers goes on to say so far as all others are concerned to enable said Commission to make rolls as herein required, and to punish anyone who may in any manner or by any means obstruct said work. Now, the Commission will report the facts to the United States Court and let the Court decide whether or not you are within your lawful privilege. It seems that you refuse to answer questions, or at least one question, which tends to establish as to whether or not you are claiming what what is commonly considered a matter of privilege--according to an authority referred to by an attorney, but the enforcement of an answer seems clearly to be a matter for the Court to deal with.

Q Now, Mr. Taylor, in regard to the last question asked you by Mr. Hutchings, one of the Counsel for the Cherokee Nation, I direct that you make answer, and if you refuse I shall report the matter to the United States Court; do you refuse? A Yes, sir.
Q Now, you have read to you, Mr. Taylor, the first of the two questions propounded to you by Mr. Hutchings, and which you declined at the time to make answer; viz; as to whether Mr. Dawson sent you money to pay to the Court or to any officials of the Court, it seems to come to the question as to whether there was any collusion between you and Mr. Dawson and any member of the Court; now, I understand that you refuse to answer that question upon the grounds that you were Mr. Dawson's attorney? A Yes, sir.
Q Now, I require that you answer that question, (do you refuse?
A Yes, sir.
Q I shall also report that refusal to the United States Court as it seems to come under the provision of law, relating to conspiracy between you and Mr. Dawson which apparently considered a privilege matter, and you base your refusal now, not upon the ground that you are incriminating yourself, but that you were counsel for Mr. Dawson. I will report the matter to the Court and you will be informed at the time of any proceedings in the matter I caution you not to talk with Mr. Dawson or any of the applicants in this case.

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

COM'R BRECKINRIDGE:
Q You still refuse having the consent of the attorneys in the case to make answer? A I will just ask your Honor to let the matter go over until morning.

Commissioner Breckinridge: It will rest until in the morning at its present status; it is after business hours now.

As for the objection made by Captain McKennon, Counsel for the applicant, it will be taken into consideration, but will not be granted at the present.

(The Commission adjourns until 1:30 P. M. to-morrow afternoon, March 13, 1903.)

Suppl.-C. D. #324.

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

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

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

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

Q State your name? A Samuel H. Benge.
Q Where do you reside? A Fort Gibson.
Q How old are you? A I am 70 years old, going in 71.
Q Are you a citizen of the Cherokee Nation? A Yes, sir; Cherokee by blood.
Q State what official position you have held in the Cherokee Nation and that your general connection with the Nation officially in the last 40 years? A Well, I had several; I have been Sheriff, Councilman, Senator, Delegate to Washington; had a hand in making the treaty of 1866, I am the only one living that signed that treaty; President of the National Council of different tribes of Indians.
Q Were you acquainted with F. M. Dawson, commonly called Pud Dawson? A Yes, sir; I knew him.
Q State you connection with and what you know about his citizenship case before what is known as the Thomas Tehee Citizenship Court?
A Mr. Dawson come down, I was living down below here, he come and employed me to tend to his case and we went to Tahlequah, I believe if I ain't mistaken in 1881 and filed his case there; we went several times and continued his case on for the want of evidence, and finally while we was up there we run across one old darkey by the name of Tosh Rogers; we got his testimony and after we got that testimony we concluded that it was sufficient to go into the trial with. Tosh lived here at Fort Gibson, he was a horse trainer down here and stayed here; he claimed that he knew the Rogers and belonged to one of them and after that we thought we had sufficient evidence we submitted our case to the Court for trial, and the Court went to work and rendered a decision against Mr. Dawson.
I told Mr. Dawson right there that "our cake is dough", just made that remark, and he just made the remark "never mind", and next morning they taken up his case again and they rendered a decision in his favor. I filed no motion nor any evidence at all whatever; I give the case up right there and the decision was then given in his favor, and on our way back from Tahlequah, why we got to talking about the case and I told him: "it was a pretty hard blow when they rendered that decision against us." He said: "yes, but Duncan was the man to reach", but he reached him with five hundred dollars.
Q What position did Duncan occupy? A He was Clerk of the Court.
Q Duncan an educated man or-? Yes, sir; he was an educated man.
Q Who were the members of the Court? A Tom Tehee, Alex Wolfe and Tom Thompson.
Q How many of these could speak English at all? A One.
Q Which one? A Thompson.
Q Who was the Attorney that represented the Nation in those cases?
A Thy Sanders.

Q What was his given name? A Wilson Sanders; was it Wilson Sanders?
A Wilson Sanders.
Q He was an educated man, or could read English well? A No, sir.
Q Mr. Starr, do you say anything about your having seen him [illegible] of Perry? A He said he had seen him right smart.
Q Anything remarkable on the way he talked about the opening up of the land, or no, sir? A He answered if I thought the court would ever investigate eventually and I told him I didn't know.

L. McKENNON:

Q Have you ever a witness in this or any other case, Judge, in any of which by objections that have been made since this time? A I don't know that you might call it a witness; that gentleman came to Tahlequah, and asked me to hold him there that the case was going against him, his wife and his mother and all was about broken out and I interceded and done what I could there before the Committee. I was not a witness but he [illegible] I don't forbid.
Q That was Mr. Gruber, wasn't it? A Yes, sir.
Q Have you had conversations with Mr. Gruber since that time about it? A Now, I might, I don't recollect, I might have had conversations with him.
Q Well, after the Dawes Commission began taking a census of the Cherokees and when they were about Sallisaw down here, did you have conversation with him here in Fort Gibson about the matter?
A Now, I just can't tell you; I have seen him on several occasions, but the conversations we might have had I can't state.
Q To refresh your memory I will ask you if he did not tell you that they were making a fight on the Dawson family and he wanted to know of you whether that judgment in favor of Robert Dawson's family was fairly rendered, and did you not then tell him that it was all right, that it was fairly obtained? A Not as I recollect of; all he said; that is as I have stated he talked to me in regard to his father, himself and probably his brothers and sisters, I don't recollect how many there were, but he told me they were rejected, that is just the words he used.
Q When? A It has been sometime ago.
Q Here in Fort Gibson? A Well, that is I saw him here in Fort Gibson, and then I saw him in Tahlequah.
Q Well, did he here in Fort Gibson ask you particularly about the Robert Dawson judgment, as to whether it was fairly obtained or not?
A No, sir; he was basing his claim on the Dawson case, that is the way he-
Q What is the principal Dawson family? A Yes.
Q When was this other written statement here made, when was this made by you? (referring to affidavit heretofore referred to.)
A Yesterday I reckon.
Q Who came to take this? A Mr. Starr.
Q Who else was present when this was taken? A No, sir.
Q Who had you told about this matter, Judge? A No one as I know of.
Q Do you know how it was that they knew that you know this?
A No, sir.
Q You never made any statement? A Never made any statement that I recollect of except I might have talked with Scales, we and him talked about these cases a good many times; if I ever made a statement it was to Joe Ab Scales.
Q How did Mr. Starr know? A I could not tell you how Mr. Starr knew.

Q He came alone here as a Notary Public? A He came alone here as a Notary Public. All he said when he come, he says "we understand that you know something in regard to these cases", I said " what cases," and he went to work and named Shoemake case and Dawson case.
Q And thereupon you made this tatement? A He said he wanted to qualify me.
Q Are you certain Judge that after the rendition of tht judgment Mr. Dawson came back here to Fort Gibson with you?
A Yes, sir; we was together.
Q Let me ask you if it was not a very cold day when he came here and he went over ahead of you and you went over to Tahlequah the next day or two after he left? A My recollection was he and I went together.
Q And returned here together? A Yes, sir.
Q Did he not leave you there and go back direct to Arkansas?
A No, sir, we care here together. If my memory serves me right, I might be mistaken but then I don't believe I am, he came from Webbers Falls up here to my house, that is according to his statement.
Q What amount of fee did they pay you? A I don't know as that is in connection with the case whatever the money they paid me.
Q How didthey pay you? A Paid me the money.
Q Who paid it to you? A Dawson there and that fellow, young fellow paid me some.
Q Mr. Graham? A Yes.
Q At the same time? A Oh, no, he wanted me to intercede for him at Tahlequah and paid me to do something for him which I did.
Q I will ask you if Mr. F. M. Dawson here did not obtain two copies of the judgment one of which you sent in a letter in which you wrote to his brother living in Texas and that brother in Texas, the one they called Buck, didn't send you $50 that they paid you? A No, if I ever got a letter of Buck whatever you might call him, I don't recollect it and if I ever got a nickel from him I don't recollect it. Old man paid me what money I got from it. I don't know nothing about his brothers; he told me he had an uncle living over i Arkansas, but not living down in Texas, I don't know about it.
Q Where did he pay you the money? A Paid it here at home.
Q Before you went out? A He paid me fifty dollars before we went up and when we went up yonder he paid me fifty dollars more; if you want to know what I got, I got one hundredn dollars.
Q You were acting as his attorney in the case? A Yes, sir.
Q How many judges were there present when the judgment was rendered? In his case?
A Yes, sir. A Well, according to my recollect there was all there, but if they were not all there, Tom Thompson was sick. Tehee and Wolfe.
Q Don't you remember that they were all present? A No, I think they were present though.
Q Who else was present at the time? A Oh, I could not tell you, there were several people in the house; could not tell you at all.
Q Were there several in the house the evening before the judgment was rendered against them as you say? A. Yes, there were several in the house.
Q And several in the house when the judgment was rendered the next day? A I don't know how many there was.
Q Do you remember the names of any of them? A Why not exactly, mostly full bloods.
Q How long didyou remain out at Tahlequah on that trip?
A I guess I was there about three days.

Q Tending to this case alone, or did you have other cases? A no, sir.
Q Do you know of your own knowledge that the judges received any money (this question asked at the instance of Mr. Graham present) A I don't know whether the judges received nay or not.

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

(Signed) J. O. Rosson.

March 18, 1902. Commission convened pursuant to adjournment.

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

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

Q Mr. Taylor, you said you would consider the matter yesterday and let us know whether you would answer those questions today; have you decided what you would do about the matter? A Well, it is like this, of course I don't want to be held as in contempt of the Court.
Q You would be held in contempt and the other Court would make you answer? A That being he case of course I would make a statement.
Q Are you acquainted with D. W. C. Duncan, the Clerk of what is known as the Tehee Citizenship Commission Court? A Yes, sir.
Q Did you ever have any conversation with him about letting him know of the different character of cases that would come up before the Court that you knew of, whether they were good ones or bad ones? A No, the only thing that ever come up in that respect; he asked me if whatever large cases that would come up before the Court to let him know.
Q Did you have any talk with him about the Dawson case during the progress of its trial or before and ever introduced Mr. F. M. Dawson to him, or carry him to him? A I spoke to him when Mr. Dawson came to Tahlequah to see about his case, and he said that he would take the papers over to his room, the Dawson papers.
Q Did you see him again that night? A Yes, sir; after supper I went down to his room.
Q Did he ask you about the Dawsons or Dawson case? A He asked me where Dawson was.
Q Which Dawson are you referring to now, F. M. Dawson, known as Bud Dawson? A Bud Dawson.
Q Well, what didyou reply to him? A I told him that I thought he had gone to church.
Q Did you find Dawson after church? A Yes, sir, he told me to come and bring Dawson down and I did so; Dawson was in church.
Q You carried Dawson to him? A Yes, sir.

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

MR. McKENNON:

Are you a citizen of the Cherokee Nation? A Yes, sir.
Q Were you born and reared in the Cherokee Nation? A No, sir: I was born in the old Nation.

Q When did you come to the Cherokee Nation? A Come here in 1868.
Q How long have you been practicing law in the Cherokee Nation?
A I think since '68.
Q You have done a great deal of citizenship business haven't you?
A Yes, sir.
Q You were in the United States Court at Fort Smith on charges in regard to the citizenship business? A Yes, sir.
Q Were you convicted there? A Yes, sir; I was convicted there on this very case.
Q And served a term of what length? A I was sent to the jail hospital for sixty days and I stayed in about 38 or 39 days, and I was released.
Q When was that? A I don't remember how long ago it has been.
Q You say it was in regard to this case? A Yes, sir; this case was the bone of contention; Clem Rogers and the Chief, they are the ones that had me arrested, carried to Fort Smith.
Q Well, now, were you charged with an offense against the law in this case, or was it in regard to some other case? A Well, it was in regard to using the mail for fraudulent purposes.
Q Sending out propositions and obtaining case for citizenship for people [illegible] Cherokee Nation? A No, sir, it was for answering correspon[illegible].
Q Not relating to this case at all? A Well, this was the main charge, Clem Rogers went before the Court there and stated that I had got in at least three hundred Dawsons, that they were white people and not entitled to citizenship and that was the main trouble.
Q Well, now, was the charge based upon that or was it based upon ~~your letters you sent out to other people?~~ A ~~That was the charge~~ for using the mail for fraudulent purposes.
Q The use of the mails for fraudulent purposes not in connection of this case was it? A Not particular of this case.
Q Then the trouble you had was the prejudice of Clem Rogers and others caused by your connection with the Dawson case; that is what you mean to say? A Yes, sir.
Q Why did you say because you were charged with an offense based upon this case? A Well, the prejudice grew out of this case.
Q Now, then, you had full conversation with the representatives of the Cherokee Nation as to your testimony in this case, did you not before you came on the stand? A Yes, sir.
Q You had told them of these particulars before you came on the witness stand did you not? A Yes, sir.
Q Yet when you came on the stand you assumed to have conscientious scruples as to answering as to matters which occured between you and your client, Bud Dawson, in relation to this matter and declined to answer claiming your privilege as an attorney did you not? A Yes, sir; I didn't want to make a statement at all in the matter.
Q You had voluntarily made a statement to the representatives of the Cherokee Nation? A Yes, sir; I had stated to Mr. Hastings; he cautioned me and I come down here and I didn't want to make a statement to him but he insisted.
Q He had no power to compel you to make a statement? A No, sir.
Q You could then make it very freely and your conscience did not hurt you, but when you came on the stand you were very conscientious about it? A I didn't want to make a statement at all unless I would be put in jail here if I didn't.
Q But you had armed them with information by which they could ask you these questions when you came on the stand? A I had told Mr. Hastings.

Q You knew when you gave him that information that you would be brought on the stand as a witness, did you not, by reason of that?
A No, I didn't know that I would be compelled to make a statement in the matter, a sworn statement.
Q You thought you would not be compelled to answer?
A I didn't think the law would compel me to make a statement.
Q Why then did you make a statement to him about it? A Oh, he was asking me about it, and I told him that I didn't want to make a statement, and I didn't for quite a wh le after I came down here.
Q When the enrollment division of the Dawes Commission was in Tahlequah, in the winter of 1900, did you not there meet F. M. Dawson and did you not then and there say to him "I told Shoemake I would be for him if he would employ me in his case and if he didn't I would be against him, and the same to you?" A No, sir; I said to him this; I says that if there is not something done that I will likely be summoned against you and Mr. Shoemake both.
Q What did you mean by that? A Well, I just meant this, I just left the matter with him to say what he wanted to do in the matter; I only spoke a word or two about it. I was going out of town just as he came in.
Q When you told him if something was not done you would be summoned as a witness against him; what did you mean by that? A Well, I just meant that the chances were that the Nation would summon me against him.
Q What did you mean by the expression "if there was not something done" that you would be summoned as a witness?
A Well, I meant this, if I was re-employed in the matter if he was to have a case and I was re-employed I would not be required.

Q You could be required to make a statement as to declarations made to you by your client to you in one instance, but if a little more money was put up you could not be required to make a statement; is that what you mean? A I didn't think I could be forced to make a statement at all in the matter.
Q Why did you make that expression to him "if something wasn't done you might be summoned as a witness" if you believed you could not be made to make a statement? A I meant if I was employed in the case.
Q If he would put up you would not testify? A That they could not force me to testify.
Q About the month of February, 1901, in the town of Wagoner, Indian Territory, did you not send your son to get Graham to come to the hotel at night, and did you not then and there say to Gid Graham; "You people are on the doubtful list and if you will give me $500. I will make it all right and see that you are enrolled and if you don't I will se that you don't get on"? A No, sir; I got a letter from Gid Graham in which he asked me to certify that the case was all right and after I met him I told him that I could not do it; that the case was crooked, he then said to me, he says, "I will give you a hundred dollars", he says "will you take a hundred dollars," I said "no, sir." I didn't make any bid, that is I didn't set no price with him.
Q You did not say to him then what I have embraced in that question there? A No, sir.
Q You did have a conversation with him about that time and at that place, did you not? A Yes, sir.
Q You say you didn't make any bid or set any price? A No, sir; he offered me a hundred dollars.
Q Why did you send for him to come to the hotel? A In answer to his letter.

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

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

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

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

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

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

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

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

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

Q Why did you do it? A Well, he intimated to me it would go no further. He said to me "I will not make this matter — I will not use it;" that is, what I stated to him was part in confidence.

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

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

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

Q You, don't you know what Mr. Hastings did not intimate to you the statement he was asking you to make would not be used? A Well, I didn't think that I could be forced to make a qualified statement before the Court here, because I thought my license would protect me in that matter.

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

Q Now, in this conversation with Shoemake to which I have a reference, did you not ask him to again employ you and tell him if he would that would make it all right for him? A No, sir; I didn't say that; I said if he had employed me that a matter "maybe it would have made my job easy." Now, he offered me when I was down here last week, he offered me five dollars to go down and talk with him about the matter, I didn't go I was busy.

Q That was not your price? A No, no, I had nothing to say in his case that would be to his advantage; I knew nothing against him.
Q Now, then, you say that your were present on the morning that the judgment was rendered in favor of the Dawsons? A I was not in the Court house.
Q You were present in Tahlequah? A Yes, sir.
Q How long had you been at Tahlequah? A I was living there at that time.
Q When were you first employed by them? A By Dawsons?
Q Yes, sir. A The evening before the case was tried.
Q You say that after the judgment was rendered Dawson handed you $80? A Yes, sir.
Q And told you to pay to Duncan? A No, sir.
Q What was your statement? A That he paid me $80 and says "I will send you some more in a short time, week or so."
Q And then he sent you 100? A Yes, sir.
Q And wrote you to give D. W. C. Duncan $50 of it? A Yes, sir.
Q And then sent you another $100 and told you to give him half of it? A Yes, sir.
Q How much did they pay you? A Well, that was the agreement, was that he would pay me $50 a family.
Q How much did he pay you? A I think there was $250; now I am not sure about the $50, but it appears to me like there was a $50 sent, and Mr. Duncan asked me, as well as I remember, says "have you got a letter from Dawson," I told him "yes, sir." It was either that or the $100, and he says "I would like to have some money", and I went to Stapler's and got it changed-- I won't be sure about it being $50 or $100--I went to Stapler's and got him to cash the check and give him his part of it.
Q How much did they pay you for your services? A That is all I got.
Q How much? A I think it was $100, $120.
Q What did you do for them? A Didn't do a thing; only called up the case and submitted it; never read the evidence.
Q Submitted it without remarks? A Yes, sir.
Q And for that you say they paid you $120? A Yes, sir; $120.
Q Was Houston Benge present when that was done? A No, sir; I don't think he was.
Q Did you see him there at that time in Tahlequah? A I don't remember.
Q Were you associated with him in any manner in connection with the case? A No, sir.
Q You had a great deal of business of that character, have you before the Courts? A Yes, sir.
Q Were you paid like fees in other cases for like services? A Yes, sir.
Q In any of them? A Yes, sir, good many.
Q All like cases? A Oh, citizenship cases.
Q When was it you were in jail at Fort Smith? A I don't remember; Mr. Mollotte can remember, he was there, he was my attorney.
Q Was it about 1883? A It was somewhere along there, along in 1880 somewhere.
Q That has been your principal business as a lawyer, has it not? A Yes, sir.
Q You have never practiced much in any other way have you? A Very little.
Q Were you in the habit of working your cases through in the same manner in which you state you worked this through? A No, sir.

Q This was an exception was it? A I never worked this case through. I simply called the case up by request of Mr. Dawson. I read the evidence; don't know what proof there was in it; he just asked me to call the case up.
Q And he agreed to pay you $50 a family for doing that? A Yes, sir.
Q Was that what you required of him? A That is what he agreed to pay. I says "What will you give?" He says "I will give you $50 a family.

MR. HUTCHINGS:

Q At the same time that the attorney for the Nation was talking to you about the Dawson case he also made inquiries about the Shoemake case didn't he? A Yes, sir.
Q And you told him at that time before you knew anything about whether you would be made or compelled to testify that so far as you knew there was nothing you knew detrimental to the Shoemake case? A Yes, sir; that is what I said.
Q You told him at the same time that you not only expected to claim your privilege as an attorney in the case, but that you told him, Mr. Hastings, with the full belief that the Court would sustain your position? A Yes, sir.

Mr. McKennon: That is very leading.

Q Now, did you think that the re-employment, being the attorney in the pending case would strenthen your position or weaken it, when you spoke to Mr. Dawson? A What I thought in the matter was before ever I would be summoned in the matter, a long time ago, that if I had been employed in the matter of course my position would have been such that I would not have been required or could not have been forced.
Q Did you think under those circumstances that Mr. Hastings would approach you about the subject? A No, sir; I don't think I would be forced to, having license to practice law.
Q Did Mr. Hastings tell you at the time that he was going to put you on the stand? A Yes, sir.
Q And let the Court decide? A Yes, sir.

MR. McKENNON:

Q Now, have you a license to practice in the United States Courts?
A Yes, sir.
Q In the Territory? A Yes, sir.
Q And also in the Indian Courts? A Yes, sir; do you want to see them?

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

MR. HUTCHINGS:

Q State your name please? A J. W. Lewis.
Q James W. Lewis? A Yes, sir.
Q Where is your postoffice, Mr. Lewis? A Afton.
Q How old are you? A 73 years old.
Q What is your business ? A I work at the tin business and gun smith.
Q Do you know one James Dawson, the brother of F. M. Dawson and the other Dawsons? A I know old man James Dawson.
Q That is the one I mean, old man James Dawson? A Yes, sir; I know him.
Q How long have you known him? A Well, some four or five years, I guess.
Q How long? A Four or five years I think.

Q When did you come to the country? A I have been in the country 70 odd years.
Q Well, when did he come to the country, do you know? A Also about somewhere in eighty if I recollect right, might have been later than that.
Q How did you happen to be acquainted with? A He lived right close by me and I built a house for him.
Q Did you have any conversation with him at the time you built that house? A Yes, several different times.
Q About how he became a citizen of the Cherokee Nation, about the circumstances? A Yes, sir.
Q Did he make any statement to you about the use of money in getting his citizenship, and if so, state what he said?
A Well, he told me that it cost him $700 to get his rights.
Q Didn't tell you to whom he paid it? A No, he didn't and I didn't ask any questions.

MR. McKENNON:

Q How old was he at that time, do you know? A I do not know exactly, must have been somewhere near about 70 years old, he might have been older than that, I don't know.
Q He was a very old and feeble man? A Yes, he was old and feeble.
Q He seldom ever got out away from his house? A No, sir, only short distance.
Q When you first knew him he was that kind of man? A Yes, sir.

J. L. CLINKENBEARD, being duly sworn, testified as follows on behalf of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name? A J. L. Clinkenbeard.
Q What is your post office address? A Vinita.
Q How old are you? A 50.
Q Were you ever an applicant for citizenship before the Tahlequah Citizenship Court in Tahlequah? A Yes, sir.
Q About what time was that? A September '81, I think.
Q Did you meet there about that time, one Elbert or Buck Parson?
A Yes, sir.
Q How did you happen to meet him? A He and I stopped at the same place, man's by the name of Sharbor.
Q You and he stopped there, did you, board there? A Yes, sir.
Q Well, did you have any talk about citizenship cases, yours and his? A
Yes, sir.
Q Where did he state that he was from? A Texas.
Q Well, state what you can remember of the conversation between you from time to time about citizenship in the Cherokee Nation?
A Well, we were there on the same business and we talked about it at different times, but in talking about the evidence we had there I, of course, told him how many witnesses I had and what I could prove and so on, and he said that he didn't have but one witness, Mr. Baker from Arkansas, a man that was 85 or 90 years old, he said, he hadn't come and said he had to have got him there, but he didn't have.
Q Well, what did he say about the doctor's knowing anything?
A Well, he said he was 85 or 90 years old and didn't know straight.
Q Well, did he say anything about giving him whisky?
A Well, he said he would give him four drinks of Arkansas whiskey and he would swear that black was white.

Q Did he say exactly what of the money could do in Texas or Indian Territory? A Well, in talking about the evidence, he said that money was what made the wars go down in Texas and he said "I come to get the lay of the land" and he says "I found out it goes here," or words to that effect.
Q Did he say what he had to spend on the question? A Well, he said that he could stand a thousand dollars on it and not be hurt very much; finally he said he could stand more than that.
Q What did he tell you what he thought about the necessity of witnesses anyhow? A Well, I don't know as he said as to that, but I understood from what he said that he thought money would beat witnesses.
Q Well, where did you go from there? A He and I left there together; he went to Muskogee by way of Fort Gibson and there we parted.
Q Did you ever see him after that? A I saw him about two years or something like that afterwards.
Q Where? A Vinita.
Q Did you refer to the citizenship matter? A I asked him how it came out and he said all right.
Q Was he deformed in any way this man? A He had a crippled hand or stiff finger; I don't remember just what it was now.

MR. McKENNON:

Q Your first conversation with him was in '81 was it? A Yes, sir.
Q What time in '81? A September.
Q You were then an applicant for citizenship? A Yes, sir.
Q Have you got it yet? A No, sir.
Q You are still an applicant? A No, sir.
Q You are still working to get to be a citizen of the Cherokee Nation? A No, sir; haven't quit it entirely.
Q What business are you in now? A I am running a dairy in Vinita.
Q When did you make the restatements now to the representative of the Cherokee Nation? A Well, sir, I haven't; I saw Mr. Hastings I believe here last Saturday the first time.
Q Did they ever know that you had had conversations with Mr. Dawson? A I don't know.
Q You don't know how they found that out? A No, sir.
Q You say you saw Mr. Hastings here last Saturday? A Yes, sir.
Q Now, did you approach him or did he approach you? A He approached me.
Q You know why? A No, sir; I suppose somebody I have told something at some time about this, I don't know when or who. I don't remember of having talked to anyone about it. I have seen Mr. Hastings for years.
Q Now, you say--how was that expression about his giving Dr. Baker three or four drinks of liquor? A He said the old man; he said that Dr. Baker, he was expecting him there and he didn't come, and he said he didn't care where he did or not; he said he was 85 or 90 years old; he said he didn't know straight up; said he could give him three or four drinks of Arkansas whiskey and he would not know black or white.
Q Now, he said that did he? A Yes, sir.
Q You are just as positive of that as you are of any other statement he made are you? A Yes, sir.
Q You say you next saw Dawson at Vinita? A Yes, sir.
Q How long afterwards was that? A About two years, I think something near that.
Q Did he move to the Territory? A Yes, sir he lived at Vinita at one time.

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

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

MR. HUTCHINGS:

Q State your name? A C. G. Braught.
Q What is your age? A 62 29th day of last January.
Q What is your post office? A Fairland.
Q How long have you been living in the neighborhood of Fairland? A Been living there 19 years.
Q Do you know one Bud Dawson or F. L. Dawson as his name is? A I do.
Q How long have you known him? A About 18 years.
Q How close do you live from him? A Half a mile of him.
Q Does he still own that place? A I think he does.
Q Were you an applicant for citizenship along about '81 or '2 at Tahlequah? A Yes, sir.
Q Did you have at any time a conversation with Bud Dawson about his and your citizenship cases? A Yes, sir.
Q State what he stated to you of citizenship cases in general and about his case in particular, you can get to the time that you had these conversations as near as you can? A Well, I think it was in '83, he told me if I ever got in I would have to pay up; he said it cost him $700 to get in; he said he paid one witness three hundred dollars.
Q Did he state the name of that witness? A No, he did not.
Q Who did he say he made arrangements with? A He said he made arrangements with the Court; that is, heads of families to get them in at one hundred dollars apiece.
Q Do you know what time of the year that was, whether it was in the spring or not? A I think it was in June.
Q Did he make any other statements to you at any other time? A No, sir, I don't think he was in regards to that matter.
Q You have been living neighbors with him? A Yes, sir.

MR. McKENNON:

Q You say this was about June of '83? A I think it was in June, 1883, I won't be positive whether it was June or not.
Q You were an applicant; were you admitted? A No, sir.
Q Have you been admitted? A No, sir.
Q You are still an applicant? A Yes, sir.
Q Still trying to get in? A Yes, sir.
Q Where was this conversation had? A Had at Bud Dawson's house.
Q What part of the premises? that is, in his residence? A Yes, sir.
Q In the house? A Yes, sir.
Q Who was present? A There wasn't anybody present; he just built the house and there wasn't anybody there.
Q Was there more than one room? A I won't be positive but I don't think there was but one room, log house.
Q Just one room? A Yes, sir.

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

(It being 5 o'clock, the Commission adjourns until 8:30 o'clock to-morrow morning.)

March 19, 1902.
Commission convened pursuant to adjournment.

Appearances:
Mr. A. S. McKennon, of Counsel for Applicants.
Mr. F. T. Hutchings, of Counsel for Cherokee Nation.

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

MR. McKENNON:

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

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

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

it was mentioned, I was going up on the strip and Buck Dawson says "he an Indian" and Jiles said "yes, he is an Indian", and "By God," I believe is the way he spoke, "if I was an Indian I would not be raising cattle, I would have stock eating my grass."
Q What did he say about making application? A He said he was going to the Chickasaw Nation and prove up and get him some grass.
Q Who was that? A Buck Dawson.
Q Well, did anybody suggest about his going to the Cherokee Nation? A Yes, sir, I told him, I says "why don't you go to the Cherokee Nation, why don't you go up home" I believe is the way I spoke it, "up amongst God's people;" and he says "are they all white like you?" and Jiles spoke up and says "majority of them."
Q Well, what did he say to Jiles then? A He says "let's go up Jiles", just in a whole crowd of cow punchers, and Mr. Flippin says "Hell, I am going; brother John is getting ready to go now."
Q Well, then what did he say to you? A He says "Who are your best lawyers up there, Kenney," and I told him "Hooley Bell was counted the brainiest man in our country."
Q Well, do you know whether he claimed to have any Indian blood or what he was claiming in what country, whether white man or Indian? A No, sir, I could not say what he was; he was generally known down there as Buck Dawson, a citizen of the State of Texas, that is all I know of him.

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

Mr. McKennon:
Q Were you born and reared in the Cherokee Nation? A I can't tell you where I was born; I was raised here part of the time and in Rusk County, Texas. B. F. Alberty was my guardian.
Q Were you admitted to citizenship by the Council or Court? A I think both of them passed on me; I can't tell you the date.
Q About what time? A It was sometime in '80 though.
Q What tribunal first? A I don't know; I don't know either when I was admitted, I was re-instated at Council.
Q When? A I think it was in '87 or '88.
Q Haven't you been arrested for crime and charged with crime? A Well, I didn't know that I was on trial; I have been arrested a hundred times I guess from here to the Rio Grande.
Q For what offense? A For gambling, stealing; if I am on trial I have had lots of them, I have been on the road.
MR. HASTINGS, of Counsel for Cherokee Nation:
Q Were you ever convicted? A No, sir.
Mr. McKennon: Applicant makes further objection to the testimony of this witness on account of his criminal character stated by him.

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

Q State your name, please? A Thomas B. Babeart.
Q What is your post office? A Melvin.
Q What is your age? A 49.
Q Are you a Cherokee by blood? A Yes, sir.

Q Did you know one James Dawson? A Well, yes; I did; I have seen him time or two.
Q Were you in Tahlequah about the time he had an application before the Spears or Snake Purpy Citizenship Court? A Yes, sir; I was there about the time the case was settled.
Q Did you know Aaron Butler? A Yes, sir.
Q Who was he? A He was a Cherokee Interpreter for the Court.
Q Do you know James Smith? A Yes, sir.
Q Who was he? A He was the Nation's attorney before the Court.
Q Well, did you about that time have a conversation with either Aaron Butler or Jim Smith in company with Mr. James Dawson? A Yes.
Q State the full particulars of it? A About that time this man Dawson and Butler come to me while they were all together, all three of them, and Butler come and called me off to one side, that was down at a colored church, it was after dark, and they called me off there and this man Dawson borrowed some money from me, he said he had to have it that night, his case was going to be submitted the next morning.
Q Well, did he say anything about whether he could get his case submitted if he had some money? A Well, from the language to me and Butler, he wanted this money; Smith had agreed to submit the case without further evidence in the matter.
Q Well, did you let him have the ten dollars? A Yes, sir.
Q Where did they go then? A They walked off up towards town.
Q Did they go together, those three? A Yes, sir.

MR. McKENNON:

Q Was that James Dawson, the leading applicant in that case?
A Yes, best of my recollection that was.

Q How old a man was he? A I don't know; I could not tell you; he looked, I don't know, he might have been—could not tell you just about how old he was.
Q Well, about how old was he, 35, 30 or 40? A Yes, he was older than that, from my judgment I guess he must have been 45 or 50 years old.
Q Is he living or dead? A I don't know.
Q Where have you been living? A I have been living down here near Tahlequah.
Q What was the man's name, Dawson's name? A Jim Dawson I think.
Q You are certain of that? A Yes, sir; I am pretty certain.
Q They came to you with Smith, the Prosecuting Attorney, and Butler, the Interpreter? A Yes, sir.
Q Dawson took you off to one side? A Butler took me to where Dawson was and introduced me to Dawson and vouched for Dawson being all right for the money.
Q When did you first make a statement of this matter to anybody?
A I guess--I don't remember when.
Q How long have you been in Muskogee this time?
A I have been here since, I was summoned here last Friday.
Q Did you ever make any statement to anybody about this before that time? A Yes; I talked to Butler about it.
Q When? A Oh, about, first I remember it was been about two years ago, and Butler was talking to me about it; it was at my house.
Q Were you born a citizen? A Yes, sir.
Q You weren't admitted to citizenship by the Courts or Council?
A No, sir.
Q You have been living in the Cherokee Nation all your life?
A Well, I was born and raised here; ; I haven't been here all the time; I have been out and in.

Q You have never seen that man Dawson since? A If I have I have never known it, but I seen him the next day.
Q You saw him and took a good look at him, and know about what kind of man he was? I saw him around there about several times.
Q You think he was about 35 or 40 years old? A That would be my guess at it, my recollection.

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

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

Q State your full name? A My husband's name was O. P. Brewer, but generally I sign my name Mrs. D. A. Brewer.
Q What was your full maiden name? A Delia A. Vann; well it was really Delilah but I never was called by that name, it was De altogether in my young days.
Q What was your father's name? A His name was Joseph Vann.
Q Was he called by any nicknames and if so how many, and what?
A None but the Cherokees, the full-bloods called him Joe Aney.
Q What does that name mean when you talk English? A Rich Joe.
Q Did any of them call him Big Joe Vann? A I don't know; he was a large man; larger than the other Joe Vann.
Q There was another Joe Vann? A Yes, sir.
Q Did your father have any sisters and brothers? A He had quite a number of sisters.
Q Did he have a half sister? A Had two half brothers.
Q Did he have a half sister? A Had several half sisters.
Q Who did they marry? A Different persons; I knew the names of all of them but I have a bad memory, but I know that there was one, a Mrs. Ibbie Wolfe, and Mrs. Lamer, she was first a Mrs. Nicholson and she became a Mrs. Lamer and lived in Alabama and never come to this country, but she has grandchildren in this country.
Q Well, did any of your father's sisters or half sisters ever marry a Rogers? A No, sir.
Q Never had any Rogers kin-folks? A No, sir, I certainly would have heard of them through my family, there was a great many of the kin-folks I never saw, but I heard of them.
Q The Dawson case was talked of here for many years, they claiming kin?
A I never knew until I understood they claimed to be kin to the Vanns, and I flatter myself that my family was prominent enough that they never claimed kin.
Q They never claimed kin at all? A No, sir.
Q Did your father ever had a sister or half sister by the name of Annie, Anna or Alsey? A No, sir.

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

SAMUEL TOLLIVER DAWSON, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name? A Samuel Tolliver Dawson.

Q What relation are you to the Dawsons? A Well, I am not acquainted with none of these Dawsons, I guess I am cousin, that is what he told me.
Q Who was your father? A Samuel Riley Dawson.
Q What did you say your father's name was? A Riley Dawson.
Q Do you know what his full name was? A Samuel Riley Dawson.
Q What children had your father? A Why, he had got, you mean his first children or his whole family?
Q I want all of his children? A I don't know, I will have to think a while on them, there was nine or ten of them.
Q Just one or two of them I care for; is Mrs. Lewis your sister?
A Yes, sir.
Q Your full sister? A Yes, sir.
Q Was she a daughter of S. R. Dawson, Jr.? A Yes, sir.
Q Now who were the parents of your father, , Samuel Dawson?
A Why Sam Dawson was his father.
Q Sam Dawson was his father? A Yes, sir.
Q What was Sam Dawson's wife, if you know their family history, what your father said or what your grandfather said? A I have heard that she was a Pruitt, my father said; of course I don't know.
Q What was her given name? A Annie.
Q Did you ever see your grandfather, Samuel Dawson? A Yes, sir.
Q Saw him? A Yes, sir.
Q Do you know about how old he was when he died? A He was somewhere up about 90.
Q About how old were you when your grandfather died? A I don't remember exactly how old I was, I must have been somewhere near 12 years old when my grandfather died.
Q Was your father his youngest child? A Yes, sir.
Q Do you know about when your father was born? A Well, no, I don't, he died in '00 and he was 67 years old.
Q He died in about '00 and was about 67 years old when he died?
A Yes, sir.
Q And he was the youngest child? A Yes, sir.
Q Now, do you know how many children your grandfather had , that is brothers and sisters of your father? A I heard him say seven.
Q Well, did you ever hear your father or grandfather speak of whether or not your grandmother was a white woman or an Indian?
A Well, I heard my father speak about it, I don't know what I ever heard my grandmother say anything about it.
Q Well, what did he say about it? A I have heard him say his mother was not an Indian.
Q Did your father come here and apply here for citizenship?
A Yes, sir.
Q Was he admitted? A I think not.
Q Did you hear him make any statements about the ground he expected to get in? A He said his brothers had proved their rights here and if his brothers had any rights he did, but I don't know.
Q Well, in that connection did he say whether his mother was an Indian or white woman? A Never heard him say that his mother was a white woman in speaking about that, I don't know whether he said anything about that or not; I have heard him say his mother wasn't no Indian.

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

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(Taking of testimony continued by Stenographer M. D. Green)

I, J. O. Rosson, do hereby certify upon my official oath as a member of the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings in this case, and that I do swear that a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson.

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

March 10th, 1909, at Muskogee, I. T.

Appearances:
Mr. A. S. McKennon and Mr. Mellette, attorneys for the applicants.
Mr. W. T. Hutchings, and Mr. W. W. Hastings, attorneys for the Cherokee Nation.

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

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

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

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

BY MR. HUTCHINGS:

Q What is your name? A Alex S. Lewis.

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

Q How old are you? A 59 years.

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

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

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

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

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

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

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

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

Q Personally? A Yes, sir.

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

Q When did he die? A '74.

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

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

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

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

Q How old was he at the time of his death? A He was passed 94.

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

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

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

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

[illegible] didn't [illegible] here in [illegible], or [illegible] he is alive or not.
[illegible], I want the children of Samuel Dawson and Annie Pruett, [illegible]
[illegible] how do you know, first? A How many did I know personally?
[illegible], sir? A John Jason, and Samuel R. Those were the only other
[illegible] children that I remember personally.
[illegible], remember what you know of the family, what other children
[illegible] have? A Well he had two girls, as I understand the family
[illegible], [illegible] two girls, first, and John Dawson was the third
[illegible], and an oldest boy was John Dawson.
[illegible] John Dawson the oldest boy? A Yes, sir.
[illegible] the oldest girl? What is her name? A [illegible]
[illegible] Pretty, is Nettie Dawson.
[illegible] John Dawson was the oldest boy? A Yes, sir.
[illegible] Samuel R. Dawson was the youngest boy? A Yes, sir.
[illegible] anything [illegible] time John Dawson was born, [illegible] you
[illegible] [illegible], oldest boy? A Yes, [illegible], I [illegible]
[illegible] A They said he was born in 1911.
[illegible] oldest son? A Oliver H. Dawson; he was born in 1911.
[illegible] you remember [illegible] the old man [illegible] say
[illegible] wife, Annie Pruett was an Indian or white woman, or
[illegible] anything about it? A I know that the old man said that
[illegible], I don't know what I ever heard the question approached in
[illegible] way, I have heard him speak as to her blood, but it was in a
[illegible] way that he reached it.
[illegible] did he say she was? A Well he said that she was the
[illegible] of Mrs. Pruett, a white woman; and that her father was
[illegible] John Rogers, a white man who lived with the Cherokee Indians,
[illegible] married with them.
Q Did he say who Captain John Rogers afterwards married? A Said
[illegible] married a wife in the Cherokee Nation.
Q Was that Annie Pruett was not her child? A No, sir, she was
the child of Mrs. Pruett.
Q A white woman? A Yes, sir, that was the half sister of Bob
Pruett.

BY MR. McKENNON:

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

Q When you apply for citizenship here? A Yes, sir; Sorry wife.
Q Only when it was, I think probably about '36, I couldn't say
[illegible] the date.
Q Before the Cherokee authorities? A Yes, sir.
Q Did he file an application before the Dawes Commission in 1896
[illegible]? A Him.
Q Yes, sir? A I don't think he did, no sir.
Q Did you? A I did.
Q On account of your wife? A Yes, sir.
Q Did you make affidavit to that application? A No, sir.
Q Who did? A I don't know, don't remember now.
Q You applied for your wife as an Indian by blood, did you not?
A Yes, sir.
Q Are you still an applicant? A No, sir.
Q Is she? A No, sir.
Q She was denied was she? A Yes, sir.
Q Was there an appeal taken from that? A Application was filed if I remember, before the Dawes Commission, and they rejected the case, and then I appealed it to the District Court, and it was rejected there and then I stopped.

Q Have you ever been arrested for any crime? A Yes, sir.
What? A Charge of murder.
Anything else? A No, sir.
Been on a train? A Yes, sir.
In a train robbery? A Yes, sir, in a train robbery.
Then, did you remain in jail? A Appealed the case to the [illegible] Court, and it was reversed and sent back, and I was [illegible] on that charge.
Is all the crime you were ever charged with? A Yes, sir.
Haven't you been having some trouble with the Dawson family? A [illegible] personally I have no trouble with any of them, there is [illegible] of my boys and one of W. A. Dawson's sons-in-law had some trouble.
You are now criminally with the Dawson family? A That son-in-law [illegible] Cooley, myself, don't [illegible], and I don't think his wife [illegible] to be [illegible].
Q Well you are claiming some sort of lease on the Cooley farm, aren't you? A No, sir, I don't claim any lease on the Cooley farm.

S. W. ALBERTY, [illegible], being duly sworn, and being examined, testified as follows:

W. P. HUTCHINGS:

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

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

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

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

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

The said envelope contains a document as follows:

"Office of Commission on Citizenship,
Cherokee Nation, Tahlequah, January 19th, 1882.

No. 108 Robert Dawson, "et al."
vs.
Cherokee Nation.

Testimony for Claimants.

Witness:

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

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

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

Question by Solicitor:

Ques. 1 How many children did Polly Rogers have?
Ans. 1 Five, I think that's all.
Ques. 2 Did you say something about someone being married twice?
Ans. 2 The claimant was married twice.
Ques. 3 Could Anna Pruet speak Cherokee?
Ans. 3 Yes she could speak it well
Ques. 4 Did Polly Rogers speak Cherokee?
Ans. 4 She could when she was young.
Ques. 5 How far did you live from Anna Pruet?
Ans. 5 Just acros the river about 3/4 of a mile.
Ques. 6 Was Calhoun in the Cherokee Nation?
Ans.6 It was on both sides of the river, part in the Nation andpart out in the State.

Ques. 7 Which Harnage was it went to Texas?
Ans. 7 George went first then John went they were the sons of old Man Harnage that lived up here near the line.
Ques. 8 Did the claimant go to Texas?
Ans.8 No the clairant didn't go to Texas.
Ques. 9 What connection was claimant and Polly Rogers?
Ans. 9 The claimant is the son of Polly Rogers Marion here is the grandson of Polly Rogers.
Ques. 10 Where does claimant now live?
Ans. 10 He lives in Carroll County, Arkansas.
Ques. 11 Do you know what relation old Captain John Rogers was to Charlotte Rogers here in Cooweescoowee?
Ans. 11 They claired kin but what kin I dont know there were two Capt. John Rogers' in the Nation I am speaking of the time when I first came to this 1830 Country about the year 1830.
Ques. 12 Was Anna Pruet the maiden name of Claimant's grandmother
Ans. 12 Yes that was her maiden name the Indians called her Sinee.

his
(signed) Arthur. A. x Baker.
mark

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

The above document is indorsed on back as follows:

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

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

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

The envelope above introduced, is endorsed as follows:
"No.181. E. Dawson vs the Cherokee Nation. For his grand children. Petition for citizenship. Filed Sept. 14th, 1883, D. W. C. Duncan, Clerk of Com. Decided Sept.13, to be Cherokees.

The contents of said envelope are as follows:

"Office of Commission on Citizenship.
Tahlequah, Cherokee Nation, Sept. 14, 1883.
E. Dawson,
No.181. vs for his grand children,-
Lulu Dauthett,
Dallas Dauthett,
F. M. Dawson for Claimant introduced sworn and in open Court testified as follows:
My name is F. M. Dawson. Am a Cherokee by blood reside in the Cherokee Nation am 30 (40 written over it) years old.

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

his
(signed) F. M. x Dawson,
mark

Office of Commission on Citizenship,
Tahlequah, Cherokee Nation, Sept. 14, 1883.
No.181 E. Dawson
for his grand children
Lulu Dauthett
Dallas Dauthet.

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

Jos. Dawson, a Cherokee live in the Cherokee Nation, ~~all 31 years old.~~

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

By Solicitor:

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

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

his
(signed) Joseph x Dawson,
mark

To the Commission on Citizenship,
Tahlequah, C. N. Sept. 12, 1883.
E. Dawson for grandchildren,
Lulu Dauthett,
Dallas Dauthett,
vs
Cherokee Nation.

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

Dawson family, who is acknowledged Cherokees by admission of your Hon. Court, at its last session in January, 1883, in view of the facts ask your Hon for a spedie and favorable consideration of our calims.

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

This last document is indorsed on back as follows: "No. 181, Petition of Lula, Dauthett & Dallas Douthitt, for Citizenship Filed Sept 14, 1893, D. W. C. Duncan, Clerk."

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

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

Record above introduced is as follows:

"Office of Commission on Citizenship,
Tahlequah, C. N. August 11th, 1887.

Docket No.	Names,	Age	Sex	Post Office,	Attorney
	1 S. R. Dawson,	66		Catoosa,	
	2 Parlee Dawson,	44	female		
307	3 America J. Dawson,	35	"		
	4 Katharine J. Dawson,	33	"		
	5 J. G. Dawson,	31	male		
	6 Elias F. Dawson,	29	"	Applicant for	Bell & Bryant.
	7 Toliver Dawson,	27	"	Cherokee Nation.	
	8 Eva Dawson,	20	female		
	9 Fanny Dawson,	18	"		
	10 John Riley Dawson,	11	male	R.	
	11 Robert E. Dawson,	9	"		
	12 Claud Dawson,	7		Ancestor	
	12 Cleveland Dawson,	3		John Rogers	

-- filed August 11th, 1887."

In red ink written along Age column is the following: "Rejected April 26, 1889."

"Now this day comes the above case for final hearing, Samuel R. Dawson, bases his application for readmission to citizenship in the Cherokee Nation upon the ground that he is the son of Samuel Dawson a white man, Polly Rogers the alleged daughter of Captain John Rogers and Chilsey Pruitt, said to be a half sister of Joseph Vann, commonly known as Rich and who were of Cherokee blood. It is admitted that John Rogers and Chilsey Pruitt died before the roll upon which their names would appear if living at the time and specified in the 7th section of the Act of December 9th, 1886, creating the Commission on Citizenship, were made but in support of the application it is urged that certain members of the Dawson family and full brothers of the applicant were re-admitted to citizenship by the Commission on Citizenship commonly known as

"The Tehee Court", and the "Spears Court", and are now residing as citizens in the Cherokee Nation. In the opinion of this Commission the sufficiency of the considerations which determined the decision of those Commissions of the testimony now introduced to authorize the admission of the present applicant is not relivent to the issue now pending. The 7th section of the Act of December 8th, 1886, before named provides, that "The Commission shall give a hearing to any paerson applying for citizenship in the Cherokee Nation upon the ground of Cherokee blood or descent, but such applicant must be a person, or the lineal descendant of a person whose name appears upon the census rolls of Cherokees taken by the United states," As are hereafter enumerated. Neither the name of the applicant nor that of the person of whom he claims to be a lineal descendant appearing upon eitherof said rolls the Commission adjudge and decree that Samuel R. Dawson and family are not entitled to re-admission to citizenship in the Cherokee Nation as Cherokees by blood. This opinion includes the cases of Andrew J. Dawson, James K. P. Dawson, Jounnah Barber nee Jounnah Dawson and Jane Queen, nee Jane Dawson, and their families, as enumerated in their respecti e applications.

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

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

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

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

The envelope above introduced is indorsed on back as follows:

"Name, James K. P. Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, - - - Age, - - Years, - - Roll of 1835, Ancestor, Riley Dawson, filed the 5 day of Oct. 1887, Docket 989, Book C Page 116, Testimony on Journal - - Page - - - Decision of Commission Rejected 26 day of April 1889
Rejected."

The contents of said envelope are as follows:

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

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

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

Joe Dawson, the father of the applicant was my father's brother. Joe Dawson was considered to be a Cherokee, I think he died on the Hiwassee river in Tenn. I think he had four (4) children. I haver saw any of them but Andrew J. Dawson, and Jim Dawson.

-Cross Ex.-

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

Attest

Connell Rogers,
Clk. Com. on Citizenship."

This document is indorsed on back as follows:
"Testimony of E. Dawson in case A. J. Dawson."

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

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

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

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

vs.

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

Cherokee Nation. "

In red ink along age column are the words: "Rejected April 26, 1889."

- - - - - - - - - - - -

"Adverse to Claimant.
See decision in this case in that of S. R. Dawson in Book (B) Page 20.
This April 26, 1889.

D. S. Williams,
Clk Com.

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

BY MR. HUTCHINGS:

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

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

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

"196, I, Mary Rebecca Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address Ermet, I. T., Age 48 years, 1835, to 1852, Roll of 18-- Ancester Moton, Filed the 5 day of Oct 1887, Docket 1017 Book C Page 144. Testimony on Journal- Page - - Decision of Commission, Rejected 28 day of August 1889. Submitted by Mr. Rasmus, Aug 28, 1889." R"

The contents of said envelope are as follows:

"APPLICATION FOR CITIZENSHIP.

To the Honorable Commission on Citizenship:
Gentlemen:- The undersigned, your petitioner, this day makes this her application for re-admission to citizenship in the Cherokee Nation, in accordance with the Consittution, and with an act of the National Council approved December 8th, 1886, creating your Commission, And respectfully makes the following statement of the grounds for this, her application, to-wit:

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

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

Age, 48 years, Postoffice, Ermett, Chic. Na. family with their relationship attached is as follows:

No Name Sex Age Relationship.

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

(signed) Rebecca Dawson,

Boudinot & Rasmus,
Attorneys."

- - - - - - - - - - - -

"COMMISSION ON CITIZENSHIP.
Cherokee Nation, Ind, Ter.
Tahlequah, August 28th, 1889.

Rebecca Dawson)
V. S.
Cherokee Nation.) The above case was called and submitted by

Rasmus withour evidence the Commission decide tat Rebecca Dawson, Age 48 yrs is not a Cherokee by blood a d are not entitled to citizenship in the CherokeeNation Post Office Emmet Texas - - I. T.

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

- - - - - - -

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

"Rebecca Dawson.
OFFICE COMMISSION ON CITIZENSHIP.
Tahlequah, Ind Ter., Oct. 5th, 1887.

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

1017

A. Boudinot & R.
Applicant for
Cherokee Citizenship.

Census Rolls, 1835,
to 1852.
Ancestor,
Moton.

V. S.
Cherokee Nation.

- - - - - - -

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

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

Attest:
E. G. Ross,
Clerk Commission.

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

BY MR. HUTCHINGS: The Nation next introduces the original envelope and contents in the case 198, of Mary Dawson, the contents being the application for citizenship, and the judgmeny as written up by the Court; also the judgment of the Court as copied in Book C, page 145,- said judgment being rendered August 28th, 1889.

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

The envelope just introduced is indorsed on back as follows:

"198, 2, Name, Mary Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, Bowie, Texas, Aged 54, years, 1835 to 1852 Roll of 18- Ancestor, Moton, Filed the -- day of 8 18-- Docket 1018, Book C Page 145, Testimony on Journal-- Page-- Decision of Commission Rejected 28th day of August 1889. Submitted by Mr. Rasmus, Aug, 28, 1889."

"APPLICATION FOR CITIZENSHIP".

Gentlemen:- [illegible] this:
[illegible] petitioner, this
[illegible] to citizenship
[illegible] with the Constitution,
and with an Act of the National Council, approved December 8th,
1880, creating your Commission. And respectfully makes the following statement of the grounds of this his application, to-wit:

That Mary Dawson is the Grand Daughter of one Eaton who the undersigned firmly believes was duly enrolled upon the Census Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the years 1835,-46 - 51 - 52.

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

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

No.	Name	Sex	Age	Relationship.
1	Walter Dawson	M	18	Son.

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

Mary Dawson,

Boudinot & Rogers,
Attorneys."

COMMISSION CITIZENSHIP,
Cherokee Nation, Ind. Ter.,
Tahlequah, August 30th, 1889.

Mary Dawson,)
vs) Application for Cherokee
The Cherokee Nation) Citizenship.

The above and case having been submitted by W. F. Rogers, Attorney for claimant, without evidence, the Commission decide that Mary Dawson age 54 yrs, and her son Walter Dawson, age 18 yrs, are not of Cherokee blood, P. O. Bowie, Texas.

Will P. Ross,
Chairman,
J. M. Carter, Com."

Said envelope also contains the following:

APPLICATION FOR CITIZENSHIP

TO THE HONORABLE COMMISSION ON CITIZENSHIP: Gentlemen:- The undersigned, your petitioner, this day makes this his application for re-admission to citizenship in the Cherokee Nation, in accordance with the Constitution and with an act of the National Council, approved December 8th, 1880, creating your Commission. And, respectfully makes the following statement of the grounds of this his application, to-wit: That James K. P. Dawson is the son of one Riley Dawson who the undersigned firmly believes was duly enrolled upon the - - - Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the year 1835, the undersigned hereby presents the above facts as the lawful grounds for this his application for Cherokee Citizenship by blood, and respectfully awaits the time when his application shall be duly heard and tried

in accordance with the aforesaid [illegible]
Age - - years; Post-office [illegible] their relationship attached is as follows:

Names,	Sex	Age	Relationship.
William A. Dawson	Male	[illegible]	[illegible]
Richard A. Dawson,	"	[illegible]	Son. "

In witness of which applicant [illegible] this the 4th day of Oct 1887,

(Signed) [illegible] Taylor,

C. H. Taylor, Attorney."

The judgment as recorded in Book [illegible], of the records of the Cherokee Commission on Citizenship, is as follows:

"Mary Dawson,

Office of Commission on Citizenship,

Tahlequah, Ind. T., Dec. 5th, 1887.

Docket No.	Names	Age	Sex	Post Office	Attorney
1	Mary Dawson,	54	Female	Bowie, Texas.	
2	Walter Dawson,	18	Male		

Boudinot & R.
Applicant for
Cherokee Citizenship.

vs.
Cherokee Nation.

Born in Dalton Ga. to 1852
Freedman

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

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

Attest:

E. G. Ross,
Clerk Commission.

Will P. Ross,
Chairman.
J. B. Sumner, Com."

BY MR. HUTCHINGS: The Nation further introduces the original envelope in the case of Andrew J. Dawson, which said envelope contains his original application; also the judgment in that case recorded on page [illegible], of Book A, of the records of the Citizenship Commission of the Cherokee Nation, which said records are now in the custody of the Commission; the judgment is dated April 26th, 1888.

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

The envelope just introduced above, is endorsed as follows:

"Name, Andrew J. Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, Nevada, Mo. Age 44 years, - - 1835, Roll of 1835, Ancestor, - - Filed the 11 day of February 1887, Docket 37 Book A, Page 38 Testimony on Journal - - Page, Decision of Commission, REjected, 26 day of April, 1889. Rejected."

The contents of said envelope are as follows:

"To the Commission on Citizenship.

Tahlequah, I. T.,
January 27, 1887.

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

V.S.
Cherokee Nation.

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

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

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

"Andrew J. Dawson,
Office Commission Citizenship,
Tahlequah, C. N., Feby 11, 1887.

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

Rolls 1835,

Rejected April 26, 1889, (red ink.)

V.S.
Cherokee Nation,

Ancestors,

Filed Feby 11, 1887.

Adverse.

See decision in this case in that of L. R. Dawson, Book P.20.
rendered April 26- 1899.
D. S. Williams,
Clk. Com."

- - -

BY MR. HUTCHINGS: We next desire to introduce the records in the case of this same Andrew J. Dawson, before the Commission to the Five Civilized Tribes, filed September 7th, 1896, and the judgment of the Commission thereon. Number of said case being 4,094. And the judgment of said case on Page 294, Book B., Dawes Commission Record, 1896. Judgment was rendered November 17th, 1896, denying the application.

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

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

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

- - -

"Commission to the Five Civilized Tribes,
Vinita, Ind. Ter., Sept. 7, 1896.
See that you swear to your petition.

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

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

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

Attach receipt to this affidavi[illegible] the Commission at Vinita, Indian Territory. [illegible] place of the former instructions, [illegible] packages are not promptly [illegible] Governor.

[illegible]

[illegible]

[illegible]

[illegible]

To the Honorable [illegible] Dawson, [illegible] F. Meade, Thomas B. Cabaniss and [illegible] Archibald Buttrick, Commissioners, authorized [illegible] property, [illegible] Congress [illegible] Cherokee Nation:

Gentlemen:

The undersigned, your petitioner, [illegible] Dawson, ~~William H. T. Dawson Jesse K. D.~~ (Line [illegible] through these names) for and on behalf of Bonnie [illegible], Olive Maud Dawson, William H. T. Dawson, Jesse K. Dawson, Glen Dale Dawson, James K. P. Dawson, William A. Dawson, Maggie L. Dawson, Richard A. Dawson and Mary E. Dawson [illegible], this day make their application to you for the purpose [illegible] on the revised roll of Cherokee Indians and of their [illegible] to share in the distribution of the funds and allotments of lands in the Cherokee Nation by virtue of their Cherokee blood, and petitioners state that they are Cherokee Indians by blood, deriving the same from Catharine Johnson, Polly Rogers, Daughter of Captain John Rogers, married [illegible] Dawson, whose name will be found on the authentic roll of the Cherokees by blood, taken in the years 1817, 1818, 1819 and 1835 & 1836 the same to be submitted to the [illegible] Commission for a full and complete [illegible] and be found correct as stated, to be entitled to all the rights, privileges and immunities of other Cherokee citizens, and petitioner herewith files his proof in support of said claim and respectfully awaits the time when his application can be heard and tried.

Respectfully submitted,

Andrew J. Dawson,

Enrollment of family, with relationship as stated, as follows:

Names.	Ages.	Relationship.
Minnie E. P. Dawson,	25	Daughter,
Olive Maud Dawson,	23	Daughter
William H. T. Dawson,	20	Son,
Jesse K. Dawson,	16	Son.
Glen Dale Dawson,	10	Daughter.
James K. P. Dawson,	7	Brother.
William A. Dawson,	13	Nephew.
Maggie L. Dawson,	8	Neice
Richard A. Dawson,	17	Nephew.
Mary E. Dawson,	5	Neice.

IN WITNESS WHEREOF, I hereunto set my hand this Third day September 1906.

(Signed) Andrew J. Dawson."

[illegible] follows:

[illegible] of America,
[illegible] Territory,
[illegible] District.

Andrew J. Dawson, of [illegible] that he knows the facts set forth [illegible] relation and that the [illegible] were [illegible] jewes.

(signed) Andrew J. [illegible]

[illegible] and sworn to before me on this the 3rd [illegible] 1896.

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

(Seal)
My Commission expires June 8" 1899.

- - -

[illegible] Territory,)
[illegible] Dis- (SS.
[illegible]

[illegible] Dawson, of lawful age, being [illegible] says that he is 53 years [illegible] Afton, I. T. Affidavit further [illegible] the Cherokee Nation and a Cherokee by [illegible] his Indian blood from Polly Rogers [illegible] John Rogers, that Polly Rogers, a daughter of Captain John Rogers married Samuel Dawson near Calhoun, Tenn. on the Hiwassee River while emigrating to the west.

Affidavit further says that Samuel Dawson and Polly Rogers [illegible] his Grandfather and Grandmother and that Captain John Rogers was recognized by the National Council of the Cherokee Nation as a Cherokee citizen in the laws of the Cherokee Nation of 1843 as follows: An act of the Council of 1843 page 66, an act of Nov. 17" 1843, page 96, also an act of Nov. 16 1849 page 304.

Affidavit further says that he is a blood relation of [illegible] Dawson, Joseph Dawson, and John Dawson who were admitted to citizenship by the Cherokee Nation and whose names appear upon the authenticated rolls of 1896.

(signed) Andrew J. Dawson.

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

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

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

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

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

[illegible] Dawson
Mark

Subscribed and sworn to [illegible] th day of Sept 1896."

(Signed) Frank L. Chase
[illegible] (Seal)"

"Ind Ter
Northern Dist

This affidavit [illegible] Sept 1896 by E. Dawson of this Dist in the Cherokee Nation
I have known A. J. Dawson 10 years and have known him and recognized him as a Cherokee Ind [illegible] Nine, he claims to originate from the [illegible] and he was a brother of Robert Dawson and [illegible] of Sam Dawson who was (line in ink drawn. [illegible] was)married Pollie Rogers a daughter of [illegible] who was a recognized Cherokee Indian.

Subscribed and sworn to before me [illegible] of Sept 1896.
[illegible]
Muskogee, Indian Ter,
My commission expires June 2, 1898.
(Seal)"

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

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

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

1st. That this Commission has not jurisdiction over the parties or subject matter of this controversy.

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

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

See case Nation's No. 1573.

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

S. H. Mayes, Principal Chief Cherokee Nation.

B. Hutchings, Hastings, & Boudinot, Attorneys.

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

(signed) John L. Adair,

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

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

(Seal)"

Indorsed as follows: "Nation's No. 4679
Commission's No. 4694, In re application of Andrew J. Dawson,
DEMURRER AND ANSWER, [illegible] D. H. [illegible], Atty."

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

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

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

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

Records in said case are as follows:

blood is shown by proof herewith filed.

APPLICATION FOR ENROLLMENT.

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

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

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

Respectfully submitted,
(signed) Joanah Barber.

Enrollment of family, with relationship attached, as follows:

Names		Age	Relationship.
Joanah Barber,		60	Daughter of Elizabeth or Betsy
Isaac J. "	Husbd	65	Petty, nee Dawson, who was a
Chis E. "		26	daughter of Polly Dawson, nee
W. R. "		24	Rogers who was a daughter of
James E. "		18	Capt Jno Rogers and Alley Rogers
Johny "		8	nee Vann a Cherokee. Intermarried
Joel A. Barber		39	blood as is shown by proof herewith filed.

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

(Signed) Joanah Barber."

Indorsed as follows: "Fee $.50 No.... Application of Joanah Barber for A'd on behalf of herself and others."

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

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

(signature Joanah Barber.

INDIAN TERRITORY,)
(SS
FIRST JUDICIAL DIVIS)

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

Subscribed and sworn to before me this [illegible] day of August 1896.

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

- - -

"(COPY)
In the matter of the claim of Joanah Barber nee Joanah Petty to Cherokee Indian citizenship in the Cherokee Nation, Indian Territory.

Affidavit of S. R. Dawson.

Delaware District,)
Cherokee Nation,)
First Judicial Division,)
U.S. Court, Indian Territory.) ss
)
)
)

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

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

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

Subscribed & Sworn to before Jany 6 1898
(signed) W. P. Hubbard,
Notary Public."

"United States of America,
Indian Territory, (ss
First Judicial Division.

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

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

(A copy)

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

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

Affidavit of E. Dawson,

Coweescoowee District,)
Cherokee Nation,)
First Judicial Division, (ss
U. S. Court, Ind. Ter.)
)

E. Dawson, to me well known to be a reliable and responsible after being duly sworn according to law states on oath that he is a bonified citizen of the Cherokee Nation by blood- that he is a resident in said nation that his post office address is Talala, Ind Ter.-that he is 50 years of age- that he is well acquainted with the claimant Joanah Barber and has been as long as he can remember any person- that she is a person of Cherokee Indian descent the her maiden name was Joanah Petty- that she is the daughter of one Elizabeth Petty, a person of Cherokee Indian descent- that Elizabeth Petty's maiden name was Elizabeth Lowers- that said Elizabeth Lawson was the daughter of one Polly Lowers a person of Cherokee descent, who intermarried with Samuel Lowers, a white man, that the said Polly Lowers was the daughter of Captain John Lowers a well known Cherokee Indian.

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

(signed) E. Dawson.

Subscribed and sworn to before me this the 21st day of Febry 1893

(signed) A. E. Williams,
Notary Public.

(Impress of National Seal here.)
Com. Expr. Sept. 20/96.

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

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

(signed) Wm. F. Rasmus.

(Seal) Notary Public, First Judicial Division; Indian Territory, My Commission expires Febry 3, 1897.)

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

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

Personally came this day before me William F. Rasmus, a Commissioner U. S. Court within and for the District aforesaid duly authorized to administer oaths W. A. Dawson, to me personally well known to be reputable and entitled to credit, and who being by me first duly sworn according to law, deposes and

and says: My name is W. A. D[illegible]on, my age is [illegible]; [illegible]; my post-office address Tulsa, Ind. Terry. I am a farmer by occupation, I am a citizen of the Cherokee Nation, I. T. by virtue of Cherokee Indian blood.

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

(signed) W. A. Dawson.

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

(seal) (signed) Wm. J. Rasmus,
United States Commissioner."

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

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

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

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

(signed) F. M. Dawson.

Subscribed and sworn to before me at Tahlequah, Ind. Terry- this 17th day of November A.D.1893.

(seal) (signed) Wm. J. Rasmus,
United States Commissioner.

Indorsed on back as follows: "No. 1 filed Feb 24 1897, Jas. A. Winston, Clerk."

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"Page 2. Docket "B"
Joanah Barber.
Office Commission on Citizenship,
Tahlequah, C. N. August, 1887.

Docket. No.	Names	Age.	Sex.	Post Office.	Atty.
1	Joanah Barber	51	female	Vinita, I. T.	
2	Ailey J. Barber	34	female		
3	Irena Barber	24	female		
4	Erra Barber	22	female		
5	Atia Barber	20	female		
6	Mary Barber	17	female	applicant for	
7	Onice Barber	17	female	Cherokee Citizenship	
8	Joel Barber	31	male	Polis 1.35	
9	Calaway Barber	27	male		
10	Toliver Barber	26	male	Ancestor	
11	Riley Barber	15	male		
12	Edgar Barber	9	male		
	V.S.			John Rogers &	
	Filed Aug. 12, 1887.			Alcy Pruett	

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

E. S. Williams, Clerk cor.

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

"S. R. Dawson.
Office Commission on Citizenship,
Tahlequah, C. N. Aug. 11th, 1887.

Docket. No.	Names.	Age.	Sex.	Post Office	Atty.
1	S. R. Dawson,	60		Catoosa, I. T.	
2	Parlee Dawson,	44	female		
3	America J. Dawson,	55	female		
4	Katherine J. "	35	female		
5	J. C. Dawson,	31	male		
6	Elias F. Dawson,	29	male		
7	Toliver Dawson,	27	male	Applicant for	
8	Erra Dawson,	20	female	Cherokee	
9	Fanny Dawson,	18	female	Nation	
10	John Riley Dawson	11	male		
11	Robt. E. Dawson,	9	male	R	
12	Clara Dawson,	7	female		
13	Cleveland Dawson	3		Ancestor	
	Filed Aug. 11, 1887.			John Rogers	

Rejected April 26, 1889.

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

Chilsey Puett [illegible] for [illegible] [illegible] that this [illegible] would [illegible] for [illegible] time, [illegible] under the 7th section [illegible] the Act of December 4th, 1886, creating the Commission on Citizenship [illegible] made, but in support of the application it is urged that certain [illegible] of the Dawson family the full brothers of the applicant [illegible] admitted to citizenship by the Commission on Citizenship [illegible] known as the "Tobacco Court" and "Spears Court" [illegible] now residing, as citizens in the Cherokee Nation. In the opinion of this Commission the sufficiency of the consideration [illegible] determined the decisions of [illegible] Commissions or the courts [illegible] now [illegible] produced to authorize the admission of the present applicant is not involved in this issue now pending. The 7th section of the Act of December 4th, 1886, [illegible] provides that the Commission hearing to any person applying for citizenship in the Cherokee Nation upon the ground of Cherokee blood or descent, by such applicant must be a person, or the lineal descendant of a person whose name appears upon the census rolls of Cherokees taken by the United States, [illegible] hereafter [illegible] and, neither the name of the applicant nor that of the person of whom he claims to be a lineal descendant appearing upon either of said rolls, the Commission adjudge and decree that Samuel R. Dawson and family are not entitled to re-admission of citizenship in the Cherokee Nation as Cherokees by blood. This opinion includes the cases of Andrew J. Dawson, Julia E. Dawson, Joanna Barber, nee Joanna Dawson, and Jane Queen, nee Jane Dawson and their families as enumerated in their respective applications.

Will. P. Ross, Chairman,
T. Bunch, Commissioner,
John E. Hunter, Commissioner.

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

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

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

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

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

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

This affiant states that he was 34 years of age, when his father, Charlie Rogers died, that his father never had any other ~~family~~ (line in ink drawn through) wife, said children or sisters than the ones above mentioned; that the said Polly Rogers named in the application for citizenship of Ira J. Moore, was not a sister of his father; that his father never had but one sister viz. Cynthia Rogers that this affiant ever heard of; that this affiant was well acquainted with his aunt Cynthia Crump-"

Just here the following is inserted on separate paper:

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

In witness whereof I have hereunto set my hand and affixed the Great Seal of said Cherokee Nation, at Tahlequah, this, the 5th day of Feb. 1896.

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

Then the above affidavit continues:

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

Affiant states that he has often talked with his father, Charlie Rogers and his aunt Cynthia Crump (nee Rogers) about his relatives; that they never spoke of any other sister in their family; that this affiant was about 70 years of age when his aunt, Cynthia Crump died; that they told him there ~~never~~ was (words "never was" marked over with ink) father never had any other daughter or daughter other than Cynthia Rogers

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

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

Further affiant saith not.

W. . Rogers.

Subscribed and sworn to before me on this the first day of October, 1896.

(signed) William H. Hall,
Notary Public,
(seal) My Commission expires January 16th, 1900."

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

Mrs. Sara Carter being first duly sworn states; that she is a citizen and resident of the Cherokee Nation, Ind. Ter. and her post office address is Nowata, I. T., that she is 65 years of age,

[illegible] that her grandfather on her mother's side was Capt. John Rogers. Affiant further states that [illegible] C. Rogers is her brother, and that she has read the foregoing affidavit of W. C. Rogers, [illegible] knows the contents thereof; that the facts therein set forth are true as she verily believes.

(Signed) [illegible]

Subscribed and sworn to before me this [illegible] day of October, 1896.

William [illegible] Hill,
Notary Public,
My Commission expires January 1st 1900."
(Seal)

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Before the Honorable Henry L. Dawes, Frank C. Armstrong, A. S. McKennon, T. B. - (Name to be left) A. S. Montgomery, Commissioners.

In the matter of the application of Jennie Parker [illegible] for admission as a citizen of the Cherokee Nation.

Nation's No. 1877
Commissioner's No. [illegible]

Your respondent, S. H. Rogers, Principal Chief of the Cherokee Nation, comes now [illegible] and for his answer to said application, [illegible] present and says:

1st. That the Commission has no jurisdiction over the action or subject matter of this controversy, and not legal right, therefor, to hear and determine the same.

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

Respondent not waiving the above and foregoing demurrer, but insisting upon the same, [illegible] said application, says that John Rogers [illegible] claims to derive their right to citizenship in [illegible] Nation, is not now, and has not been a citizen of said Nation, since the removal of said Nation, [illegible] Indian Territory and was located and defined; [illegible] does not appear upon any [illegible] authenticated [illegible] that neither [illegible] any of their ancestors [illegible] have resided in the Cherokee Nation or Indian Territory, as citizens thereof.

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

S. H. Rogers, Principal Chief Cherokee Nation.

[illegible] Hastings & Boudinot, Attorneys.

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

(Signed) John L. Adair,

Subscribed and sworn to before me this, the 5 day of Oct. 189 .

(Signed) D. J. Ladd,
Notary Public."

(Seal)

Indorsed on back as follows: " 18 [illegible] Sec. [illegible] Docket No. 1573, Commission's No..... In the application of, No 2 Joanah Barber Demurrer and Answer Filed Mar 13 1907 Jas. A. Winston, Clerk/ Filed Oct 7 1896 M. M. Jacoway, Secy."

"BRIEF.

BEFORE THE HONORABLE COMMISSION OF THE UNITED STATES OF AMERICA,

duly appointed and empowered to Act, under and by virtue of the Act of Congress of June 4" 1896, to hear and determine all claims for citizenship of the Five Civilized Tribes of Indians, to-wit:
Cherokee, Creek, Choctaw, Chickasaw and Seminole Indians.

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

Cora E. Barber, William R. Barber, James E. Barber, Johnnie Barber and Joel A. Barber.

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

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

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

In the matter of the application for Citizenship in the Cherokee Nation of Ella Moore and her children, to-wit: Anna J. Moore, Jackson D. Moore, Rhoby Moore and Gladys Moore.

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

In the matter of the application for Citizenship in the Cherokee Nation of Alcey J. Smart and her children, to-wit: Georgia A. Smart and Erzy L. Smart.

In the matter of the application for Citizenship in the Cherokee Nation of Joannah J. Garlinghouse and her children, to-wit: Myrtle O. Garlinghouse, Cora L. Garlinghouse and Birtha L. Garlinghouse.

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

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

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

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

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

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

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

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

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

(signed) Hubbard, Garland & Watts,
Council for Petitioners."

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

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Commissioners,
Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cabaniss, Alexander B. Montgomery—H. M. Jacoway, Secretary.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,
Vinita, Indian Territory, Oct 3, 1896.
Filed Sept. 8, Answer Filed,
Application denied.

Joanna Barber,
vs.
Cherokee Nation.

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

Given under my hand and official signature this the 13 day of Feb. 1897.

H. M. Jacoway, Jr.,
Secretary."

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

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"BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Joanna Barber et al,
vs.
Cherokee Nation.

No.1864.

AFFIDAVIT FOR APPEAL.

Now comes the said Joanna Barber et al applicants for citizenship in this case by W. B. Watts, one of their attorneys, and pray an appeal from the decision of the Honorable Commission to the United States District Court as provided by the Act of Congress approved June the 10th, 1896.

And the said W. B. Watts, being duly sworn and acting on behalf of said applicants says that the appeal prayed for in this case is not asked for the purpose of delay but that justice may be done the appellants.

(signed) W. B. Watts,

Sworn and subscribed to before me this 23" day of December 1896.

(signed) J. C. Lindsey,
Notary Public.

(SEAL)
My Commission expires March 29th 1897."

Indorsed: "Court 3/90."

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"Received of [illegible] Secretary, Jr., Secretary of the Commission to the Five Civilized Tribes, the original papers, in the case of [illegible] v. [illegible] Nation, as follows:

Witness my hand and official seal at Muskogee this the [illegible] day of February [illegible] (SEAL)

(signed) J. C. Winston, Clk."

"[illegible] No. 1864. receipt for original papers in the case of [illegible] et al vs. Cherokee Nation. Received and filed this . . . day of . . . 189. . . Secretary."

"IN THE UNITED STATES COURT FOR THE INDIAN TERRITORY, CENTRAL DIVISION, AT MUSKOGEE, IND. T.R.

[illegible] Barber, Ollie E. Barber, William R. Barber, [illegible] Barber, Joel A. Barber, [illegible] A. Barber, [illegible] Lunt, Alsey J. Grant, [illegible]

CHEROKEE NATION,

APPELLEE.

PETITION FOR APPEAL FROM THE DECISION OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Come now the appellants in the above entitled cause and petition the Court to grant an appeal in said cause from a decision of the Commission, known as the Dawes Commission, created and empowered to treat with the Five Civilized Tribes of Indians, to-wit: the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Indians, and to pass upon and decide applications for citizenship in the said Five Civilized Tribes, which decision of said Commission was rendered by authority of, but not in accordance with, an Act of Congress passed and approved June 10th, 1896, and by which decision on the 29 day of October, 1896 the aforesaid appellants were denied their rights to citizenship in the Cherokee Nation, Indian Territory.

The facts relied upon by the appellants to establish their rights to citizenship in the Cherokee Nation, as aforesaid are as follows, to wit: The affidavits of E. Dawson, S. E. Dawson W. A. Dawson, [illegible] E. Dawson.

Said affidavits fully and conclusively establishing the fact that said applicants are Cherokee Indians, by blood and descent, and entitled to rights of citizenship in the Cherokee Nation.

Said affidavits, together with the application, of said appellants, were, prior to September the 10th, 1896, filed with and submitted to said Commission for its investigation, consideration and decision.

That a certified copy of said application, together with the accompanying affidavits, were served upon the Chief, or Attorney General, of said Cherokee Nation, prior to September the 10th, 1896.

The errors of the Commission in rejecting the claims for citizenship of said appellants are the grounds for appeal to this Court, to-wit:

FIRST. The Commission erred in rendering its decision on said claims adversely to the appellants and against the proof submitted by said appellants.

SECOND. The Commission erred in investigating the claims of appellants and denying the same in the absence of a majority of the members of the Commission.

THIRD. The Commission erred in refusing the appellants the right and privilege of examining the proof submitted by appellee in support of its answers filed by the appellee and denying to the appellants the right of filing supplemental to appellant's answer or producing proof in rebuttal of the same.

FOURTH. The Commission erred in denying the appellants the right of a trial of their claims by a competent jury, as granted to them by the laws and constitution of the United States.

FIFTH. The Commission erred in refusing appellants the right to be present in person, or by attorney, during the trial and determination of their claims before the said Commission.

SIXTH. The Commission erred in refusing to issue process for witnesses and subpoena for persons and papers when requested to do so by the appellants.

SEVENTH. The Commission erred in deciding against the right of these appellants to be enrolled as citizens of the Cherokee Nation.

EIGHTH. The Commission erred in deciding against blood, holding that blood was not a test of the right of citizenship in said Cherokee Nation.

NINTH. The Commission erred in deciding against the question of residence, holding that residence in the Cherokee Nation was not a test of the right of citizenship in the said Cherokee Nation.

TENTH. The Commission erred in not entering upon their docket or record the grounds upon which the claims of appellants were denied and refusing to notify appellants the grounds of denial or rejection.

ELEVENTH. The Commission erred in examining the claims and proof of appellants and denying the same while the Commission was not clothed with any legal authority, nor had jurisdiction, to render decision on said claims and deny the same.

TWELVTH. That the Act of Congress approved June the 10th, 1896, was unconstitutional and had no power or legal right to confer jurisdiction on said Commission to try and determine the rights to citizenship of said appellants, and said Commission erred in determining the rights and denying the same to said appellants.

THIRTEENTH. That Congress had no power by enactment to create, appoint and empower a judiciary, and said Commission erred in denying the claims of said appellants without any legal authority to do so.

Wherefore, the appellants of this cause pray that an appeal be granted to this Court and that a trial, de novo, be granted the appellants, and that said appellants be permitted to introduce new testimony, and that an order be made requiring said Commission to send all pleadings, papers and records filed before it in this cause to this Court, and that the Cherokee Nation, the appellee in this case, be cited to appear

at this Court and plead and defend against the said [illegible] show why the appellants should not by the rules, orders and decisions of this Court be adjudged entitled to citizenship in the said Cherokee Nation, and the appellants will ever pray.

(signed)
W. P. Watts,
A. H. Garland,
W. J. Watts,
Attorneys for Appellants."

Indorsed on back: "Cherokee Citizenship Case, No. 99 Docket Joanna Barber et al vs Cherokee Nation Filed Dec 3 1896 Jas A Winston clerk Watts, Garland & Watts, Attorneys for Appellants."

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"SUMMONS.

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

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Marshal for the Northern District, Indian Territory:

You are commanded to summon the Principal Chief of the Cherokee Nation, or the Attorney General of said Nation, to answer on the first day of next May term of the United States Court for the Northern District, Indian Territory, at Muskogee, Indian Territory, being the 4th day of May, 1897, A.D. 189-- a petition praying an appeal from the decision of the Commission to the Five Civilized Tribes duly filed in said Court by Joanna Barber, Chis M. Barber, Wm R Barber, Jas E Barber, Jennie Barber, Joel A. Barber, Mary A. Barber, Erma Moore, Attie L. Hunt, Alcey J. Smart, who claim to be entitled to be enrolled as citizens of said Nation, to the United States Court for the Northern District, Indian Territory, which petition is now pending in said Court, and warn him upon a failure to answer petition within thirty days from the time of the service of this writ, the same will be taken for confessed, and you will make due return of this summons within ten days after the actual service of this writ.

Witness the Honorable William M. Springer, Judge of said Court, and the seal thereof, at Muskogee, Indian Territory, the 28th day of Dec. 1896 A.D.189--

(signed) J. A. Winston, Clerk.

(SEAL)"

"MARSHAL'S RETURN.

I received this summons the 28" day of December A.D. 1896 and served the same as follows: W. T. Hutchings, Attorney for Cherokee Nation Indian Territory Accepted Service on the within at Muskogee, Ind Ter on this 12" day of January 1897

(signed) W. B. Watts

~~U. S. Marshal~~
By .....Deputy."

Indorsed on back as follows: "Citizenship Case No. 90
No. 6.. Nation... Summons....Attorneys Claimants."

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"Joanna Barber et al.
vs. No.90.
Cherokee Nation.

Mr. N. A. Gibson, Special Master, to whom this case was referred, submits the following report:

'IN THE UNITED STATES COURT IN THE INDIAN TERRITORY,
NORTHERN DISTRICT, AT MUSKOGEE.

JOANNA BARBER ET AL)

-VS)- : REPORT OF SPECIAL MASTER.

THE CHEROKEE NATION.)

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I, N. A. Gibson, Special Master herein, show to the Court that under the general order herein, I have examined the proof and pleadings herein, which is hereto attached and made a part hereof, and that I find as follows:

I

This this cause was instituted on September 8th, 1896, before the Dawes Commission to the Five Civilized Tribes, by Joanna Barber, and Isaac J. Barber, her husband, and their Children, Onis E., William R., James E., Johnnie and Joel A. Barber. That Joel A. Barber has the following children, Hattie Toliver, George A., Frankie O., Jose and Ethel Barber. That the application includes also Mary A. Boner and her child Inez Boner, Emma L. Murphy and her child Claud Murphy, Emma Moore and her children Anna J., Jackson D., Ruby and Gladys, Attie L. Hunt and her child Dorman Hunt, Albey J. Smart and her children Georgia A. and Erzey L. Smart, Joanna J. Garlinghouse and her children Myrtle O., Cora L. and Bertha M. Garlinghouse. That this application was by the Commission tried and rejected on October 20th, 1896, with no reasons given for the decision, and that subsequently on December 27, 1896, the claimants appealed to this Court. That the parties all live in the Cherokee Nation, Indian Territory.

II

That the parties claim the right to be admitted to citizenship in the Cherokee Nation by reason of their descent from Polly Rogers, who is claimed to be a Cherokee Indian by blood. That there filed in support of their application the affidavits of S. R. Dawson, E. Dawson, Francis M. Dawson, and W. A. Dawson, who testify that Joanna Barber is the daughter of Elizabeth Petty, nee Dawson, who was the daughter of Polly Rogers, who married a white man by the name of Samuel Dawson, and that Polly Rogers was the daughter of Captain John Rogers and Ailsey Vann. That these witnesses are all Cherokee citizens by blood, acquainted with the

claimants, and [illegible] testimony, related to the by blood.

The appellants [illegible] this testimony the decision [illegible] Commission on Citizenship, rendered in the [illegible] in which these claimants were rejected by this court [illegible] also [illegible] affidavits of W. C. Rogers a grandson of [illegible] John Rogers, and Mrs. Sarah Carter, a granddaughter of [illegible] Rogers, both of whom state that they never [illegible] of the [illegible] of said Captain John Rogers by the [illegible] Captain Rogers was his only daughter.

"II

The claimants contend that they are residents of the Cherokee Nation, and are relatives of the Rogers family, who are recognized citizens of the Cherokee Nation by blood, are entitled to be admitted to the Cherokee Nation as citizens by blood, while the [illegible] contends that John Rogers, through whom the petitioners claim, is not now and has not been a citizen of the Cherokee Nation since the removal West; that his name does not appear on the rolls of the Cherokee Nation, and that he nor his ancestors ever resided in the Cherokee Nation as citizens thereof.

The premises considered, in view of the unsettled condition of affairs in the Cherokee Nation at the time when Captain John Rogers, the ancestor through whom claimants trace their Cherokee blood, lived, and especially in view of the absence of a marriage [illegible] of records pertaining to marriage, I am of the opinion that these claimants have proved that they are descended from Capt. John Rogers, who resided in the Cherokee Nation and was a recognized citizen, though they do not show that he was ever enrolled as such, and I therefore find that the claimants are all residents of the Cherokee Nation, Indian Territory, and that they are all Cherokee Indians by blood. That they have resided in the Cherokee Nation since 1887, and probably longer, though the proof does not state definitely how long they have so resided.

I ask that the Court allow me a reasonable fee for my services herein as special master.

Respectfully submitted this 16 day of August, 1907.

(signed) H. A. Gibson,
SPECIAL MASTER.

My fee paid.

No Exceptions taken."

BY THE COURT.

From this report it appears that the claimants base their right to be enrolled as citizens of the Cherokee Nation upon the grounds that they are the descendants of a Cherokee Indian by blood, but their ancestors through whom they claim have never resided in the Cherokee Nation as now constituted. It appears that they have resided in the Cherokee Nation since 1887, and probably longer, though the proof does not state definitely how long they have so resided. It does not appear that the claimants or any of their ancestors have ever been recognized as members of the Cherokee Nation.

The judgment of the United States Commission rejecting this case [illegible] the application of the claimants

to be enrolled as citizens of the Cherokee Nation is denied."

Indorsed on back: "CC No.7 Joanna Barber et al vs Cherokee Nation, Final Report of Special Master, Filed August 17, 1897, Jas A. Winston, Clerk."

Foregoing papers in Joanna Barber case enclosed in jacket indorsed: "CC Joanna Barber et vs Cherokee Nation."

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"NOTICE.

UNITED STATES OF AMERICA)
INDIAN TERRITORY (SS
NORTHERN DISTRICT.)

In the United States Court for said District.
In the Matter of the application of Joanna Barber et al to be enrolled as citizens of the Cherokee Nation.

To the Commission to the Five Civilized Tribes.

You are hereby notified that an appeal has been taken in the matter of the application of Joanna Barber et al. to be enrolled as citizens of the Cherokee Nation, from the said Commission, to the United States Court for the Northern District of the Indian Territory, and that your tribunal is requested by said Court to transmit at the earliest time practicable to said Court, at Muskogee, Indian Territory, a transcript of all the entries made in the docket of your tribunal relating to the case, together with the depositions and testimony taken before said tribunal; the decision thereof on the application, and all original papers relating thereto.

Witness the Honorable William H. Springer, Judge of said Court, and the seal thereof, at Muskogee, Indian Territory, the 27 day of Dec. 1896. A.D. 189--.

(SEAL) (signed) J. A. Winston, Clerk."

Indorsed: "No. 1864 Joanna Barber et al vs Cherokee Nation, APPEAL ORDER OF U. S. COURT."

Foregoing paper enclosed in jacket marked: "No. 1864."

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BY MR. HUTCHINGS:

We now introduce the original record in the citizenship case of Irene J. House, et al., before the Commission in 1896, the court number of same being 238. said case being denied by the Commission; appealed to the United States Court, and the decision of the Commission affirmed.

In this case we desire to call especial attention to the certified copy filed therein of the testimony of Arthur Baker, the certified copy having been made in 1894, being the testimony of Dr. Baker in the case of Robert Dawson against the Nation, Number 108, before the Citizenship Commission, and which was made January 19, 1892.

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

The [illegible] mentioned above, are as follows:

"Office of Commissioner of Citizenship,
Cherokee [illegible], [illegible] 1882.

No. 101.
Robert Dawson [illegible]
vs
Cherokee [illegible]

[illegible]

Witness [illegible] Flour;
[illegible] Arkansas
Carro[illegible] I lived
in the [illegible] I
to [illegible] came
a citizen [illegible] became
near [illegible] Mothers house
Dawson [illegible] Root
my moth[illegible] ly at
side; [illegible] the Nation
claimed [illegible] also
claimants [illegible] thought the
was about [illegible] mother
daughter Polly [illegible] called her
Boat up the River [illegible] who ran a
frequently [illegible] and there at Louis Rennes Store.

I saw her occasionally [illegible] years old and I think then Old Capt. John Rogers took her off to school, I saw her no more from the time Old Capt. John Rogers took her off till I saw her here in Arkansas the wife of old Samuel Dawson, I stayed all night [illegible] had a talk over our old matters and I asked her [illegible] she became so acquainted with Dawson and she said at the [illegible] to school and she said after she left [illegible] followed her home, to the Nation and they were there married. I have told that precisely in the words that [illegible] Capt. John Rogers claimed to be one fourth Cherokee. [illegible] the son of Polly Rogers, and I know Polly [illegible] the daughter of Anna Pruett and I know she said [illegible] son of Polly Dawson.

Capt. Rogers [illegible] the Cherokee Country about ~~twenty~~ (Word "twenty" [illegible] twelve miles below Calhoun on the Hiwassee River. Anna Pruett resided in the Cherokee Nation [illegible] I got acquainted with [illegible] Dawson when I got [illegible] where they were as Cherokees. [illegible] his wife, John, Marian and the [illegible] petition I recognized as being the [illegible]

Question by Commissioner

No. 1 How many children did Polly Rogers have?
Ans. 1 Five I think that's all
No. 2 Did you say so [illegible] she being married twice?
Ans. 2 The claimant was married twice.
No. 3 Could Anna Pruett speak Cherokee?
Ans. 3 Yes, she could speak it well

[illegible] Cherokee?

[illegible] Quest?

[illegible] of a mile.

Ans. [illegible] Nation?

[illegible] fact in the Nation

Ques. [illegible] to Texas?

[illegible] ent, they were the sons

[illegible] the line.

[illegible] Polly Rogers?

[illegible] Polly Rogers

[illegible] Rogers.

[illegible] was to

[illegible] I only know [illegible] here

[illegible] of

[illegible] the

[illegible] Grandmother

[illegible] called her

his

[illegible] Arthur A. Baker

[illegible]

Witness [illegible] the reason why he signed a mark

I [illegible] Assistant Executive Secretary do hereby certify that the [illegible] is a true and correct of the [illegible] in the Executive Department of the [illegible]

[illegible] of the Cherokee Nation

(Seal) [illegible] T. Meeks,

[illegible]

[illegible] or Citizenship in the [illegible] Nation.

[illegible] Ella A. Baker, undersigned, respectfully [illegible] Indian by blood, as asks to be [illegible] of the Cherokee Nation of Indians in [illegible] that she derives her said Indian blood [illegible] who is a Cherokee Indian by blood [illegible] a daughter of Elizabeth Betty [illegible] and Samuel Dawson, the [illegible] a daughter of Captain John Rogers [illegible] Cherokee Indian, as shown by a [illegible] of Mrs. Arthur A. Baker, which [illegible] marked exhibits [illegible]

[illegible] the above facts as the lawful grounds for her [illegible] for citizenship in the Cherokee

Nation, and prays that her claim may be fully investigated by your Honorable Commission, that she be adjudged to be a citizen of said Cherokee Nation of Indians and entitled to all the rights and privileges pertaining to such citizenship in accordance with the laws and treaties with said Nation of Indians.

[illegible] Post Office address is Talala, I. T. [illegible] children as follows: [illegible] 34 years; [illegible] House, aged 8 years; [illegible] House, aged 6 years, [illegible] House, aged [illegible] years.

[illegible] this 19th day of August 1896.

(signed) Irene J. House.

Northern Judicial District, Ind. Ter. ss.

[illegible] appeared before me, the undersigned authority, Irene J. House, to me known to be the petitioner in the above petition, who being by me first duly sworn upon her oath says that she is the petitioner in the above petition, that she has read (or heard read) the said petition and that the facts therein are true, as she verily believes.

(signed) Irene J. House.

Subscribed and sworn to before me at Talala, Ind. Ter. this [illegible] August A.D. 1896.

(signed) J. Barricklaw,
Notary Public, My commission expires
(seal) June 8 1899."

"Exhibit A.
Northern Judicial Division,
Indian Territory.

Joanah Barber being duly sworn according to law, on oath states: My name is Joanah Barber I am 61 sixty one years old My Post Office address is Catova Ind Ter- My husband occupation is Farmer I am a Cherokee in Cooweescoowee Dist I am a Cherokee Indian by blood my Mother being Elizabeth Petty (nee Dawson) Daughter of Samuel Dawson and Polly Dawson (nee Rogers) and said Polly Rogers is a daughter of Capt Rogers and Anna Vann (commonly called Alsey Vann) the following Irene J. House is my daughter; she was born in Williamson County, Texas May 15th 1867, moved with her husband children to the Indian Terry and settled near Talala I Terry

(signed) Joanah Barber

Subscribed and sworn to before me this 19th day of Aug. 1896.

(signed) J. Barricklaw,
Notary Public, My commission expires
(seal) June 8 1899

"EXHIBIT B.

Indian Territory,
Northern Judicial District ss.

F. M. Dawson being duly sworn according to law deposes and says:

My name is F. M. Dawson; I am 44 years of age; my post office address is Afton Indian Territory I am a farmer by occupation and reside in the Cherokee Nation.

I am a recognized Cherokee citizen by blood, I am born in Carroll County Arkansas near Berryville. I derived my Cherokee Indian blood from my grandmother whose maiden name was Polly Rogers through my father Robert Dawson, my grandmother Polly Rogers was a Cherokee Indian and was married to Samuel Dawson my grand father in the old Cherokee Nation in Tennessee. My grand parents Samuel Dawson and his wife Polly came west from the Old Cherokee Country in about 1830 and settled in western Arkansas and later came on to the Indian Territory and the father of this affiant Robert Dawson and family settled in the Cherokee Nation, Indian Territory, Robert Dawson, the father of the affiant was also a recognized citizen of the present Cherokee Nation by reason of his Cherokee Indian blood.

The said Robert Dawson [illegible] of this affiant and Elizabeth Dawson who married John Petty [illegible] mother and sister by blood, both being children [illegible] Samuel Dawson and his wife Polly Dawson whose maiden name was Polly Rogers The said Elizabeth Petty was the mother of Joanna Barber who is a full cousin by blood of this affiant in the Indian side. The said Joanna Barber is the mother of Irena J. House nee Barber who is a second cousin of this affiant in the Indian side.

This affiant further states that he has seventy five to a hundred blood relatives who reside in the Cherokee Nation and are recognized Cherokee Indians by blood and drew their per capita money all the last payment; said citizens and relatives derived their Indian blood from the same source that the above named Irene J. House, derives her Indian blood and right.

This statement I have made to John H. Koogler, a Notary Public at Muskogee Indian Territory and it has been written down by him at my dictation. Such part of this testimony which refers to matters occuring previous to my recol ection I know by means of family history and traditions which facts I have always been taught and told of by my parents and grand parents from childhood up, the facts stated as occuring since my childhood I know of my personal knowledge. Affiant further states that he is not personally interested in the prosecution of the application of said Irena J. House for citizenship in the Cherokee Nation.

(signed) F. M. Dawson."

"Indian Territory,
Northern District.

I John H. Koogler, hereby certify that the annexed and foregoing statement and affidavit was dictated to me by F. M. Dawson and was subscribed and sworn to by him and was written by me from his oral statement at my office in Muskogee Indian Territory this 14 day of August 1896, and I further certify that the said F. M. Dawson is personally known to me and that he is a creditable person and entitled to belief.

(seal) (signed) John H. Koogler,
Notary Public."

- - - - - - -

[illegible]

[illegible] Rogers [illegible] Polly
of Joan [illegible] mother
on the Indian side, the [illegible] affiant
Irena J. [illegible] the mother of
second cousin of this affiant [illegible] the Cherokee Indian side.
This affiant further states that he is seventy five to a
hundred blood relation [illegible] to Cherokee Nation and
are recognized Cherokee [illegible] Cherokee Nation
and exercise all the rights [illegible] such Cherokee
citizens, the [illegible] strip [illegible]
at the last [illegible] Cherokee Nation.
[illegible] Cherokee Indian
House, [illegible] named Irena J.
House.

[illegible] J. Hardcastle, Notary
Public [illegible] further states that he
[illegible] in the prosecution of the claim for
[illegible] of the said Irena J. House.
[illegible] within the personal knowledge
[illegible] he knows
[illegible] other facts which occurred before the
recollection of affiant [illegible] what he has been
taught from the [illegible]
[illegible] relationship [illegible] people
in the [illegible] if personal knowledge
and that they are related [illegible]

Subscribed and sworn to [illegible] the [illegible] day of August
1896

(Signed) J. Hardcastle,
Notary Public.
(Seal).

[illegible] Expires June 3, 1899.

"Cherokee Nation,
Cooweescoowee District,

EXHIBIT E.

Before me the undersigned authority this day, personally appeared W. A. Lawson who is to me well and personally acquainted, and after being duly sworen; deposeth and says, that he is well acquainted with Irena J. House and knows she is a Cherokee Indian, and that he knows she is the daughter of Joana Harber, who is a neice of Robt. & James Lawson, who are both Cherokee Indians and recognized citizens of the Cherokee Nation.

Affiant further states that Irena House is the grand daughter of Mrs. Betty, who was a full sister of Robt & James Lawson.

Affiant further says that he knows that Irena House is a lineal descendant of Annie Lawson whose children (line drawn through word "children") sons, Robt & James before spoken are recognized citizens.

Affiant further says he has no interest in this suit.

(signed) W. A. Lawson.

Sworn and subscribed to before me this 17 day of August 1896.

(signed) William Lynch
Notary Public.

(Seal) My term expires Feb 6 1900."

Foregoing indorsed on cover as follows:
"No: 3099 5464 Before the Dawes Commission on Citizenship in the Five Tribes. Irene J. House V.S. The Cherokee Nation. Petition and Proof, Will E. Linton, for Petitioner. Filed Sept 8 1896 A. S. McKennon, Com'r. Denied. Filed Feb 26 1897 Jas A. Winston clerk."

- - - - - - -

"Received of H. M. Jacoway, jr., Secretary to the Commission to the Five Civilized Tribes the original papers in the cause of .... vs..... Nation, as follows..... Witness my hand and of icial seal at Muskogee this the 26 day of Feb' 1897 J. A. Winston, Clerk."
(Seal)"

Indorsed: "Court No.238 No. 5464 Receipt for original papers in the case of Irena J. House vs. Cherokee Nation, Received and filed this ..... day of..... 189..."

- - - - - - -

"Irene J. House et al,
vs. No. 238
Cherokee Nation.

Mr. W. A. Gibson, Special Master to whom this case was referred, submits the following report: (Insert report)

IN THE UNITED STATES COURT IN THE INDIAN TERRITORY.

NORTHERN DISTRICT AT MUSCOGEE.

[illegible]

[illegible] 238 P[illegible] [illegible] NUMBER.

THE [illegible]

[illegible] Court [illegible]

[illegible] No. 96, [illegible] herein [illegible] the [illegible] Cherokee [illegible]

[illegible] November 21, 1896 and the applicants [illegible] reasons being given for the decision, and that on [illegible] 19, 1897, the parties appealed from said decision to this Court.

That this application was made by Irene J. House, her husband, W. J. House, and their children [illegible], and Henry W. House. That they file in support of their application the affidavits of Joe A. Barber, [illegible] Brown, Arthur A. Baker, E. Dawson, and W. A. Dawson. That these Dawson witnesses are citizens by blood of the Cherokee Nation, and state that they are related by blood to the claimants herein on the Cherokee side. The claimants base their contention of a right to Cherokee citizenship upon the fact that the claimant Irene J. House is the daughter of Joanna Barker, who is the daughter of Elizabeth Peter, who was the daughter of Polly Rogers, and that Polly Rogers was the daughter of Captain John Rogers and Aliksy Wann, who were recognized Cherokee citizens by blood. That the testimony shows that the Dawson family are recognized citizens of the Cherokee Nation, and that the claimants herein are cousins by blood upon the Indian side, [illegible] and claim through a common ancestor, Polly Rogers and Captain John Rogers and Aliksy Wann, who were all full blood Cherokee [illegible].

II

The appellee introduces in defense the record of the application of these claimants to the Cherokee Commission on Citizenship in the year 1896, and the record of the rejection of the claimants, and further the affidavits of W. C. Rogers, and Mrs. Sarah Carter, a grand daughter both of whom state that they never heard of any daughter of Captain John Rogers by the name of Polly Rogers, and that he had only one daughter, whose name was Cynthia.

III

The Claimants contend that they are residents of the Cherokee Nation and are relatives of the Dawsons, who are

recognized citizens of the Cherokee Nation by Blood, are entitled to be admitted to the Cherokee Nation as citizens by blood, [illegible] the opposition intends that John Rogers, through whom the [illegible] claim, is not now and has not been a citizen of the Cherokee Nation since the removal west. That his [illegible] on the rolls of the Nation, and that [illegible] could be ever recognized in the Cherokee Nation [illegible]

[illegible] that the claimants are [illegible] it was [illegible] at that [illegible] to the [illegible] to marriage, [illegible] of Captain [illegible] when the affiants [illegible] the courts of the Cherokee [illegible] since 1887, [illegible]

[illegible] for my services [illegible]

[illegible] day of November 1897.

(Signed) H. A. Gibson,
Special Master.

By fee paid.
No Exceptions Filed."

There are papers indorsed on cover as follows: "238, Irene J. [illegible] et al V Cherokee Nation. Final Report of Special Master, Filed Nov. 11 1897 Jas. A. Winston, Clerk."

There [illegible] also on the packet indorsed as follows: "238, Irene [illegible] et al vs Cherokee Nation."

BY MR. [illegible]

[illegible] the present.

[illegible] APPLICANTS:

D. [illegible], being examined, [illegible]

Q Please [illegible] your name? A My name is D. W. C. Dunson, [illegible] years, [illegible] Nashoba, [illegible], Indian Territory.
Q Are you a full recognized citizen of the Cherokee Nation by blood? A I am.
Q You gave testimony in this case once before did you not, before the Daves Commission? A I did.
Q Before this Commission, I will say, this Commission? A The Dawes Commission? A Why I didn't recollect who the Commissioner was, that was the one at Vinita, ex parte.
Q Were you in any way connected with the Cherokee Citizenship Commission also known as the "Tehee Commission"? A I was Clerk of that Commission.

Q For what length of time? A I don't recollect the exact length of time; I think it was about thirty days, during the continuance of that Commission, existance of that Commission.
Q You were the only clerk it had during its existance were you? A I think I was.
Q You were Clerk of that Commission when it rendered a decision in favor of Robert Lawson et als, as found on page 114, of its record, numbered 108 (witness examines record referred to.) now in your possession of this Commission? A I was.
Q The members of that Commission were the same as shown by the signatures to this judgment were they? A The same, yes, sir.
Q Chas Tolee, Pre ident of the Commission, Alex Wolfe and T. F. Wheeler, Commissioners, that is correct, is it? A That's correct.
Q Were you there when this case was under consideration by that Commission and when it rendered this judgment in the case? A I was.
Q Were you at that time acquainted with F. M. Lawson, commonly called "Mack Lawson", Cornwell Taylor and Samuel H. Benge, who were known to you, who were Cherokee attorneys at that time? A I might say that I only knew Mr. Lawson; all I knew of him was I saw him a party to the suit. I knew Mr. Taylor and Mr. Benge intimately; I have known them a number of years.
Q They were recognized Cherokee citizens were they? A They were.
Q Taylor not known generally as a Citizenship Attorney? A I think he was.
Q Did you not have seeing him and Benge present at the time this case was under consideration by the Court? A Why I do not recollect seeing Mr. Benge, I cannot recollect, but I can recollect of seeing Mr. Taylor about the Court room now and then.
Q Do not know who submitted the case to the Court for the applicants? A Let me understand the meaning of that; who brought the case?
Q Who called up the case? A No, I don't recollect.
Q Do you remember whether that Commission rendered any other decision than that found upon this record in that case? A I never had any knowledge only but one decision.
Q Was that in favore of or against the applicants? A It was in favor of them; I will say this: that if there was another decision other than the one that appears on the docket now before you, I have no recollection of it.
Q The only decision you have any knowledge of was recorded by you in this book as here shown was it not? A That is the only one that I have any knowledge of.
Q Did Mr. Lawson pay you any money in connection with that case? A He did not.
Q Did he ever promise to pay you any money for your influence with the Court in that case? A Never.
Q Did he pay you any money, either directly or through any other person? A For my influence in that case?
Q Yes, sir? A Never.
Q Did you have any knowledge of his having paid to the Court or to any member of the Court any money for the purpose of influencing their judgment in that case? A None whatever.
Q Did you have opportunity of observing his conduct during that court at the time? A The only opportunity that I had was during the session of the Commission; I saw but very little of him during the progress of the Commission; now and then I would see him in passing.
Q Did you see anything in his conduct toward that Court which indicated that he had used undue influence in procuring that judg-

reality. A. I never observed anything [illegible] nothing that
assumed a suspicion in my [illegible] kind of
practice.
Q. Did Campbell Taylor at any [illegible] that
he paid any money to you any [illegible]
for any services which [illegible]?
A. Yes, he paid me some.
Q. What amount? A. [illegible] twenty dollar bill. I don't [illegible]
the transaction, all about it.
Q. Yes, sir. A. Mr. Lawson, [illegible]
case occasionally [illegible] of a subpoena or transcript, [illegible]; I [illegible]
treated him with courtesy and proper [illegible]
seemed to appreciate it, and whenever I [illegible] to him
to him, says he, I have no money, Mr. Lawson, [illegible] I
ought to pay you. I told him I made no [illegible]
kind. And in passing I might state [illegible] court
for any kind of that work which I [illegible]
for various parties before the court.

After his trial was concluded, [illegible] little
while before supper time I went to my hotel, [illegible] Hotel
in Tahlequah; went to my room, [illegible] then
[illegible] bed to rest. I recollect Mr. [illegible] room,
drew a chair up to the [illegible] fire [illegible]
[illegible] in to his application [illegible] grant,
deciding mostly upon the testimony in the case [illegible] satisfactorily, establishing his Cherokee blood, [illegible] that he was entitled and that he had received justice by the court. I
[illegible] to him, and we talked where I was [illegible] or fifteen
minutes; after a little he says, I must go to-morrow, I think he
went to-morrow, I must go home,- he then lived [illegible] Arkansas
somewhere. Says he, Mr. Duncan, I believe I owe you something,
and I to pay you something. Although, as I [illegible], to those
little courtesies that I extended to him [illegible]. Says I,
I make no charges, Mr. Dawson, for services; [illegible] I have done you
any good you are welcome. Well, [illegible], I felt indebted to you,
I ought to pay you. I says, that makes no difference; I will
leave that to you. Says he, I have spent money to get
back home. He shook my hand, and the last word he says to me, you
shan't lose anything for your kindness to me; I thought he had
reference to my services at the desk. That was the last I saw of
Mr. Lawson, oh it must have been a year afterwards; I had located
a little claim on the public domain up there in Delaware District,
got had off what I intended to be a farm, merely stakes, I didn't
make any other improvements, over there on Horse Creek. Went over
in that part of the country to look after my claim, and I ran
across Mr. Dawson, he had come into the Country and located and
built him a little shanty and was living in it; I called upon him,
he was very glad to see me; I asked him what he was doing there;
he said he had moved into the country, and I told him, says I,
you are encroaching upon me here; he had spread his claim over
part of mine, mine had been made so long it was outlawed under
Cherokee law. Well, says Mr. Dawson, I don't feel like doing you
any wrong, I will pay you for your claim, and we will settle the
matter in that way, that he as soon as he got his little matters
together that he would satisfy me for it. Well we parted at that
point. It ran on then for a long time, I don't know how long,- I
think I met him in Vinita, and says he, did Camp Taylor pay you any
money that I sent to you? Says I, No, I have not seen Camp Taylor.

[illegible] I gave him some money and told him to put it in [illegible] for [illegible], [illegible], you ask if he will find it over [illegible] I guess. Well [illegible] part of the [illegible]. Well, went on for some time, [illegible] [illegible] I met Mr. Taylor in Tahlequah; I met him on the street I think, jocularly [illegible] on his shoulder, [illegible] I, [illegible], [illegible] Mr. [illegible] to [illegible] you? [illegible] [illegible] I received it, and I received it [illegible] [illegible] order taking [illegible] in, or [illegible] [illegible] the whole skin.

Q. Did not that twenty-five dollars, Mr. Duncan? A. It might [illegible] been. My recollection does not serve me exactly, [illegible] dollars.

Q. [illegible] you any other money as coming from [illegible]? A. Not a cent.

Q. [illegible] say you fifty dollars out of a hundred [illegible] received from Mr. Lawson? A. Never.

Q. [illegible] on a second occasion pay you fifty dollars out of one hundred dollars which he claimed to have received from Mr. [illegible]? A. Never [illegible].

Q. He [illegible] you no [illegible] money than that you have already stated, from Mr. Lawson? A. Not a cent.

BY MR. McMURRAY: We offer in evidence the judgment of the Cherokee Citizenship Commission before referred to, and ask that it be filed in evidence in the case of every application made by the heirs of the Robert Lawson family who claim under it, or through Robert Lawson, as citizens of the Cherokee Nation, said judgment being found on page 114, Records of the Tahlequah Court, 1880 to 1884, case number 160, judgment dated January 11th, 1883, signed by Thomas Taher, President, Alex Wolfe, E. M. Thornbrough, Commissioners, D. W. C. Duncan, Clerk Commission.

The said judgment is introduced in as follows:

Cherokee Commission on Citizenship,
Tahlequah, C. N., September 24th, 1881.
No. 168

Robt Lawson,
Albert Lawson,
Jerry Lawson,
John Lawson,
Josephine Lawson,
Joseph Lawson,
Jane Lawson,
Molly Lawson,
Wilson Lawson,
James Lawson,
Vial Lawson,
vs.
Cherokee Nation.

Petition for Citizenship

Continued by the plaintiff, Oct. 5, 1881.

January 15th, 1882.
The above case continued by the Cherokee Nation till Sept.

term. Agreed by the parties that the case shall not be taken up for final disposition before the 4th day of Oct. 1882,
October 4th, 1882

It is agreed by the parties that this shall be finally disposed of at the next January term if the claimant is present demanding the same, if not, the case shall be transferred to the September term, 1883.

On this agreement Commission continues the case till the next January term to-wit, January 1883.

And now this the 11th day of January A.D. 1883 this case coming on for final hearing, and all the evidence produced in the case being carefully read and duly considered by the Commission it was adjudged and determined by the Commission of Citizenship that the claimants, Robert Dawson, F. M. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Joseph D. Dawson, Jane Dawson, Molly Dawson, Wilbron Dawson, James Dawson, and Rial Dawson, are Cherokees by blood; that they are entitled to all the rights and privileges of Cherokee Citizenship within the Cherokee Nation, and that they should be, and they are, hereby admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

(signed) Thos. Tehee,
President of Com.

D. W. C. Duncan,
Clerk of Commission.

Alex Wolfe,) Commission,
T. M. Thompson,) ers.

Transcript is sent to claimants, January 11th, 1883,
(signed) D. W. C. Duncan, Clerk."

Marginal Note: "Case submitted by claimant January 11th 1883. Case submitted by solicitor January 11th, 1883."

Q Do you remember how many members of the Court were present when this judgment was rendered, or were all of them? A My recollection upon that point is not positive, but making my statement upon what I know to be the practice of the Court at the time, seeing the names of all these Commissioners there, I can say with a great deal of positiveness that they were all present, because I never signed the name of one of the Commissioners unless he was present, assenting to it or directing it.
Q The rendition of that judgment then was concurred in by all of the three judges? A It was.
Q Mr. Duncan, if there had been a decision rendered the day before in this case while the Court was in session, adverse to these Claimants, would you have known it? A I certainly should have known it.
Q Was there any such decision of the Court? A None to my knowledge. I can say positively there was not.
Q How many of these judges are now living? A Only one.
Q Who? A Mr. Thompson.
Q Tehee and Wolfe are dead? A Tehee and Wolfe are dead.
Q How long have they been dead, do you know? A I do not know, quite a number of years. I wasn't living there, never lived near them when their death occured, and their death occurred perhaps a long time before I got knowledge of it. It is generally understood that they are dead.

Q [illegible] you remember [illegible] when any [illegible] of the [illegible] really about the Court at [illegible] time [illegible]? A I [illegible] thinking, and I can't call to [illegible] that I ever say any [illegible] or except and, until after [illegible] into the [illegible] rendition of the judgment.

(At this point a party who has been sitting in the room in which the examination is being held, is called forward, sworn on behalf of applicants, and asked to retire until called.)

BY MR. HUTCHINGS:

Q. Duncan, when did you become a clerk of the Tehee Commission until A It must have been somewhere in December, 1884, at the time the Commission was organized immediately at the close of the Council in which they were appointed.

Q December 1884? A I think so.

Q [illegible] are you doing rendering judgments here in your handwriting [illegible] 1883? A The Commission held its Court after they were elected sometime.

Q The Court was elected in 1881 wasn't it? A Well, I have the time, I don't pretend to say when the Court was elected, I didn't have said at the time I was chosen clerk. I was chosen clerk just at the close of the session of the National Council of that year.

Q '84? A I think it was '84.

Q You entered up this judgment rendered January, 1883? A Yes, it was the session of the Commission.

Q That was before you were clerk of it? A Well I held the clerkship for some time you know continuously.

Q Well but when you came to say that you were their clerk when the Dawson case was passed on? A No, I don't mean to say that.

Q Nor could you be clerk when the Dawson case was passed on in 1883 when you were not elected until 1884? A I am mistaken in that, '84 comes after '83,- it was the year preceding 1883, it must have been '82.

Q Your first entry in the Dawson case is January 12, 1883, isn't it?

Q I don't recollect what my first entry was. (Attorneys show the record to witness) Yes, that is the entry there on that day,

Q And that was shortly after you became clerk was it? A Yes, shortly after I became clerk.

Q The case had been entered upon the docket before you became clerk? A I think so, yes; It was entered at the previous term of the session of the Commission.

Q In whose handwriting was the names of the three Commissioners signed to that judgment? A Dawson Judgment?

(Attorney shows record to witness again) A That is my handwriting.

Q Al three names? A All three names.

Q The record there shows that you immediately gave them that day a transcript of the judgment, do you know who signed that? A Signed the transcript?

Q Yes, sir. A I do not recollect now, this is, did the writing?

Q Signed the names to it? A Yes, that's it.

Q You always signed the names of Tehee and Wolfe didn't you?

A I think I did pretty generally; I don't know of their attempting to write their own names.

Q When Mr. Thompson was there didn't he sign his own name? A Sometimes he did, sometimes he simply authorized me to do it.

Q Have you any recollection of his authorizing you to do it except from the fact that you have done it on that record frequently?

A. I don't recall the particular literal fact of authorization, but I can say positively that, consulting the record, that he authorized me to put his name there.

Q Will you look at the original transcript hereby shown you and refer to in the judgment and say who signed the names of the Commissioners there? A (Papers shown to witness) A I signed them there.

Q You recognize that as your handwriting? A I do.

Q That made you when you were testifying at Vinita before Mr. Martin, on looking at the same signatures, and being cross-examined by me, say that it was not your signature and that the signature thereto attached was the signature of Mr. Thompson? A Occurred in this way: I had not seen any of the records in the case for about nineteen years. The exact transaction in the court had vanished about entirely from my memory; I recollected at that time, however, when I gave in my testimony before the Commissioner, Martin, that that was a practice of the Court at the time I served, in which I signed the names of the full-blood members of the Commission, and Mr. Thompson either uniformly or occasionally signed his own name. I based my statement in that deposition upon my knowledge of the rule or practice in the Court, without comparing the document and refreshing my memory. I made an incorrect statement when I said that that was not my handwriting; I am convinced now that it is my handwriting. That is the way it occurred, the way it happened.

Q Then you consider your recollection of the fact that Thompson when he was present and rendering a judgment signed it himself, set up that your own knowledge of your own handwriting?

A No, I didn't so regard it. I simply spoke without advisement when I gave in that testimony; I subsequently became better informed and concluded that that was my handwriting and not entered by Mr. Thompson under the rule, but was one of those cases in which he authorized me to do it myself, and I did it.

Then you have changed your testimony, because you think you have a better knowledge of the surrounding facts now than you had then, and not from the fact of your judgment on your handwriting at present? A I simply corrected my testimony in reference to my statement in regard to this handwriting, this case.

Q And you wouldn't know then as I understand you whether or not that is your handwriting if it was not refreshed by what you consider to be exterior facts? A I should know it by examining and thinking over the circumstances, I think I should recognize my own handwriting, but if a question should be propounded instantaneously without any advisement or preconsideration I might make a mistake.

You did recognize the names of Thomas Tehee and Alexander Wolfe as being in your handwriting at that time? A I was very clear and positive, and so stated, that the names of those Commissioners were in my handwriting, and I was made certain by reflecting on the rule that they never signed their names with their own hand, but always authorized me to do it. Hence there is no question in my mind in regard to my handwriting in their signatures.

Q And then the third name, right under it, as compared with your admitted handwriting, you had to wait and learn the facts afterwards to determine whether that was your signature or not? A No, I don't think that if I had considered the circumstances, I knew that there was a resemblance; what made me of the opinion that that might have been Mr. Thompson's signature was like this: I knew that he had been in the habit of at least sometimes signing his own name, and I was under the impression—and I do not now think I am much deceived— that his chirography bore at least some resemblance to my own, hence I doubted whether I had signed that name or not on that account.

Q [illegible] that [illegible] Thompson. I do [illegible] that [illegible] handwriting, not yours, didn't he? A [illegible] that that [illegible] handwriting, set up [illegible] to your [illegible] I [illegible] no. [illegible] or not, an' aft r so long [illegible] I [illegible]

Q [illegible] stated, [illegible] you too [illegible] you, that [illegible] the original in self when he [illegible] A [illegible] do not recollect [illegible] I stated, that I used the [illegible] "[illegible] yes", [illegible] I was [illegible] the decision [illegible] he did, but [illegible] I [illegible] to recollect and [illegible] convinced that I was wrong, [illegible] occasionally I [illegible]

Q [illegible] you never found out that your testimony [illegible] a half ago was wrong; did you [illegible] yesterday, and [illegible] your [illegible] that I have thought of it since that [illegible] the exact [illegible]

Q [illegible] collection that you have got and the [illegible] recollection, but they were present when this judgment [illegible] was the fact that you were [illegible] signed it, [illegible] anything, is it? [illegible] that,-

Q You [illegible] that you [illegible] A That [illegible] aids [illegible] recollection and I read out [illegible] the col. is [illegible] were all present at the time that I signed it. I didn't think [illegible] taken out of court at all.

Q [illegible] in the [illegible] or afternoon? A I don't recollect whether it was in the forenoon or afternoon.

Q In recollecting that they were all present when the record was signed, do you mean to say that they were all present when the judgment was rendered? A Yes, that is, you-I am when the question of admission or rejection was voted upon?

A Yes. A They were present.

Q Did you take up the record at the time that they rendered the judgment, or take a memorandum of it, and then write up the judgment some days afterward? A The record was not writ on up immediately upon the decision of any case, but I wrote up the record after adjournment, generally in the evening, and presented it next day or when the next session was had, for signature; that was the practice.

Q But in this Lawson case you wrote it up the very day that it was rendered didn't you? A I didn't recollect as to that.

Q And gave then a transcript the very day it was rendered?

A I don't recollect as to that.

Q And indicated the giving of the transcript on the bottom of the [illegible] the day it was rendered? A I should say it was given at [illegible] of the transcript.

Q That was a very unusual thing for you to do in entering up the [illegible]? A To do what?

Q To notion the bottom that you had given a transcript the same day the judgment was rendered? A No, I dont' know that there is anything unusual about that.

Q [illegible] other places in that record or more than on in any event [illegible] ever done that? A I don't recollect, indeed I don't recollect of giving anybody else a transcript.

Q That is what I am getting at: you gave them a transcript and wrote up your judgment and everything right away? A Pretty promptly after the decision: whether it was the same day or the evening, and signed next day I don't recollect.

[illegible]

[illegible] court? A [illegible]

[illegible] was? A [illegible]

[illegible] testimony, [illegible]

[illegible] recollection.

[illegible] testimony [illegible]? A Yes.

[illegible] testimony in writing except [illegible] I recollect, I don't [illegible]

[illegible] immediately before the trial [illegible] it was taken in the presence [illegible] of the court.

[illegible] decided on how? A I do not [illegible] than one day, but my [illegible]

[illegible] of the court or not? [illegible]

[illegible] how the [illegible] them. [illegible] himself, it seems [illegible]

[illegible] you, your first [illegible] 1622, as shown [illegible] that regard. [illegible] then continue it, or [illegible] and they decided on [illegible] they took testimony,

[illegible] testimony was taken in this case [illegible] or it was decided, or [illegible] decided? A My best recol- [illegible] it was decided; [illegible] the decision was made at [illegible] court.

[illegible] on [illegible] 16, on your authority, the [illegible] reads: "It is [illegible] the contention that this [illegible] Tax," To [illegible] your decision, on [illegible] case, [illegible] the case till the [illegible] you had [illegible]

January and a September term; are this decision was rendered at the January, 1883 term. Was Baker's testimony taken during the January, 1883, term, at the time this decision was rendered? A I find it impossible for me to recollect those facts that are recorded there; although I can say about that, that the record shows the correct statement of the facts, but I can't recall those facts.

Q Well there is a record here that this case was continued on the 17th day of January, 1883, and agreed that it should be taken upon the 4th day of October, 1883; your record shows that there was nothing done in the case from January 17th, 1883 until October 4th, 1883; would you say that was correct? A I should say it was correct if it so stands on the book; if it is defined to be a correct entry of the facts.

Q I will let you see the book for yourself; I don't want to misrepresent your end of it at all. (Shows entry in book to witness.)

A I can't recall those facts in regard to the agreement.

Q Who took down the testimony of the witnesses in court? A I took it down.

Q You took down the testimony of Dr. Baker? A Yes.

Q He was cross examined by counsel for the Nation? A As to that I don't recollect. He was present, he was always present; I think likely he was cross examined.

Q And that testimony was taken at or near the time when the judgment was rendered in January, 1883? A I think it was, my impression is to that effect.

Q Well the court seems to have had no session as to this case from January 13, 1883 up to October 4th, 1883, according to the record? A (No response.)

Q You don't recall taking down anybody's also testimony in the case? A No sir, I don't.

Q And the probability is that he was the only witness examined isn't he? A It might have been so. My recollection is that he was regarded as the main witness of the case.

Q He was quite an old man, about 77 at that time? A Yes, he was quite old.

BY MR. McKENNON:

Q The testimony of Dr. Arthur Baker, from this record, appears to have been taken January 10th, 1883; is that correct, as far as you may know, or are able to state? A Is that Dr. Baker's testimony? (Attorney here shows witness papers.) A It appears to be, yes; I don't think that was the testimony that the case was decided upon, because his testimony was taken orally before the Commission, and I wrote it down; please let me see it. (Attorney hands said papers to witness.)

A Well, all I know about it is as I stated before, I can't recall those facts, but whatever the record says why I say that the record was made correct, according to the fact. (Witness takes copy of the testimony referred to to refresh his memory.) I don't stopped in reading that very clearly to my own understanding, but I gather from the subject matter in that testimony that it is in accord with Doctor Baker's statement, in exactly word for word I am not able to say, but that is the tenor of the testimony.

BY MR. HUTCHINGS:

Q In telling the testimony of Dr. Baker from all the material facts that you state in substance it is true, is it? A Yes, very nearly word for word, and I could not say that there was a little variation made necessary by the length of the witness' statement.

BY MR. McKENNON: Applicants object to all of the witness' testimony [illegible], to the method of taking the testimony of witnesses at the trial, the character and effect of that testimony, and to the number of witnesses, except so far as the same may be used for the purpose of testing the memory of the witness, because the same is incompetent, irrelevant and immaterial.

B. F. FORTNER, being first duly sworn, and being examined testified as follows:

BY MR. McKENNON:

Q What is your name? A B. F. Fortner.
Q What is your age? A 54.
Q You are a physician are you not? A I am.
Q Where do you reside? A Vinita, Indian Territory.
Q Do you hold any official position in your position? A Yes, I am President of the National Board of Health, Cherokee National Board of Health, and member of the Legislative Committees of the Indian Territory and of the American Medical Association,-those are some, and the most important positions I hold at this time.
Q Are you a Cherokee citizen? A I am.
Q By blood or intermarriage? A Intermarriage.
Q Your wife is a citizen? A Yes, sir.
Q Do you know D. W. C. Duncan? A I do.
Q How long have you known him? A About twelve or fifteen years, about twelve years I should say.
Q Do you know his general reputation in the community where he resides for honesty and uprightness of character? A I do, I think.
Q Is that good or bad? A It is good.
Q Do you know Campbell Taylor? A I do.
Q How long have you known him? A About six or eight years, don't know exactly how long; known of him for ten years and personally I have known him about say six or eight years.
Q Do you know his general reputation for truth and veracity? A I do.
Q Is that good or bad? A It is bad.

BY MR. HASTINGS:

Q Mr. Du can belongs to the same church you belong to? A Yes, sir.
Q And has been a number of years? A Well now I say I think he does; I have always so understood.
Q Don't keep up with all your members? A No, but he has attended church there and my impression has been that he is a member of the church.
Q You didn't have any business before the Citizenship Court of which he was clerk, did you? A No, sir, not that I know of.
Q You was not at Tahlequah while he was clerk of a Court from 1882 to '3? A I don't believe I was.
Q Never had any business before that Court? A Had no business before them, not while he was Clerk to my knowledge.

BY MR. McKENNON:

Q You spoke of his membership in the church; he is in good standing as a member of the church is he? A Yes, sir.
Q I will ask you if Campbell Taylor's reputation isn't notoriously bad? A Yes, I have so understood it.

BY MR. HASTINGS:

Q I will ask you if it was notoriously bad in 1883, when these people employed him to represent them before the Court? A That was before [illegible] I am.

Q That so far as you know his general reputation dates back so far as you know him? A So far as I know it.

G. W. MILLER, being first sworn and been examined, testified as follows:

BY MR. McKENNON:

Q What is your name? A G. W. Miller.
Q What is your age, Mr. Miller? A 41.
Q Where do you reside? A Vinita.
Q How long have you lived there? A Well I have lived there altogether about 13 years I guess, or 14.
Q Are you a citizen of the Cherokee Nation? A No, sir.
Q What is your business? A Real estate and insurance agent.
Q Do you know D. W. C. Duncan? A Yes, sir.
Q How long have you known him? A I have known him twenty years.
Q Do you know his general reputation for honesty and uprightness of character where he lives? A Why yes sir.
Q Is that good or bad? A It is good, so far as I know.
Q Do you know Campbell Taylor? A Yes, sir.
Q How long have you known him? A Well I have known him 18 or 20 years, I guess.
Q Do you know his general reputation for truth and honesty? A Well yes.
Q Is that good or bad? A Well, it is bad, I think.

ATTORNEYS FOR CHEROKEE NATION waive cross examination.

W. H. CURTIS, being first duly sworn and being examined testified as follows:

BY MR. McKENNON:

Q What is your name? A W. H. Curtis.
Q How old are you, Mr. Curtis? A 56.
Q Where do you reside? A Afton, Indian Territory.
Q How long have you lived in the Indian Territory? A 30 years.
Q What is your business? A Barber business.
Q Do you know D. W. C. Duncan? A I do.
Q How long have you known him? A About 20 years.
Q You know his general reputation for honesty and uprightness of character in the community where he lives? A I do.
Q Is that good or bad? A As good as any man's.
Q Do you know Campbell Taylor? A I do.
Q How long have you known him? A Some 20 years, I suppose.
Q Do you know his general reputation for truth and integrity and honesty? A Yes sir.
Q Is that good or bad? A Bad.
Q Is it notoriously bad? A Yes.
Q Did you ever known Dr. Baker, Dr. A. B. Baker, of Berryville, Arkansas? A Yes sir, I knew him in '68 and '69.
Q Where? A Over at Berryville; I ran a saw mill in that country at Berryville.
Q Did you know his general reputation so far as honesty and uprightness of character and truthfullness? A Yes sir.
Q Is that good or bad? A Good sir. Good as any man's; he is a good Christian gentleman.
Q Did you know him well enough to know his habits of life? A Yes sir.
Q Was he in the habit of taking liquor, drinking liquor? A Not that I know, of sir, I never saw him take a drink in my life.

Q You his character such as to preclude any such charge against him? A It was, yes sir.

BY MR. HUTCHINGS:

Q How long did you know Dr. Baker? A Two years.

Q What does he do there? A He was an old gentleman then, he lived right in the edge of Berryville, Dr. Baker.

Q How old do you think he was then? A I think he must have been 80 or 75 years old; an old gentleman.

Q Was he in 1868 that, 68? A No sir, it was in '68 and '69, the two years that I lived over there.

Q He had retired from business? A Yes, sir.

Q Did he have any family? A Yes, sir.

Q What family did he have? A I don't know how much family he had, I was not acquainted with the old gentleman.

Q Wasn't doing any business with anybody? A No sir.

Q His character was never called in question one way or the other was it? A No sir, no sir.

Q Campbell Taylor was a notorious rascal pretty much ever since you ever knew him, wasn't he? A Yes sir, I never knew much good of him.

Q And he never a man of bad citizenship case he got Campbell to work it, because he was notoriously a rascal; that's it ain't it? A Well a great many of them got him.

Q It was a notorious thing that they had a bad case they would employ him, it would sort of give a case a bad odor to have Campbell handle it? A Yes, that would be right.

Q You never knew anything about Mr. Ingram's connection with citizenship matters? A No sir, never did.

Q You never heard about his changing some of the records of citizenship cases? A No sir, never did.

Q You have heard lots of talk about this Dawson case? A Yes sir.

Q Rumor had it all around that somebody was doing something wrong? A Yes sir.

Q You never accused him of it you think? A I never heard him accused of it, no sir.

Q That rumor got out from the first day they were whitled right up to the present? A Well I don't know not from the first day, I have heard it for a good while though.

Q But you never knew who they fixed it on? A No sir.

Q They have been a pretty strong family up there in that country haven't they, pretty large family? A Yes sir.

Q Cast a good many votes up there? A Yes sir.

Q Did you ever know of the Doctor's testifying any in court, Dr. Baker? A No sir, I never did.

Q What would you think of a man who would testify that he knew a girl that was single in 1825 when the youngest of her seven children was born in 1823; what would you think, would you think that was a statement to be made by a man who was truthful? A -

BY MR. McKENNON: Applicants object to the question because it is wholly incompetent, and not based upon any proof or admitted facts in the case, and it is wholly immaterial and incompetent.

Do you think that was a statement that would be made by a truthful man? A (No response.)

Q You knew him in '68? A Yes sir.

Q He was quite an old, decrepit man? A Yes sir, quite old, '68 and '69.

Q 14 years from that time he was liable to be in his dotage?
A I don't know, he was an old man when I knew him.
Q He was too old to work, and retired from business then? A Well he did work a good deal, but wasnt doing any business particular that I knew of.
Q He would have been pretty old, 14 years from that time? A Yes, he would be getting old.

D. M. HARRS, being first duly sworn and being examined, testified as follows:
BY MR. McKENNON:
Q What is your name? A D. M. Harrs.
Q What is your age, Mr. Harrs? A I am 46.
Q What is your business? A I am publishing a newspaper.
Q What paper? A "The Indian Chieftan."
Q Are you Editor of that paper? A Yes sir.
Q You live at Vinita, then? A Yes sir.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A Intermarriage.
Q Do you know D. W. C. Duncan? A I do.
Q How long have you known him? A 18 or 19 years.
Q Do you know his general reputation in the community where he lives for honesty and uprightness of character? A Yes sir.
Q Is that good or bad? A Good.
Q Do you know Campbell Taylor? A Yes sir.
Q How long have you known him? A Why 15 years or longer.
Q Do you know his general reputation for truth and honesty in the community? A His general reputation, yes sir.
Q Is it good or bad? A Well it is not good.
Q Is it bad? A Well I suppose it must be bad then.
BY MR. HUTCHINGS:
Q How long has Campbell's reputation been bad, Mr. Harrs, quite a good while, hasn't it? A Why I think so, yes sir.
Q And it kind of begun mostly with this citizenship business? A Yes, so far as I know it did, yes sir.
Q Campbell got so many bad citizenship cases and through the mails, and they finally had him up about it, had a good deal of stir about it? A Yes sir.
Q And some of that stir was sort of occasioned by his helping the Dawsons in wasn't it? A I don't know, I don't know whether he helped the Dawsons.
Q Was not that one of the principal cases that brought him into notoriety? A I don't know whether he had that case or not. I know he had a great many cases.
Q That was the principal thing that convinced the Dawes Campbell out, was citizenship cases here? A I think that is what got him into the most trouble.
Q I say before that time nobody had talked much about Campbell one way or another, and it became pretty general that Campbell was handling shoddy citizenship cases, and he got a bad reputation from that? A Yes sir, I think that was the impression generally.
Q Now Mr. Duncan's connection with the Dawson case sort of been kept back; people never talked much about it? A I never heard anything about it, as I know of.
Q You have heard that there has been something wrong about the Dawson case, that has been a notorious thing? A Oh it has been a notorious case, yes sir.
Q Well the fact of Mr. Duncan's reputation for straightness has been somewhat given by himself, he confesses it frequently? A How is that?

Q His reputation as to truthfulness is somewhat given by himself; he takes occasion to confess that very often himself; doesn't he?
A I don't know whether I am qualified to answer that.
Q Speaking of his own honesty, he does that very frequently?
A No sir, not that I know of.
Q Doesn't he write a good deal about that sort of thing? A About his reputation?
Q Why in speaking of his own integrity? A I don't remember that he does.
Q You were not about the citizenship court along in 1881 '2 and '3 were you? A No sir.
Q Don't remember about the talk that was going on around the Capitol over there about the citizenship cases? A Why no, don't remember anything special as I know of. I remember the citizenship court going on at different times.
Q How far were you living from Tahlequah in '83? A Well, I live close to Vinita, I guess it is sixty miles probably.
Q Have you lived any nearer Tahlequah since that time? A No sir, never have.

L. L. BUTLER, being first duly sworn and being examined testified as follows:
BY MR. McKENNON:
Q What is your name? A M. L. Butler.
Q You are a minister of the Gospel? A Yes sir.
Q M. E. Church, South? A Yes sir.
Q How long have you been in the ministry? A I have been in the ministry 22 years, sir.
Q Did you ever live at Vinita? A Yes sir.
Q How long? A I was there four years, sir.
Q Do you know D. W. C. Duncan? A I do.
Q How long have you known him? A I have known Mr. Duncan 31 years.
Q Do you know his general reputation for honesty and veracity of character? A I do.
Q Is that good or bad? A Good, so far as I know.
Q You have had opportunity of knowing? A Yes sir.
BY MR. HUTCHINGS:
Q Mr. Duncan was a member of your church? A Yes sir.
Q That is the principal way you had of coming in contact with him?
A Yes sir, he was a member of my official board.
Q His connection with citizenship cases that were decided by the court of which he was clerk was never brought up in your presence anywhere? A No sir.
Q Or never discussed? A No sir, I know nothing about his connection with it.
Q You didn't live about or near Tahlequah in '83? A Yes sir, I was Pastor of the Methodist Church in '83 at Tahlequah.
Q Did you hear about the Dawson case, and other cases admitted over there by the Citizenship Court? A No sir, I know nothing about the cases; I remember when the Commission was in session, and remember that he was clerk of the Commission, but knew nothing about the cases that were decided at all.
Q Never heard anybody discuss the cases that were decided? A No sir.

THOMAS A. CHANDLER, being first duly sworn and being examined, testified as follows:

BY MR. McKENNON:

Q What is your name? A Thomas A. Chandler.
Q What is your age, Mr. Chandler? A I am 30.
Q What is your business? A Deputy Clerk of the United States Court at Vinita.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know D. W. C. Duncan? A Yes sir.
Q How long have you known him? A Let me see, I have known him about nine or ten years.
Q You know his general reputation for honesty and uprightness of character in the community where he lives? A Yes sir.
Q Is it good or bad? A Good so far as I know.
Q Do you know Campbell Taylor? A Yes sir.
Q How long have you known him? A I think about 15 years.
Q Do you know his general reputation for truth and honesty? A Yes sir.
Q Is it good or bad? A Bad so far as I know.

BY MR. HUTCHINGS:

Q How did Campbell Taylor get a bad reputation? A Well sir, I don't know how he did.
Q You never knew him until 1885? A Well I never knew him personally, I heard of him before that.
Q He had a bad reputation before '85? A Yes sir.
Q Bad reputation way back yonder? A First I remember I ever heard of him I heard people speaking bad of him, when I was a kid.
Q And everybody that came around the Nation and knew anything at all knew Campbell had a bad reputation? A Yes sir, ever so far back as '79 or '80, that is as far back as I can remember; I think I heard it spoken of in '80, I think that's about the time.
Q And Campbell got a very bad reputation in '80 and '81 when we begun to have these citizenship cases? A Yes sir.
Q You heard him spoken of in roscality and using the mails for these business? A Yes sir, I heard of him being in the Fort Smith Jail on that account.
Q Citizens of the Nation talked a good deal about Campbell's being in these bad citizenship cases? A Yes sir.
And I also heard he had a bad reputation for paying his debts, along about the same time.
Q You don't know whether he had the money, he might not have had the money to pay his debts? A No sir.
Q He could have kept out of bad citizenship cases? A Yes sir, I suppose he could.
Q You never heard Mr. Duncan's name mentioned before in connection with the Dawson case, citizenship cases? A No sir, I don't think I have, I may have, but I don't remember hearing it.
Q General impression that somebody had done something wrong with that matter, citizenship cases? A I heard there was something wrong in connection with the Dawson citizenship cases.
Q That has always been in notority ever since they were admitted? A Yes sir, I have heard it rumored around over the country that such was the case.

Q There is a pretty large voting capacity up there and the matter was never investigated? A I don't know about that, I don't think it was ever investigated, I never heard of it.

Q So they never made any endeavor to find out who the man was?
A No sir.
Q Where did you live in '87? A In '87 I lived out on Duck Creek about 12 miles south-east of Vinita.
Q How far from Tahlequah was that? A About 65 or 70 miles, I suppose.
Q You never were around before the citizenship courts any during that time? A No sir.
Q You don't know then whether or not Campbell had most of the bad cases or not down there? A No sir, I do not, at that time.

BY MR. McKENNON: Applicants object to all of the testimony of this witness as to what he heard by way of rumor, about the character of the Dawson case, because the same is hearsay, immaterial, irrelevant and incompetent.

A. S. McKENNON, of Counsel for Applicants, being first duly sworn, makes the following statement:

I became a resident of Carroll County, Arkansas, early in 1890. I was intimately acquainted with Doctor Arthur Baker, for many years. Knew him as well as I did anyone else. He was a gentleman of the highest Christian character, so recognized by everybody who knew him. He was a sober man, and never drank liquor. I make thisstatement more in vindication of that good man's memory than for any other reason, because any imputation against his character is false.

BY MR. HASTINGS:
Q How long did you know him? A I resided in Carroll County until 1897 when I removed to Johnson County, Arkansas; during the year I was away from home, but I knew him intimately every year that I resided in Carroll County.
Q Did you know him since '87? A Yes sir, I have seen him several times. I have relatives living in the town in which he lived; my relations to him were such as to cause me always to inquire about Doctor Baker; I knew his reputation I think as well after I left there as I did when I lived there.
Q Did you know those facts in 1890 when you were a member of this Commission? A Yes sir, I have known them all my life as I know them now.
Q Did you know them when you as a member of this Commission passed on the Irene J. House case? A I knew it every day of my life, in 1890 as well as now.
Q Suppose that Doctor Arthur Baker's statement should appear that he was born in the year 1809, and suppose he said when he was 15 or 16 years of age that Anna Pruett the wife of Samuel Dawson, was a grown up girl going to school, when the other undisputed evidence shows that she had married Sam Dawson prior to that time and had seven children, the youngest of whom was born in '33, how would you harmonize that with a man who was an honest man and knew the facts in the case? A Whatever Dr. Baker stated he honestly believed, whether it was right or wrong; whether it was error or truth, he honestly believed it, and stated it as he believed it.
Q He was capable of being in error? A Every man is.
Q I say he was? A Yes sir, just as you and I and every man, he was; I merely stated as to his high character, which could be proven, by every man who knows him I think, I know it.
Q The Commission rejected Irene J. House in 1896, of which you were a member? A I don't remember anything about that personally.

TESTIMONY ON BEHALF OF CHEROKEE NATION.

DAVID MEREDITH, being first duly sworn, and being examined, testified as follows:
BY MR. HUTCHINGS:
Q State your name? A David Meredith.
Q Where do you reside? A Vinita.
Q How old are you? A 60 years old.
Q Did you know James Dawson? A Yes sir.
Q How long have you known him? A I knew him probably 2 years.
Q Did you ever have any talk with him about his citizenship case.
A Very little.
Q You were at one time an applicant before the Dawes Commission for citizenship were you not? A Yes sir.
Q Well what did Mr. Dawson tell you with reference to his citizenship, as to the cost of his getting it, if anything? A Well he told me it took him eleven or twelve hundred dollars to get his case through.
Q Where did that conversation take place? A At Afton.
Q At what time? A It was in '98, spring of '98.
BY MR. McKENNON:
Q Where were you when he told you that? A I was working on a house in Afton, building the house.
Q Whose house? A S. S. Haines.
Q Who else was present? A Hainer was present.
Q Where is he? A At Afton.
Q What aged man was Mr. Dawson at that time? A I don't know, he was very old, probably 75 years old.
Q Was he not a very feeble man? A Yes sir.
Q Hardly able to get around? A No sir.
Q Was he not then regarded as feeble minded old man? A I don't know whether he was so regarded or not.
Q You don't know what he had to do with the case, in fact, himself, do you? A No, I judged it was himself and family that cost that much to get through; attorney's fees, etc. That is the way I took it anyway.
Q You were an applicant yourself were you not? A Yes sir.
Q When? A At that time.
Q Before the Cherokee authorities? A Yes sir.
Q They rejected you? A Yes sir.
Q You were an applicant then before the Dawes Commission were you?
A Yes sir, been rejected ever since.
Q Are you still an applicant? A Yes sir.
Q Still trying to get in? A Yes sir.
Q Claiming by blood? A Yes sir.
Q How long have you been living in the Cherokee Nation? A 15 years.
Q Where did you come from? A Indiana.
Q Claiming to be a Cherokee citizen? A Yes sir.
Q Indian? A Yes sir.
Q James Dawson is dead is he? A Yes sir.
Q How long has he been dead? A I think he died probably within two years after that.

TESTIMONY TAKEN ON BEHALF OF THE APPLICANTS.

F. M. DAWSON, being re-called and further examined, testified as follows:
BY MR. McKENNON:
F. M. Dawson? A Yes sir.

Q Mr. Lawson, what member of your family came to the Cherokee Nation to file and prosecute the claim of your father, Robert Dawson, and the members of his family, to Cherokee citizenship?
A My brother from Texas met me at Tahlequah.
Q What his name? A Elbert Dawson, they all know him by Buck.
Q When was that? A In '81 as well as I remember, or '82, I don't know which, it was in '81 or '82.
Q Did you file your claim at that time? A My brother was, yes, the application,-my brother had Joel Mayes to take it out and file it. That is my understanding.
Q Joel Mayes, who at that time was a citizen of the Cherokee Nation?
A Yes sir.
Q Before what court was that filed? A My understanding is he was clerk of the court; Mastings can tell you what court he was clerk of.
Q He was clerk of the Court at that time? A Yes sir, of the citizenship court; that's my understanding.
Q What was done about the case at that time, if you remember? A I went back home and left my brother down there at that time, that time.
Q Where did you then live? A I lived at Berryville, Arkansas.
Q When did you next come to the Cherokee Nation? A I believe I came back the next January, that was in September.
Q Was your brother Buck here then? A I don't think he was, I don't remember.
Q Well had he at any term of the court or session of the Commission at any time after you first came here and filed the application until after it was decided? A No sir, I never met him any more until that case was decided.
Q You conducted the business then after it was did you not? A Yes sir.
Q The case was finally determined in January 1893? A '93, yes sir, the 11th day as I remember.
Q Were you present at that session? A Yes sir.
Q Was there any decision of that case other than the one of record here? A I never heard of it if there was.
Q Was the judgment rendered in that case as recorded in the record book of that Commission now in the custody of the Dawes Commission the only judgment that was rendered in that case so far as you know?
A Yes sir, so far as I know, if there was any I never heard of it in that case.
Q You then know of no decision against you in the case? A No sir.
Q Who was your attorney employed at the beginning? A I employed L. L. Norwood.
Q Was he a Cherokee citizen? A Yes sir, I think so.
Q Where did he live? A At Claremore, my understanding.
Q Was he present at any time before the Commission? A I never saw him, he never met me there before the Commission.
Q Did you pay him any money? A Yes sir.
Q How much? A Fifty dollars.
Q Did he ever render any services? A If he ever did I never knew it.
Q Well then who did you employ? A My brother employed Joel Bryant.
Q Was he a Cherokee citizen?
A That is my understanding.
Q That he not a prominent Cherokee citizen? A Yes sir.
Q What service did he render? A Well sir, I don't know whether he rendered any or not, only he met me a time or two at Tahlequah, and he was before the Commission; whether he rendered any services

or not I don't know; he was generally always at Washington City during the Term down there.
Q Well what did he do about it? A I don't know, I couldn't say whether he done anything about it. That is Mr. Bryant, he was always gone.
Q What next was done about the employment of an attorney? A Why I got a letter from Joel Bryant that he was going to Washington City and for me to come down in January Term and Campbell Taylor would see to my case before the court.
Q Did he say that he had engaged the services of Campbell Taylor the attorney, to attend to it in his absence? A Yes sir, in his absence.
Q Have you got that letter? A I don't think I got the letter.
Q Well what did you do then? A Why when the time come I come down on the city to Muskogee here and I goes over from here to Fort Gibson and I goes down to see Uncle Houston Benge and stays all night with him; it was very cold weather, and I go him to go over and submit my case to the court; I went over one day and the next day Uncle Houston Benge come over and the next morning after he came over the case was submitted.
Q Did he submit the case? A Yes sir, he told me so.
Q For you? A Yes sir.
Q Were you present? A I was present until they went to take the vote on the case and then we was drove out of their room and they had a secret session, action on the case.
Q Was Houston Benge present with you? A Yes sir.
Q Were you in the court when he submitted it to them? A Yes sir, which he made his argument.
Q He made an argument before the Commission? A Yes sir.
Q Was the decision rendered on that day? A Yes sir.
Q How long after he made his argument and submitted the case? A Was not but a little bit; when we were drove out of the house the first time before they went into secret session they ordered me to set up the cigars to the court and the crowd in the house; after the decision was rendered then I was to set up the cigars, and everybody come to me and told me to go and get the cigars and I done so.
Q And you took the cigars there and all? A Yes sir, everybody, the attorneys and all that was in the house, all had a cigar smoke.
Q Did they then announce their finding in the case? A Yes sir, they told me that I was granted my citizenship right and by the Commission.
Q What did you do about it then? A Why the Clerk wrote me out my certificate.
Q That same day? A That same day.
Q What arrangements did you make with Mr. Benge about his fee, and what was the amount of his fee? A There was no arrangement made until we got up there and he submitted our case; then he wanted me to pay, he charged me fifty dollars, that was his fee.
Q What was the agreement about the matter, the manner in which that fee should be paid? A My brother in Texas was to pay it.
Q Were you to write or was he to write? A He was to write for it.
Q Did your brother in Texas ever pay his fee of fifty dollars?
A Yes sir.
Q Was that all that was to be paid? A All he was to have; all he charged me.
Q You heard his statement when he gave his deposition at Fort Gibson the other day did you not? A Yes sir.

Q He there state that you paid him fifty dollars before he went over to Tahlequah, did you do that? A No sir.
Q He said that you paid him fifty dollars after he got over to Tahlequah, did you do that? A I never paid him a cent in my life.
Q After that judgment was rendred where did you go to? A I went back home to Arkansas.
Q By what route? A I went by Siloam Springs and on by Spring Dale and then on to Rogers, took the railroad there and went on by Sulphur and by Sulphur Springs home.
Q You then did not return to Fort Gibson with Houston Benge, as he stated? A No sir, I did not.
Q Why did you not return by way of Fort Gibson? A Well I thought maybe the others was the cheapest road and struck a hack going out by the stables where I was boarding at, I could go to Siloam Springs and I went by that route and then there was a hack going by Spring Dale, that was the most direct route.
Q That was the most direct route from your home was it not? A Yes sir.
Q And the cheapest? A And the cheapest route.
Q Had you been coming back to Fort Gibson you would have been going directly away from home would you not? A Yes sir.
Q Your home was nearly east, the east of Tahlequah was it not? A Yes sir, little north of east, pretty near due east.
Q While Fort Gibson is almost due west is it not? A Southwest.
Q You heard his statement that you went to Fort Gibson with him, and as you came you stated to him that the way to reach that court was through Duncan and you reached the Cherokee Nation with five hundred dollars, did you make that statement? A I never did, I didn't have the five hundred dollars to reach him.
Q Did he while at Tahlequah inthe court room on the evening before this judgment was rendered in your favor, tell you that the court had rendered a judgment against you? A No sir.
Q And did you then say to him, you can fix that? A I had no such conversation with him.
Q Did you pay to D. W. C. Duncan, who was the Clerk of the Court any sum of money, or agree to pay him any sum of money, directly or through any other person for any services he might render you by way of influencing the court to decide in your favor? A No sir.
Q Or for any other purpose? A No sir.
Q Did you pay him any money after that through Campbell Taylor? A Yes sir.
Q What amount? A 20 or 25 Dollars, I don't know which it was.
Q State what that money was paid for? A For a claim.
Q What do you mean by a claim? A Claim on the public domain; he had a claim up there close to me; paid him 20 or 25 dollars for his claim he had up there by me, on the Cherokee Public Domain.
Q What did Campbell Taylor have to do with your case?
A He had nothing to do with it.
Q Did you agree to pay him any money for his services as an attorney? A No sir.
Q Did he perform any services in that case foryou as a representative of Mr. Bryant? A No sir.
Q Did you pay him any money? A Yes sir.
Q On what account? A He came to me and said he had the claim against me for Joel Bryant and wanted me to pay him the money and I done so.
Q What amount? A Hundred dollars.

Q [illegible] A [illegible] Joel Bryant.
Q Did you pay the money to Joel Bryant, what did you do? A Joel Bryant claimed he didn't, and I had to pay him again, paid Joel Bryant the hundred dollars he owed him for his fee; E. Duncan paid Joel Bryant; after that; we never could get a penny from Campbell Taylor, only this twenty dollars or twenty-five dollars; that is all I ever got back from him.
Q How did you get that 25 dollars out of Mr. Duncan? A I kept after him and telling him to pay that money back to me, he rendered no services to us all and the money was to go to Joel Bryant, and I finally worked out the twenty or twenty-five dollars, that is all I ever did get back.
Q The amount that he paid to Duncan? A Yes sir.
Q Was this money paid to him, this one hundred dollars, while you were there at the time the judgment rendered, or was it sent to him afterwards? A I think it was paid then, as well as I remember about it.
Q You think it was paid then? A Yes sir, that's my recollection now.
Q Did you send him one hundred dollars after you got home from there, subsequent to the rendering of that judgment, after it was rendered I mean, direct or indirect, pay fifty dollars of that or any other sum to D. W. C. Duncan? A No sir.
Q Did you send him a second one hundred dollars with such direction? A No sir.
Q Mr. Duncan, do you know about what it cost you to fully and well to obtain their citizenship in the Cherokee Nation under this judgment? A Pretty near it I do.
Q Well about what sum? A About five hundred dollars, pretty near 500 dollars. That is what I considered, I was beat out of some of my money, what I was beat out of and expenses.
Q Now take a statement of what that money was paid for and how, so far as you remember, itemize that now? Well the first fifty dollars Norwood got; the next fifty dollars Benge got; that was the attorneys fees; I speak of the attorneys fees now; the next money was the hundred that Campbell Taylor got; the next attorney fees was Bryant's one hundred dollars.
Q Was that all the attorney's fees? A I think it was, no, wait, I paid Ross 15 dollars for taking Baker's deposition.

Q Which Ross was that? A The old Chief, Bill Ross I think was his name, William P. Ross.
Q He then, this Chief William P. Ross for taking the deposition of Dr. Baker charged you fifteen dollars? A Yes sir.
Q Do you mean by that that he acted as your attorney and examined him? A Yes sir.
He examined him before the Commission, took his statements.
Q What other attorneys were there present? A None of this was present.
Q Well now, go on? A Why the expenses of taking Dr. Baker and he was a Doctor, as well as I remember he charged me 5 dollars a day and I bore line and his expenses down there; we come through in a hack from Berryville, Arkansas, to Tahlequah, and our board and expenses andall I think was about 75 dollars that trip; something near it. Maybe a little over that.
Q Did you pay him a per diem? A I paid him five dollars a day for his time and then his expenses.

Q Well? A Well I made several trips out here at different times, to Tahlequah before the Commission, and back, three or four trips as well as I remember now, cost me 20 or 25 dollars each trip, as I remember about it.
Q Do you remember how many trips aside from the one in which you brought Dr. Baker? A No, I think there was probably three trips I think it was, maybe more, and then I made one trip to Claremore to see A. H. Norwood.
Q What did that trip cost you? A I don't remember what it cost; I went in a wagon down there.
Q You went through and employed Benge, went by railroad; what did that trip cost you? A I don't remember what it was, whether it was 21 dollars or 31 dollars, one or the other, I don't remember which it was; Joe Dawson, my brother give me the money, it was either 21 or 31 dollars.
Q Now then is there any other expense that you know of that was paid by you or your family, any members of your family, other than that you have mentioned? A I don't remember any other now; I can't call to my memory right now.
Q That was the condition of the members of your family generally now, financially, at that time? A Well we were considered poor people; I don't know, we didn't have much money, scarcely any.
Q Was there any one of them that was better off than the others, and if so, which one? A I suppose Elbert Dawson was better off than the others, Buck Dawson.
Q Do you know how much Buck Dawson paid of these expenses? A I don't think he paid, he paid the Benge debt and the Bryant debt, I think it was.
Q That is one hundred and fifty dollars? A Yes sir, then he came up on one trip and taken some evidence with Joel Bryant when Joel Bryant was Clerk of the Court before this Tehee Court, I don't know what that cost him.
Q Came up he and took some testimony? A Yes, came up and went back to Texas. Filed his claim and took some testimony and went back to Texas and I didn't see him.
Q Did that testimony include Dr. Baker's testimony? A No sir.
Q You know how many witnesses were examined then? A I only know what he told me.
Q How many? A Four witnesses.
Q You know whether they were residence of the Cherokee Nation or not? A He told me they was.
Q Were you present on that trip in which he came there and took that testimony? A No, I met him there and then I went back home and left him at Tahlequah.
Q He had taken the testimony before you left him or afterwards? A He taken it afterwards; that was my understanding.
Q Did Buck furnish only the one hundred fifty dollars that you now remember? A I think it was.
Q And the expense of taking these witness up there A Yes sir.
Q Who else furnished money now of the members of your family? A My brothers and father lived down in Berryville, me and my brother-in-law, Blassingame, we all chipped in together a few dollars from each family.
Q You heard the statement of C. C. Brought that in June 1883 you told him that it had cost you 700 dollars, did you make any such statement to him? A I never did.
Q And that you paid one witness 300 dollars? A I never made any such statement.

Q Did you pay any witness any such sum? A No sir, I paid Dr. Baker for his time; he said his time was worth 5 dollars a day, I paid him, and I paid it.
Q Did you pay any other witness any more than that? A No sir, he was the only witness I had down there in the case.
Q Well the Robert Dawson case? A Yes sir.
Q He says that you told him this in your house there on your place, did you have any house there in June 1883? A I was not living on my farm at that time.
Q Did you have any farm? A Didn't have any.
Q When did you build a house there? A I built a house on the farm I live in now by Mr. Brought, I moved on the farm the last of July, 1883, and I camped in my wagon.
Q What did you do? A I went to the timber and cut poles and split them out and made me a log cabin on the place by a spring near Mr. Brought.
Q About what time did you finish that house? A It was in October.
Q How soon after you finished that house until you brought your family out? A I finished it up and got it covered and the floor in it and I went back to Eureka Springs after my wife.
Q What family did you have then? A I had my wife and she had one child; but my oldest children, by my first wife were with me in the Territory, camping with me; three little boys and one girl were with me, and one girl back in Arkansas.
Q Are you and C. G. Brought on good terms? A No sir.
Q What has been the character of the trouble between you? A Trouble over our places first started it.
Q When did it begin? A As soon as I got back from Arkansas he commenced kinder crowding me out to take my farm away from me, and we have been in a racket ever since.
Q Then his statement that you were on friendly terms, is it correct or not? A No sir, it aint correct.
Q He and you have never been friendly as neighbors then since you first came back from Arkansas and settled in the Territory? A I don't remember ever being in his house; I never was in his house.
Q Have you had law suits with each other? A Yes sir.
Q How many? A I don't know that we had any particular law suits, but I have had law suits and he has been a witness against me.
Q That was your last trouble with him, when I mean? A Along last fall.
Q That was when your boys had a little racket and he had your boy arrested? A Yes sir.
Q What was the age of those boys? A Eleven years old.
Q He had him arrested down at Vinita? A Yes sir, had him arrested and carried before the Commissioner at Vinita.
Q He was discharged on account of his age? A Yes sir.
Q Buck Dawson is dead is he? A Yes sir.
Q How long has he been dead? A Three years, little over three years.
Q And James Dawson is dead? A Yes sir.
Q Is your father, Robert Dawson living? A No sir.
Q When did James Dawson die? A I don't remember, been dead several years, I don't remember how long, 6 or 7 years, I couldn't state.
Q When did your father, Robert Dawson die? A I believe it was in '87 as I remember now, I wont be positive.
Q Had all these moved to the Cherokee Nation before their death? A No sir, father died in Arkansas.

Q There that lived here in the Nation they lived here in the Nation but went back to Arkansas and died there? A Well the rest of my folks all lived here. That was James Dawson and Buck Dawson.
Q Robert Dawson, your father, never did move to the Territory, did he? A No.
Q Did you hear the statement of the witness Beavert this morning, that about the time of hearing of the James Dawson case, at a meeting church at night James Dawson came down there with someone else he introduced to him, and he loaned him ten dollars; did you hear that statement this morning? A I heard the statement, yes sir, I heard it.
Q He says that Uncle James Dawson was 30 or 40 years old; was there any James Dawson living belonging, to your family at that time of any such age? A No sir.
Q How many James Dawson's were there belonging to your family? A My father's Uncle James Dawson and a brother James Dawson, the Doctor here.
Q How old was your brother James Dawson then? A He was a tolerable old man, I don't know his age.
Q About what age? A Must have been 60.
Q Between 60 and 70? A Yes sir.
Q What was the age of your brother James? A At that time?
Q Yes sir, in '84? A In '84 I suppose he was about 18, somewhere like that.
Q Had he anything to do with the James Dawson case? A No sir.
Q Was he present at the time that the James Dawson case was under consideration? A No sir.
Q Was James Dawson, your uncle ~~James Dawson, present at any time~~ during the consideration of his case? A No sir.
Q He never was present? A No sir, if Uncle Jim Dawson was ever in Tahlequah I never knew it.
Q Who conducted the prosecution of the James Dawson case before the Cherokee Citizenship Commission, who conducted it? A The James Dawson case?
Q Yes sir? A I think James Low and Bill Jackson and Campbell Taylor.
Q Were you acting with them? A Yes sir.
Q They employed Campbell Taylor? A Yes sir.
Q Then there was no James Dawson present during that session of the Commission? No sir.
Q What was the condition of James Dawson's health at that time?
A It was pretty poorly; was not good.
Q Was he at that time able to get about and attend to business?
A I don't think he was.
Q Was he not a very feeble minded old man at that time? A Yes sir.
Q Regarded as rather a silly man was he not? A Yes sir.
Q Did he attend to any kind of business of the family at that time?
A No sir, didn't.
Q What was his financial condition? A Pretty bad.
Q Did he have any money? A No sir.
Q Did he have any property? A None hardly at all; horse probably, or a cow or two, something that way.
Q Was that about all the property he had? A Yes sir.
Q How about the other members of his family that were admitted at that time; what was their financial condition? A They were in poor circumstances.
Q Now then after these judgments were rendered what members of your family removed to the Territory, Cherokee Nation, I will say?
A Robert Dawson and family and James Dawson and family, that is, them and their children.

Q Robert Dawson didn't remove here? A No, I said except Robert Dawson.
Q Did all the members of Robert Dawson family move here? A Yes sir.
Q Except himself? A Yes sir.
Q And all the members of James Dawson family? A No, not all the members, Melvina Low I don't think ever lived here.
Q She has never moved here? A No sir.
Q Well all the members of your family, your father's family included in that judgment of the Committee, rendered January 11th, 1887? A All but one.
Q That was the name of that one? A Edna.
Q A daughter? A Daughter of Robert Dawson.
Q Your sister? A Yes sir.
Q Was she then of age or was she a minor? A I think she was a minor, as well as I can remember.
Q Was she afterwards admitted to citizenship in the Cherokee Nation? A She was.
Q By a Commission or by the Cherokee Council? A She was first admitted by the Spears Court, her and two of my neices.
Q What are their names? A Katie Vernon and Verna Fishback.
Q What became of that? A The certificate papers they got was lost, and they went before the Council in 1894 andthey was readmitted back by the act of Council.
Q That was in 1894, the Cherokee Council admitted, re-admitted as they called it, the three above named? A Yes sir. Mary and Verna Fishback and Katie Vernon, they have now the same names but except Vernon, it is not, Tob Robinson married the widow, a neice of mine.
Q Now then was there any other consideration of the Dawson case by the Cherokee authorities at any time aside from these two judgments in '87 and '94 admitting the two families of Robert and James Dawson, and the act of Council of '94 admitting these three that you have just named? A Yes sir.
Q When? A Why two of my sons was placed on the roll by the act of Council in 1892 I think it was; left off of the rolls in per capita payment and they was placed on the rolls I think, and Sam Nighthugh member of Council, got their draft or checks for the money.
Q Have you got that copy of the act of Council admitting them?
A Yes sir.
Q Where is it? A (Produces papers.)

BY Mr. McKENNON: We offer in evidence an act of the Cherokee National Council making an appropriation of 20,000 dollars belonging to the general fund for the payment of certain persons therein named a per capita payment, as per amount set opposite their respective names, provided that the Principal Chief shall draw warrants for such amounts, and further provided "That the names of the persons appearing on the per capita rolls in this act shall be placed (on) the authenticated roll of 1880 by the Principal Chief."
This act was approved December 31, 1891.
Approval signed by Stephen Tenee, Assistant Acting Principal-
In this list appear the names of William R. Dawson for payment of $13.70, and of Marion Dawson, for a like sum. Are these not the names of two of your sons? A Yes sir.
(This paper above introduced, is filed and made a part of the records in this case.
Q Was there any other action of the Cherokee authorities relating to members of your family? A Yes sir.

Q When? A In 1894.
Q What was that? A Allowing them their Strip money.
Q Have you a copy of that? A I think I have. (Produces papers.)
BY MR. McKENNON: We offer in evidence a duly certified copy of an act of the Cherokee National Council approved November 24, 1894, signed C. J. Harris, Principal Chief. Senate Bill No. 19, appropriating a sufficient amount of money to make payment per capita of what is known as the strip money to certain persons named therein. Among them are members of the Blassingame family, as follows: Jane, Elbert, Henry, James Ross Lennie, Pearl, Amos, Myrtle, Winnie and Clifford; this act mentions these persons as Cherokees by blood, and whose names had been left off the pay roll approved May 3, 1894, providing a payment to each one of these a sum of $265.70.
Q Were these members of the Robert Dawson family? A Yes sir.
Q Which one of the members of the family? A Jane.
Q This is Jane who was admitted by the judgment admitting the Robert Dawson family? A Yes sir.
Q And her children? A Her children, was not admitted, she was admitted.
Q I mean this mentions her children here? A Yes, that mentions her children.
(The paper last above introduced is filed and made a part of the record in this case.)
Q Do you know whether the payment of the Cherokee Strip money was to Cherokee citizens by blood only or not? A Yes sir.
Q Was there any other act of the Cherokee authorities passing upon the citizenship of members of your family? A Why the Douthett children, my brother's grand-children. Two grand-children of E. Dawson.
Q When was that? A That, I think it was in '84.
Q Have you got a copy of that act? A No, the record is here.
Q Was that by the Spears Court? A Yes sir, by the Spears Court.
BY MR. McKENNON: We now offer in evidence a judgment of the Cherokee Commission on Citizenship, 1880 and 1884, found on page 190, case No. 181, dated September 9th, 1884, signed by Eli Spears, President, John Lee and Andrew Young, Commissioners, admitting to citizenship Lula Dowthett and Dallas Dowthett as Cherokees by blood.
Q These now are the Douthetts to which you refer, are they? Yes sir.
BY MR. McKENNON: Attention is called to the fact that the names of the Commissioners are all signed in the same handwriting as the record of the judgment.

The said judgment record above introduced, and found on page 190, No. 181, record of 1880 to 1884, is as follows:

"Office of Commission on Citizenship,
Tahlequah, Cherokee Nation, September 14th, 1883.

E. Dawson, for his grand-children,	)
No. 181.	(C. H. Taylor,
Lula Fauthhitt,	) Atty for Claim.
Dallas Dauthitt,	(
vs	) Petition filed September
The Cherokee Nation.	(14th, 1883.

Case submitted by claimants Sept 14t , 1883.
Case submitted by Solicitor, Sept. 19th, 1883.
Continued by Petitioner Jan 23 1884 to September Court 1884.
Re-submitted September 2nd 1884, by Attys Taylor and Seavert

Submitted by defence Sept 9 1884.

And now on this the 13th day of September 1884 comes this case for final hearing and all the evidence in the case having been carefully read, and considered by the Commission on Citizenship it has been decided by the Commission that the above named Lula Dautheit, and Dallas Dautheit are Cherokees by blood, and that they are entitled to all the rights and privileges of Cherokee citizenship in the Cherokee Nation and that they should be, and are hereby admitted to the full and complete enjoyment of the same in all respects, as native born Cherokees.

Eli Spears, Pres.
John Lee,
John L. Adair, Clk Com'n. Andrew Young,
Commission on Citizenship."

Q Now were there any other actions of the Cherokee authorities of like character relating to the members of your family?
A I don't remember of any others.
Q I will ask you if when the Cherokee authorities were making the roll of 1896, in compliance with the request of the Dawes Commission for a roll to be prepared by them for the use of the said Commission, the question of the citizenship of the members of your family was not then raised and an investigation had in regard to it? A Before the Dawes Commission?
Q No, before the Cherokee Commission making the roll of 1896, of which John T. Gunter was a member? A Yes sir, yes. I had forgot it, but since you have named it there was some investigation of them at that time; this is what I understood.
Q That roll shows that the members of your family were duly enrolled by that Commission? A Yes.

Q Have you and the other members of your family since your removal to the Territory in 1883 and immediately following been recognized as Cherokee citizens by blood? A Yes sir.

Q Have you been exercising and enjoying all the rights of Cherokee citizens by blood since that time? A Yes sir.
Q You and all the members of your family are living in the Cherokee Nation? A Yes sir.
Q You have all drawn Cherokee moneys whenever payments were made? A Yes sir.
Q And have you all male members been voting at the Cherokee elections or in the Cherokee elections? A Yes sir, I was one of the judges of the elections that was held voting on the treaty.
Q What treaty? A The treaty bill that was sent back here for the Cherokees to vote on; I was one of the judges at Afton.
Q In what year was that? A I believe it was last spring some time, last April.

Q Have any of you held any offices in the Cherokee Nation? A Yes sir.
Q What offices have the members of your family filled? A Deputy Clerk, under Pete Hastings, when he was clerk of Delaware District, I was a candidate once for Council in the Downing party.

Q Did any officer of Cherokee Nation, be he [illegible] any one else except a recognized citizen? A Only the citizens, yes sir.
Q Is that all? A (No reply).
Q Have the children of members of your family attended the Cherokee schools, and been admitted to the Cherokee schools? A Yes, sir.
Q Have the members of your family been all the time subject to the jurisdiction of the courts of the Cherokee Nation? A Yes sir.
Q Have they been tried for any offense against the law? A Yes sir.
Q And have they instituted their suits in the courts of the Cherokee Nation? A Yes sir.
Q And had suits instituted against them in such courts? A Yes sir.
Q Some of these cases have gone to the Supreme Court of the Cherokee Nation? A Yes sir.
Q And were passed upon by that tribunal? A Yes sir.
Q Is there anything else? A Nothing now; I am sick this evening; I have got the head-ache so bad I can't hardly see.
BY MR. HUTCHINGS:
Q How old was your father Robert Dawson when he died? A I don't know, I couldn't answer that.
Q He was a very old man? A Yes sir, he was getting tolerably old.
Q Could you tell how much older he was than you? A No I don't know.
Q Mr. James Dawson in 1884 must have been a very old man, wasn't he? A Well he was old and he was feeble.
Q Well you stated that he had become silly; was he naturally that way? A He used to live in Texas; I didn't know him until after he came to the Territory.
Q I say he had gotten so old, that was the occasion of that? A I suppose so, the oldest one of these children was Mrs. Betty Peter, that's my understanding.
Q And the oldest boy was John Dawson? A We always called him Jack.
Q Jack Dawson he was the oldest? A Yes sir.
Q Sam was the youngest? A Sam Riley.
Q He was the youngest one of the crowd? A Yes sir.
Q Your father lived four or five years after he and you were admitted to citizenship? Yes sir, something about that, it was in 1883, I think he died in 1887, I wont be positive; that is as near as I remember now. I have got a headache so bad that I can't remember anything.
Q He nor none of the older members of the family were ever present at any of these trials of citizenship? A No sir, not a one of them was.
Q Not a one of them was ever called upon to testify as to the blood of their mother, who she was or anything about it? A I don't think they was.
Q Your claim of kinship was through Captain John Rogers and that your grandmother was the half sister of Big Joe Vann, wasn't it? A I don't know, I couldn't answer the question.
Q You were there when they took the testimony? A I was there when Dr. Baker's testimony was taken, that was about 16 years ago.
Q And nobody kin to the Rogers and Vanns was ever called to testify in the case? A Not as I know of.
Q They were very well known Cherokee families in the country? A I suppose so, I don't know.
Q And yet nobody on any side of the family connected with it was ever called to testify? A Not that I know of, I don't know what my brother done, he taken some of the evidence at Tahlequah when I was not there; he first filed his claim.

Q You had spoken to Dr. Baker about the testifying before you brought your case didn't you? A No sir.
Q Must have been a short time afterwards? A It was a short time afterwards. I went back after him and it was too late and I fetched him the next time.
Q You had talked to your brother and told you could prove by Dr. Baker? A I told him I thought Dr. Baker, I thought he knew about our folks.
Q You had told him in general way you expected to use Dr. Baker as a witness? A Yes sir.
Q You went off, come to Arkansas and left your brother at Tahlequah after you told him that fact? A Yes sir.
Q You didn't see your brother any more until after you were admitted? A No sir.
Q You and he however made trips back and forth to Tahlequah and here at different times, but you didn't happen to get together? A No. I never met him any more and I don't know that he was there until after we were admitted.
Q But you were there and brought Dr. Baker over? A Yes sir.
Q And took his testimoney a year or such a matter before ever you were admitted? A I think as well as I remember, yes sir.
Q How the way you came to get Campbell Taylor was on the recommendation of old man Bryant? A I didn't get him, didn't use him.
Q The way he came into your case? A The way he claimed to come in.
Q He did more in your case than Bryant did? A Campbell didn't do anything.
Q What did Bryant do? A I think he held my brother take evidence my brother employed him.
Q How did you happen to be sending money by Campbell to Mr. Duncan? A I never sent him any money.
Q Then when he, Mr. Duncan, states that Campbell delivered the money as Campbell said he did, both were wrong? A Oh no, you are mistaken, Mr. Duncan got 20 or 25 dollars, which he stated, from Campbell Taylor, for me.
Q How did you happen to give it to Campbell? A I give the money to Campbell to give to Joel Bryant, and he wouldn't do it, and I tried to get the money back from him, and I finally worked the 20 or 25 dollars he gave to Duncan.
Q Then you didn't tell Duncan as he testified that you sent 20 or 25 dollars by Campbell Taylor? A Campbell Taylor agreed to pay Duncan 20 or 25 dollars for me of the money I give him to give to Joel Bryant.
Q The family kept Campbell Taylor employed though as their attorney after that? A In the James Dawson case I think so.
Q E. Dawson, you remember, had him for his grand-children? A That is my understanding.
Q And your uncle James Dawson had him in the case of his children? A Uncle James had nothing to do with it; James Low and Bill Jackson got him; that was my understanding of who employed him.
Q The record here shows that the case was originally instituted by C. H. Taylor and was finally submitted by him September 2nd, 1884, in the James Dawson case? A I don't deny him being in that case.
Q You say he was employed in the E. Dawson case? A I don't know who was in the Dauthett children's case.
Q The record shows that Campbell Taylor instituted the case, and it was finally submitted by him, and Mr. Beavert, who testified a while ago? A That was in the James Dawson case, wasn't it?
Q That was in the E. Dawson grand-children? A Elbert?
Q No, in the Dauthett children's case? A Oh yes.

Q He was likewise attorney in the Mary Dawson case was he, and before the Adair court, the 4th of October, 1887, in the case of James K. P. Dawson? A I don't know anything about that.
Q And the case likewise of Riley Dawson? A I don't know anything about those.
Q They are relations of yours? A Well I douldn't say.
Q James K. P. Dawson proves to be a son of Riley Dawson? A Well if he is he is my connection then. There are so many Dawsons I don't know them all.
Q You know Andrew J. Dawson? A Yes sir.
Q The Dawsons have so many children their brothers didn't hardly know them did they? A That's it, I don't know them.
Q Well then you don't know who Andrew J. Dawson is? A No sir, I don't know.
Q He refers in his application as being a cousin of K. Dawson, and yourself, who were admitted to citizenship by the Tehee Court? A He may be, I don't know nothing about it.
Q He resided I believe, at that time at Nevada, Missouri? A I don't know anything about their people.
Q Old Man Baker was an old and paralyzed man at the time he testified wasn't he? A Getting old, he was not paralyzed.
Q Then the statement made that the reason he couldn't write his name and had to make his mark, because he was paralyzed, in the testimony isn't that true? A He didn't have good use of his fingers.
Q Then he was not paralyzed? A No, I brought him over there in a hack from Berryville, Arkansas.
Q Well I say he was a very old man? A Yes, getting old.
Q How didn't you come to this place up there joining Brought's and work on it some time before you brought your family? A No, I brought my family with me, except my wife.
Q And you subsequently built a log house on it? A Yes sir.
Q And went back and got your wife and moved them to the log house? A Yes sir, went to Eureka and got my wife.
Q You never saw your grandfather at all? A Sal Dawson, yes sir, I saw him.
Q You remember do you of being with him much of any at all? A I was in Texas in time of the war, with my uncle Riley Dawson, and he was there.
Q In '60 sometime? A '62, I reckon, or '63. Somewhere along there, it was in time of the war.
Q How old a man was he at that time? A Pretty old man.
Q You never saw your grandmother, she died before she came? A Yes sir, I never saw her at all.
Q Who first started the citizenship matter, your brother in Texas or you? A Why it was me, and my brother together.
Q I mean who first conceived the idea? A I first commenced talking about it.
Q And sent down for him? A I was in Texas with him and then in Arkansas; I went backwards and forwards a time or two after the war.
Q About that time nearly everybody in Arkansas were trying to get some claim of kinship to Cherokees? A No sir, not at that time.
Q They were getting pretty thick in there in 1880? A Well in 83 and '4 and '5 I think.
Q Been some excitement over there to get yourselves on the rolls? A Just got to be everybody; but it wasn't at the time we was admitted there was not much stir about the rights here.
Q Well the Watts had been admitted before that? A I suppose they had; there was not much excitement over the Watts claim at that time.

BY MR. HASTINGS:
Q You did locate and board with Sam Shables when you first came to Tahlequah in '81? A I think I did.
Q Your brother Buck Dawson stayed there also? A Yes sir.
Q Sam Shables lived in the north end of town, old Cerran? A Yes sir, old German, lived in the lower part of town.
Q Did you ever hear the names of any other witnesses which you stated perhaps testified in your case? A I have heard them but I have forgot them.
Q You don't recollect any name now? A I dont remember them now sir.
Q In the Irene House case and Joanna Barber case, in which you testified before the Commission, when you were making search for this testimony you couldn't find any other testimony from that of record except the Dr. Baker testimony, could you? A That's all we could find; no we didn't find the testimony, we got a copy.
Q Well it must have been a copy of the original, the certificate shows that? A I don't know; House got a copy of what claimed to be the affidavit of Baker and he told me to give it to him; that is all I know about it.
Q Well the certificate there does not bear my certificate does it? A I don't know about that, I am no scholar.
Q Well you didn t get the testimony of any other witnesses except that of Dr. Baker; you couldn't find any other over there of record? A I didn't hunt for any; House hunted for them.
Q None of you have ever been able to dfind any other? A No. Not even find our petition.
Q Samuel P. Dawson applied to what is know n as the Adair Court, didn't he? A I don't remember now.
Q He was an uncle of yours wasn't he? A Yes sir, claimed to be.
Q The father of these two parties who testified here this morning? A Well I don't know, they claimed to be, I never met them to know them.
Q He was rejected by the Adair Court, or Hayes Court? A I don't know whether he filed his petition.
Q Did you testify in his case? A I don't remember; I might have dont it.

Q Didn't you testify in the Andrew J. Dawson case before what is known as the Hayes Court? A I don't recollect, if I did I don't remember.
Q Did you testify in the Riley Dawson case? A No sir, not that I remember.
Q Didn't you know of his being rejected by that court? A I don't remember, sir.
Q You know that the Cherokee Council never authenticated the roll of 1880, don't you? A No sir, I don't know it; I didn't know this was done until I went to Tahlequah after some papers and come back and they told me about it.
Q You never found out that C. H. Taylor was a big rascal up until the present time have you? A (No response)
Q The records here show that he has been in the constant employment of your family from that date up to this time? A Why it shows here from the record: I would rather be excused for my part of it.
Q You were the man that had the most to do with it? A I never employed him, I can say that.
Q You are the man that had most to do with the records? A In my case and in my father's case.
Q Didn't you testify for your uncle Jim Dawson? A Yes sir.
Q Wasn't he attorney for him? A Yes sir.

Q Wasn't he employed by Jim Dawson after you got your citizenship?
A Why not but the grand-children.
Q Jim Dawson's petition was filed in September last, after yours?
A Yes sir.
Q C. H. Taylor, attorney of record, filed his petition? A He might have filed it for aught I know.
Q Well you hadn't at that time fallen out with C. H. Taylor had you? A Why no, we never did have any trouble, only over his money, he never would give it back to me or give it to Bryant.
Q You never discovered that he was such a bad man until after your judgment was rendered? A I know he was not of good character.
Q Are you and Brought, this man who testified for the Cherokee nation, on speaking terms? A Hardly speak.
Q Does he refuse to speak to you? A Sometimes he does.
Q Do you refuse to speak to him? A Yes sir.
Q Have you been speaking to him for the last two or three months? A I have not spoke to him until I met him here at the hotel the other day.
Q First time you spoke to him since he had the boy arrested? A Yes sir.
Q When did he have the boy arrested? A Along in September or October, September I think.
Q When did Dr. Baker die? A I don't remember.
Q You don't remember how much older your father was than you? A No, I don't know.
Q That is your age? A I will be 60 in May.
Q Then you were born in '42? A Yes sir, '42 according to the record.
Q Was your father as much as 25 years old when you were born? A I couldn't say.
Q What was your best judgment? A I suppose he was 30 or 35 years old. My understanding he married young.
Q Can't you give any better idea than 4 or 5 years of your father's age? A I say 25.
Q Your father was born say, 25 from 42 would have made him be born in 1817; now had your father any old or brothers or sisters? A I think Jack Dawson was the oldest of the family, no, Betty, the girl, was the oldest and Jack next, and then my father as well as I remember about it.
Q There were two girls older? A No, one of the girls I never saw.
Q Then you think there are only 2 older than your father? A Yes, that's my understanding of the family.
Q Dr. Baker gives his age 73 in '82, which would make him be born in '89, now he states that when he was 15 or 16 years old, which added to 1809, will make 1824, that your grandmother Anna Pruett, was a school girl; whereas from your testimony and that of the family history introduced here shows that your grandmother Anna Pruett was the mother of seven children, the youngest being born in 1823, how do you reconcile that? A I don't remember about the statement of Dr. Baker; I don't know that he made such statement as that, I don't remember about it.
Q And if he did you don't know how to reconcile it ? A (No response.)

Q Did you talk to any of the members of the Court that admitted you? A No sir, I was not acquainted with them.
Q You know whether they were old or young men? A They were old men like; Steve Tehee, I got acquainted with him afterwards, and Tom Thompson, at the Council you know I was there a good deal.

Q That was the fellow that was on the Court? A Yes sir.
Q He was afterwards assistant Chief of the Cherokee Nation?
A I think so.
Q Steven Tehee, that's the man you had reference to? A Yes sir, I think it was, I just knew the man; I had no acquaintance with him at all.
Q D. W. C. Duncan boarded when you were down there at the National Hotel? A I think he did, as well as I remember now when we were admitted.
Q Don't you know he did? A I think he did, as well as I remember.
Q Were not you over there to his room? A I think I was.
Q You remember when it was that you brought Dr. Baker down there to make a statement before the Court? A It was in January, Term, was in January Term of 1882 I believe, it was, as well as I remember about it.
Q Well you didn't take any more testimony after Dr. Baker testified?
A No sir, I didn't.
Q But your case was not submitted or passed upon for a term?
A I think it was, yes sir, as well as I remember.
Q I would like to ask you when the Blassingame family came to the Cherokee Nation? A Alex Balasingame came with us when we moved here, and went back and got his family and moved that fall.
Q Did he move his family here that same fall? A Yes sir.
Q What year was that? A In the fall of .83 I believe it was, as well as I remember now.
Q When did the Bulaska family come? A I think the girl and the old lady come in the next spring.
Q How long did they remain that time? A The old lady stayed here, but the girl went back and in a short time her and her husband come back.
Q Did she come back until after her marriage? A No, she was married when she come first.
Q The last time? A She was married I think, she was married when she come out.
Q How long has August Bulaska been a permanent and continuous resident of the Cherokee Nation? A I think he come there in the fall of 1884 or 1885, I wont say which.
Q How long has Robert Pierce been a continuous resident of the Cherokee Nation? A Ever since he was admitted.
Q When was that? A '83.
Q How long has Martin L. Patterson? A Ever since he married his wife, and he was living here before he married his wife.
Q Who is Arizona Alrey? A That is my daughter.
Q Did you bring her with you? A No not when I moved.
Q When did she come? A She come out in a year or two after I moved here.
Q Was she married when you moved here? A No sir, she was not married.
Q She was not married when you were admitted? A No sir, she was a child.
Q When did Jim Lowe come to this country? A With his grandfather, James Dawson.
Q What was his mother's name? A Melvina Dawson.
Q You know Jim Lowe's age? A No sir.
Q Don't know how old he was in '83? A No sir.
Q Was he grown? A I think he was.
Q Married? A No no.
Q Married in this country? A Yes sir
Q Who is James H. Harmon? A Married one of the Jackson girls.

Q When did they come to this Country? A Right away after they was admitted.
Q In what year? A I think the winter of '94, I think it was, spring or winter of '94.
Q You know Gideon Graham? A Yes sir.
Q Who is his mother? A Missouri Ann Graham, formerly Missouri Ann Dawson.
Q Did he come from Texas to Arkansas? A Come from Texas.
Q Did you know them in Texas? A I knew the girl.
Q You never knew them until they come to this country? A I never knew Gid.
Q When did you see him here? A I think they come here in the fall or winter of 1894 or '5.
Q He was married then? A I think he was.
Q Brought his wife? A I think he was, I don't know.
Q Did he have any children when you first saw him? A He come to my house and I never saw his family for-I don't know, for several years.
Q You understood he had a family? A Yes sir.
BY MR. McKENNON:
Q Did you mean to say '84 or '94? A '84.
Q Did you see Gid Graham in '84? A '84, let me study, maybe '85. BY MR. HASTINGS:
Q Did you see him in '85, are you positive on that proposition? A I think so.
Q Will you swear it? A No sir, I wont positive swear it, but I think it was, as I remember now it was; I couldn't say positive.
Q All the people Mr. Dawson that have been admitted to citizenship by courts of competent jurisdiction unless they were de-citizenised by courts of acquired jurisdiction, enjoyed the same privileges that you have narrated here about going to school and being tried in the courts? A Yes sir.

Q All that sort of thing that you have been telling here in your direct examination? A Ask me the question again.
Q I say all people who were admitted here by courts of competent jurisdiction, until they were de-citizenised by courts of like jurisdiction, enjoyed the same privileges that you did? A So far as I know they was.
Q They all drawed money and all tried in the courts as long as we had tribunal courts, were they not? A Yes sir, so far as I know.
Q There was no special privilege granted to you in preference to anybody else? A None but recognized citizens of the Cherokee Nation.
Q Well you had been recognized since you were admitted? A Yes sir, I enjoyed the same privileges of native born Cherokees.
Q Well I say there is nothing special about it? A No, I don't know as there is.
Q You got acquainted with Mr. Duncan while you were up there during the hearing? A Yes sir, I was acquainted with him, knew him, when I saw him.
Q Mr. Bill Ross did the examination of Dr. Baker? A Yes sir.
Q Did you file any other paper before the Court other than your petition and then Dr. Baker's statement? A I never filed any petition there at all.
Q None whatever? A I don't remember any.
Q Well you never had occasion to file any papers before Mr. Duncan? A I got him to do some writing for me.
Q What? A Letters to my brother in Texas.
Q Buck Dawson? A Yes sir, E. Dawson.

A [illegible] Jack Dawson.
Q What was that and he did for you? A I don't remember anything about it.
Q Why didn't you get your attorney to do that letter writing? A There was not any there.
Q Taylor nor Benge was not there then? A No sir.
Q That is what you paid the 30 or 35 dollars for, was writing this letter back to your brother? A I paid him for that claim.
Q When did you pay that? A I think I paid it, I don't exactly when, Camp Taylor paid it a year or two after I moved out here and settled where I did; might have been 2 years. I don't remember.
Q There was Duncan living then? A I couldn't say where.
Q Was he still clerk of this Court? A No sir, [illegible] money was paid; that is, when Camp Taylor said he paid it.
Q You did send Camp Taylor some money? A I sent some money to him for Joel Bryant.
Q You knew Joel Bryant's address didn't you? A No, I don't know that I did, No I didn't send Camp Taylor any money, I gave it to him.
Q How much did you give him? A One hundred dollars.
Q When? A Right at that time; he claimed it from me as soon as we got our papers; he come onto me and dunned me for Bryant.
Q You never sent him any then after that? A No sir.
Q Did you ever see Bryant after that? A Yes sir
Q How long after that? A I don't know, a year or two afterwards. a year I believe, my brother wrote, I wrote to my brother about paying Camp Taylor money and he went onto my brother about it and he never paid him until we moved out to this country.
Q After all that you got him to attend to your uncle Jim Dawson's and the other relatives cases? A The other parties did.

BY MR. McKENNON:

Applicants object to all that part of the witness' evidence in response to interrogatories by representatives of the Cherokee Nation which relates to the character of the evidence upon which the judgments admitting members of the James and Robert Dawson families were admitted, and to the history of the members of the Dawson family, because the same is immaterial, incompetent and irrelevant.

BY MR. McKENNON:

Q One question I omitted to ask you Mr. Dawson, as to the Court at the time the judgment admitting Robert Dawson's family was rendered, who of the judges were present on that day? A They was all three of them, Wolfe, Tehee and Thompson.
Q Are you positive of that fact? A Yes sir.
Q You do not know this Andrew Dawson family who applied to the Dawes Commission for Cherokee citizenship, and who stated that they are cousins of some members of your family? A Andrew?
Q Andrew J. Dawson, who claims to be from Missouri? A How was the question?
Q You do not know them do you? A I don't know that they are any kin to us.
Q You don't know that they are related to you at all? A No sir.
Q This Mary Dawson case, do you know the members of that family? A No sir, I don't.
Q Don't know who they are? A No sir.
Q The Rebecca Dawson case? A I don't know her either.
Q You don't know whether they are related to you or not? A No sir.
Q If any of these persons are related to you or your family did you have any knowledge of it? A Not as I know of.

Q Joanna Barber, do you know anything about them? A They claim to be kin to us.
Q Where are they from? A They are from Texas.
Q Do you know they are related to you? A They claim to be kin.
BY MR. HASTINGS:
Q Well you swore for them before the Commission? A Yes, they claim to be kinfolks of mine.
BY MR. McKENNON:
Q Irene J. House, who is that? A That is a cousin of mine; claims to be.
BY MR. HASTINGS:
Q You testified for her didn't you before the Commission? A I think I did as well as I remember.
BY MR. McKENNON:
Q Before the Court that admitted James Dawson and family, who were the witnesses there? A Oliver Miller, from Berryville, Arkansas.
Q Who were the others? A Myself and J. Dawson and there were two other witnesses, I don't remember who they are.
Q Were they Cherokee citizens and residents of the Cherokee Nation? A Yes sir.
BY MR. HASTINGS:
Q You don't remember their names? A Which?
Q Of these other people who claimed to be citizens of the Cherokee Nation and who were witnesses? A I said about me and J. Dawson were citizens of the Cherokee Nation.
Q You only proved that Jim Dawson was a brother of Robert Dawson before the Court? A Yes sir.
Q And than referred back to the decision in the Court before? A We proved that they were citizens, and he knew my folks before he ever come here.
Q Was he older than Dr. Baker? A About the same age.
Q Why didn't you get Oliver Miller's testimony in the House case?
Q He was dead.
Q You and no member of your family in the Irene House case or the Joanna Barber case or any of those cases that were tried before the Dawes Commission in your affidavits ever made reference to the fact that Oliver Miller testified in Jim Dawson's case in '84 did you? A I don't remember about that.
Q You did make reference to the fact that Dr. Baker testified there in '83, didn't you? A I don't remember about that now.
Q You never made reference to any other witness having testified other than Dr. Baker didyou? A I don't remember about it now.
BY MR. McKENNON:
Q Now just one other question: All of these papers in the original application and everything, so far as you know, in the James Dawson case, were filed before the Commission which admitted the James Dawson family, are lost or mislaid are they not? A I suppose they are, I don't know, I never saw them.
Q Have you tried to get copies of them? A Yes sir, I tried to get the original papers.

BY COMMISSION: This case is continued until 8:30 a.m., tomorrow morning, March 20th, 1902, it now being the hour for adjournment.

MARCH 20, 1902,- 8:30 a. m.- F. M. DAWSON again on the stand, testifies as follows:
BY MR. McKENNON:
Q Where was your brother Buck Dawson raised? A In Arkansas.

Q What County? A Carroll.
Q Near what town? A Berryville.
Q Did Dr. Baker live at Berryville? A Yes sir.
Q Was your brother intimately acquainted with him for many years?
A Yes sir.
Q Did he know him sufficiently to be acquainted with his character and habits of life? A Yes sir.
Q Do you know Josephine Pierce? A Yes sir.
Q Whose daughter was she? A Robert Dawson's.
Q Is she the same identical person who is called Josie Pierce, and Josie Dawson? A Yes sir.
Q Is there any other Josie Pierce or Josie Dawson or Josephine Pierce or Josephine Dawson? A I don't know but the one.
Q She was also called Josephine or Josie Kelly? A Yes, after she married; her first husband was Pierce.
Q And her second husband A Was Kelly.
Q There was another Josephine Dawson wasn't there, Bulaska's wife?
A They they called her Joe, I suppose that's her name, I could not be positive; that was Rile Dawson's daughter, August Bulaska's wife.
Q She is much younger than your sister, Josephine, above referred to? A Yes sir, oh yes.
BY MR. HUTCHINGS:
Q Where were you born, Mr. Dawson? A Carroll County, Arkansas.
Q You know how old you are? A 42.
Q 42? A I think so.
Q How many older children were there of your father and mother than yourself? A Three.
Q Which were they? A E. Dawson, Riley Dawson and Jasper Dawson.
Q You are the fourth child and the fourth boy? A Yes sir, fourth boy.
Q Where were your father and mother married, do you know, from family history? A I think it was in Arkansas, I couldn't be positive, I think they was.
Q Do you know how long your grandfather lived in Arkansas? A No sir I don't.
Q Don't know what year he came to Arkansas? A Only from statement.
Q Well what did they say about it? A I think they came there some time in '30.
Q You know whether your father was born in Arkansas? No Many of your grandfather's children were born there? A There was none of them born in Arkansas according to history and according to what he always told me, they were born in Tennessee.
Q He came there in '30, and all the other children were born on the Kiwassa River in Tennessee, befor he ever came? A That is what I think, yes sir. Now I am not positive about that. They were from Tennessee, but either Dr. Baker lived there or my folks came from there; I don't know as I remember that I ever heard my father say where he was born at.
Q In Tennessee somewhere; he said he was a good big boy when he came to Arkansas? A I don't know as I ever heard him say.
Q Do you know the difference in the ages of yourself and your three older brothers? A No I don't.
Q Don't know the time that comes in between you? A No I don't know that; I think it is about two years though.
Q That would make E. Dawson about eight years older than you, probably? A Yes sir.

BY MR. McKENNON:
Q Did Josephine Pierce have a daughter who married Mr. Bogle?
A Yes sir.
Q What was her name? A I always knowed her by Dade Pierce; I don't know whether that is her right name or not.
Q What is Bogle's name? A John Bogle.
Q She is the child of Josephine Pierce who married John Bogle?
A Yes sir.
BY MR. HASTINGS:
Q Where did she marry John Bogle? A Near Afton.
Q When? A I douldn't state.
Q About when? A You have got a copy of the marriage license.
Q When did Josephine Pierce come to the Cherokee Nation? A '83.
Q Has she lived here continuously since that time? A Up until her death; she is dead.
Q Any of her children come with her at that time? A Yes sir.
Q And have they lived here continuously since that time? A Yes sir, except Bill Pierce, he went to Colorado and died.

J. C. STARR, being first duly sworn and being examined, testified as follows:
BY MR. McKENNON:
Q Your name is J. C. Starr is it? A Yes sir.
Q Mr. Starr, was that instrument taken by you, or before you? (Showing witness document.)
A Yes sir.
Q Where? A At the residence of S. H. Benge near Fort Gibson.
Q When? A On the 15th day of this month.
Q What day of the week was that? A On Saturday.
Q Is that the day it was taken? A Yes sir.
Q Did you go there on Saturday to take this? A Yes sir.
Q Then when Judge Benge stated on Tuesday that it was taken "yesterday" meaning Monday, the 17th, he was mistaken, was he?
A It was taken Saturday, the 15th.
Q Was he mistaken or not? A It was not taken then.
Q Then his statement made on Tuesday the 18th that it was taken on "yesterday", meaning Monday, the 17th, was not correct, was it?
A I think not, because I was there, and it was taken on the 15th.
Q And it was taken on the 15th, you are positive it was taken on the 15th? A Yes sir.

Q Then of course his statement could not be correct? A I guess not.
BY MR. HASTINGS:
Q He was just mistaken about the date, wasn't he? A Yes sir.
BY MR. McKENNON:
Q Did you tell Charles T. Moore who is now present, on last Tuesday that they sent you out there on Monday to take that? A No sir.
BY MR. HASTINGS:
Q I sent you there last Saturday? A Yes sir.
Q And you went there at my direction, didn't you? A Yes sir, and come back Saturday night.

ROBERT L. DAWSON, being first duly sworn, and being examined testified as follows:
BY MR. McKENNON:
Q What is your name? A My name is Robert L. Dawson.
Q What is your age? A My age is something close to 30 years old, I am 29 past.

Q Are you a son of E. [illegible] as only known as Buck Dawson?
A Yes sir.
Q I will ask you if you will [illegible] this letter sent with the enclosure and state whether [illegible] you found that among the papers of your father after his death. A (Hands letter to witness who examines it) A Yes sir, I found this amongst the papers of my father. He always kept all his own papers, and in looking over them I saw this letter.
Q Has that been in your custody ever since you found it? A Yes sir, if that's the letter that was in the envelope.
Q Well that's what it is, you can tell whether it is or not. (Witness further examines letter) Q That purports to be a letter from Samuel H. Benge, does it not, to your father? A Yes sir. (Here applicants' attorney hands letter and envelope referred to to attorneys for Cherokee Nation.)

BY MR. McKENNON: I want to offer this letter in evidence in this case; it is a letter signed by S. H. Benge, attorney at law, dated Fort Gibson, C. N., Jan. 13, 1883. Addressed to Mr. E. Dawson, Esq., together with the envelope, in which it was enclosed, with the card of C. H. Taylor upon it, attorney at law, Tahlequah, Indian Territory, and postmarked Tahlequah, Ind. T., January 13.

BY MR. HUTCHINGS: The Nation objects to the introduction of this letter for the reason that S. H. Benge is living and has testified in this case, and his handwriting should be either proven or denied by himself.

G. W. BENGE, [illegible] sworn, and being examined, testified as follows:

BY MR. McKENNON:
Q What is your name? A G. W. Benge.
Q Are you a son of Samuel H. Benge? A Yes sir.
Q Do youknow his handwriting? A I believe so.
Q Is that his handwriting? (Shows witness letter before referred to.) A Yes sir, it is either his or a resemblance of his.
Q To the best of your knowledge and belief is that his letter?
A Yes sir.

BY MR. McKENNON: Now we offer it in evidence.

BY COMMISSION: (Reading letter)

"Fort Gibson, C. N.,
Jan 13th, 1883.

Mr. E. Dawson, Esq.,

Dear Sir:- I write this note to inform you that your case came off before the Court on Citizenship on the 11th inst, and was decided in your favor, so you all are citizens of this Nation. F. M. Dawson was furnished with a copy of the decision at the court. He will write to you allso. You will please send me fifty dollars as my fee in your case according to contract. Send it to Fort Gibson, Cherokee Nation.

Respectfully yours,
S. H. Benge,
Attorney at law."

Enclosed in envelope, as follows:
Card in upper corner, left hand:
"Return in ten days to C. H. Taylor,
Attorney at Law,
Tahlequah, Ind. Ter."
Addressed: "Mr. E. Dawson,

Henryetta,
Clay Co., Texas."

Post-marked: " Tahlequah, Jan 17 Ind T."

ROBERT L. DAWSON, -re-called and further examined, testified as follows:

BY MR. McKENNON:

Q Now examine that and see if that is also a paper which you found among your father's papers after his death? (Hands papers to witness) A That is the same letter that I found.

Q Among the same that you found the Benge letter? A Yes sir.

BY MR. McKENNON: This is a letter purporting to have been written by J. M. Bryan, to E. Dawson, dated at Chouteau Station, Cherokee Nation, and not dated, which we offer in evidence. (Applicants' attorney hands said paper to Nation's attorney.)

Q Mr. Bryan is dead is he not? A I think so.

BY MR. HUTCHINGS: We have no objection.

BY COMMISSION: (reads letter)

"Chouteau Station, Cherokee Nation.
I. T., M. K. & T. R. R.

MR. Dawson:

Dear Sir:-

I am in receipt of your favor of the 30th inst in regard to our contract.

After I had got the claim so there would be little more to do I employed Campbell Taylor to answer for me when the case came up, for which I was to pay him $20 out of my fee.

This all the action I had in the matter with Taylor.

I saw Taylor in Washington last month, and he told me that your brother had made another contract with him, and paid him, or that you was to pay him $100- and that you had offered him a check on some bank in Texas.

That $100- matter with Taylor, I have nothing to do with, nor couldn't have if I wanted to.

I hope Mr. Dawson this letter will explain the matter fully.

And I am satisfied that you are apprised of the earnest work I done for you, Please write to me.

Very respectfully;
Very truly,
J. M. Bryan."

Q I will ask you if you know of your father having paid Bryan that money? A Yes sir, paid him a horse and some other money.

BY MR. HUTCHINGS:

Q How old was your father when he died? A Me, I don't know whether I know his age or not.

Q If you don't know you can't say? A I wouldn't have no reason to know his age; never asked him his age; of course I guess my mother knows.

Q Never had occasion to talk about his age at all? A Oh I have heard him speaking of his age at different times, but then I never paid enough attention to it.

Gid Graham, being first duly sworn and being examined testified as follows:

BY MR. McKENNON:

Q What is your name? A Gid Graham.

Q How old are you? A Mr. Graham? A I am 35 years old.
Q How long have you been living in the Territory? A I came out here in 1887 or '88.
Q To the Cherokee Nation? A Yes sir.
Q How long have you been living in the Cherokee Nation, what year was that '87 or '8? A Yes sir.
Q Have you resided here continuously from that time ever since in the Territory? A Yes sir.
Q How long did you live in the Cherokee Nation? A About 6 years.
Q Where did you go then? A Wagoner.
Q In the Creek Nation? A Yes sir.
Q And been residing there ever since? A Yes sir.
Q In business? A Yes sir.
Q Have you all the while been recognized as a citizen of the Cherokee Nation? A Yes sir.
Q Mr. Graham, do you know Judge Samuel H. Benge? A Yes sir.
Q Did you have a conversation with him in Fort Gibson about September of 1906? A Well as to the exact time I couldn't say, it was sometime about the time that the Dawes Commission were at Sallisaw, or possibly a little later, somewhere about there.
Q Taking the census of the Cherokees? A Yes sir.
Q At that time had the question of the validity of the judgment of the Cherokee citizenship commission admitting Robert Dawson and family been called in question? A Yes sir.
Q Did you talk to him about the facts concerning the obtaining of that judgment? A I did.
Q What did he tell you about it; well I will just ask you, did he then and there tell you that that judgment was regular and all right nothing wrong with it? A He did.

BY MR. HUTCHINGS:

Q You were looking around for testimony at that time, Mr. Graham, were you? A How was that?
Q You were looking around for testimony at that time, expecting this case to be questioned? A Since the validity of that judgment had been attacked by the authorities of the Cherokee Nation, I thought it was well to look into the matter.
Q And he told you the judgment was all right? A Having known that Mr. Benge was connected with the case, I saw him in Fort Gibson, subsequent to that time and asked him about it, if there was anything wrong about the matter, and also that I might want his affidavit concerning the matter, and I also I think maybe wrote to him; possibly prior to that, I am not sure as to the writing, but I think possibly I did.
Q Did he tell you he would make an affidavit? A I don't think at that time that I asked him for an affidavit. I thought as he lived right near here I would use him in person; he assured me that everything was all right.
Q Your mother was Missouri Dawson was not she? A Yes sir.
Q Her name was Missouri Graham when she was re-admitted to citizenship? A Yes sir.
Q And was not Missouri Dawson as named in that judgment? A Yes sir.
Q Do you know whether the other children named in there had married and changed their names also at the time they were admitted?
A There were not any of them married.
Q Ella Dawson was your aunt? A Yes sir.
Q Was she married at that time? In 1883? A Yes sir.
Q Melvina Dawson, was she married at that time? A Yes sir.
Q And the fourth one you have mentioned, Missouri Dawson, was your mother? A Yes sir.

Q Can you give us the exact date of your birth? A Yes sir.
Q Do so, please? A January 21, 1867.
Q And you came to the Territory when? A In 1887 or 1888.
Q You can't make that any more definite? A Well sir, it has been a good while ago, and I didn't have anything to cause me to.
Q Well I just want to know whether you did have or not? A No sir.
Q When were you married? A 1886.
Q You were married prior to coming here? A Yes sir.
Q Your first child born away from here? A Yes sir.
Q What is its name? A Jean W.
Q '86 you were married, and he was born about the spring of '87?
A Somewhere in 1887. I don't remember.
Q Prior to your coming here? A Yes sir.
Q That is the only child you had that was born away from here?
A No sir, Julius.
Q Julius was not born in the Territory? A No sir.
Q And prior to the time of your removing to the Territory? A Yes sir.
Q These are the only children born out? A Yes sir.

BY MR. McKENNON:

Q Do you know Campbell Taylor? A Yes sir.
Q I will ask you if about February 1901, he came to Wagoner, and sent his son to have you come to the hotel at night where he was, and if he then and there said to you "You people are on the doubtful list, and if you will give me five hundred dollars I will make it all right and)see that you are enrolled, and if you don't I will see that you don't get on".? A Well now as to the first part of thatquestion, where you say he sent his son; that is an error; I don't know whether he came to my house or sent some one; when I returned home that evening my wife told me there was some one there to see me, and was at the city hotel at Wagoner, and said come down and see him; I went down there; I never had met Taylor; he introduced himself to me and stated what his business was; asked me if I was on the doubtful list, etc., to which I replied that we were; he asked me if I didn't want to employ him, stating that if we would give him, our family would give him five hundred dollars he would see that we were placed on the rolls all right, but if we refused to give him five hundred dollars that he would use his influence against us and see that we were rejected.
Q You never had met him before, or had any communication with him?
A I never met him before; as to the communication, I may have written him something about his affidavit as to the validity of that judgment, I can't say as to that. He said in his testimony that I did; I don't know whether I did or not now.

BY MR. HUTCHINGS:

Q You knew he was the attorney in the case, originally? A After looking at the records I did.
Q I mean you knew it at the time you wrote to him about the affidavit; that was the reason why you thought he would know something? A Certainly.
Q He never told you he was going to swear against you or threatened to tell anything that was not true? A He just simply said unless we gave him that five hundred dollars he would see we were all put off the rolls.
Q Said he would use his influence against you, that is what he said? A Yes sir.

BY MR. HASTINGS:
Q You don't deny writing to him then for the affidavit? A I don't say I did or I did not; I neither affirm it or deny the question.
Q You went to Captain Benge and also wrote him with reference to what he knew about the case? A I don't know whether I wrote him or not, I said I was under the impression I wrote his son.
Q You went to see Aaron Butler, who was interpreter before that court that admitted you? A Yes sir.
Q And you went with Aaron Butler to see Jim Smith, attorney before that court? A Yes sir.
Q And you either wrote or went to see everybody you knew of that was before that court then? A Yes sir.
Q That shows you used considerable activity? A Yes sir, I used such activity as was to my interest.
BY MR. McKENNON:
Q That was all after the representatives of the Cherokee Nation objected to the enrollment of the Dawson family and by reason thereof such as had appeared before the Commission had been placed upon a doubtful card? A Yes sir.
Q Then you began to look up the evidence and see what there was in it? A Yes sir.
Q As Mr. Hastings has stated? A That's right.
BY MR. McKENNON:
Q You are a grandson of James Dawson? A Yes sir.
Q The old gentleman? A Yes sir.
Q About what was his age when he was admitted to citizenship in the Cherokee Nation, in 1884, wasn't it? A Yes sir, well I can't be exact as to that.
Q Well as nearly as you can? A He was somewhere about 70 or 72, years of age.
Q Well what other James Dawson did you know belonging to the families, either one of these families, Robert Dawson family or the James Dawson family? A I never knew of but two James Dawsons.
Q Who were the others? A Dr. James R. Dawson, who is present and standing right here; my grandfather, James Dawson.
Q Was there in '84 any James R. Dawson 35 or 40 or 45 years old, that you know of, belonging to either one of these families?
A No sir.
Q Do you know how old Dr. James R. Dawson was that that time?
A James Dawson? Q No I am speaking of Dr. James R. Dawson? A Oh, how old he was, no sir, I do not.
BY MR. HUTCHINGS:
Q Do you know who was here attending to your mother's citizenship case at that time, at the time they were admitted? A Yes sir, James Low and Bill Jackson, son of Ellen Jackson.
Q Who was W. A. Dawson? A That is Wilburn, my uncle.
Q Was he here? A I don't know sir.
Q You were not here any of the time? A No sir.
Q You knew your grandfather then, you had lived in the same neighborhood with him? A Yes sir, I knew him well.
Q He didn't die for a year or two after that did he? A After when, Mr. Hutchings?
Q After his admission to citizenship? A No sir, he didn't die I think until '91 or '90, several years after.
Q Very old man when he died? A Yes sir.
BY MR. McKENNON:
Q About what age? A He was approximately 80 years old.
BY MR. HUTCHINGS:
Q When he died? A Yes sir.

BY MR. HASTINGS:
Q That about 1891? A I think so, yes sir.
BY MR. McKENNON:
Applicants object to the testimony of the witness elicited by interrogatories of Counsel for the Cherokee Nation relating to his family, their history, etc, as being irmaterial, irrelevant and incompetent.

James R. Dawson, being first duly sworn, and being examined, testified as follows:
BY MR. McKENNON:
Q Your name is James R. Dawson? A Yes sir.
Q Where do you live? A Afton, Indian Territory.
Q What is your age? A 45.
Q You are a physician are you not? A Yes sir.
Q Was James Dawson, whose family was admitted in 1884, an uncle of yours? A Yes sir.
Q Do you know what his age was at that time? A No sir, I do not, only approximately.
Q State as nearly as you can? A At the time of theadmission?
Q Yes sir? A About 70, I don't know exactly.
Q How old was he when he died? A I would suppose he was about 78.
Q What was your age in 1884? A I am 45.
Q What year were you born, Doctor? A I was born in '55.
Q Must have been '56? A Yes sir, that's right.
Q What was your age then? A In '84?
Q Yes sir? A About 28.
Q Were you present at the time that James Dawson family was admitted, or at any time while their case was pending before the Cherokee citizenship commission? A Nat while the James Dawson case was, no sir.
Q You were present during your father's case? A I was there at the time.
Q When was that? A The dates I disremember; when the case first come up, I disremember the exact date.
Q How long were you there? A I was there about a week.
Q Was that when it first came up you say? A Yes sir.
Q Nothing was done? A No sir.
BY MR. HUTCHINGS:
Q You never saw Dr. Baker? A Yes sir.
Q Did he and your uncle Jimmie used to talk about how they played together when they were boys? A My uncle Jim and Dr. Baker talk?
Q Yes? A I never saw them together.
Q They were about the same age? A Yes sir, I believe Dr. Baker was 15 years older probably.
Q Dr. Baker must have been mistaken about his own age? A Guessing, that's all I know about his age.
Q The Doctor had been paralyzed, rather a decrepit looking man at the time he was over here at this citizenship business? A No sir, not as I know anything about.
Q He was near about 70 then? A I couldn't tell you, he was an old looking man.
Q Your uncle Jimmie was about 70? A Yes sir.

TESTIMONY ON BEHALF OF THE CHEROKEE NATION.

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

BY MR. HUTCHINGS:

Q State your name? A W. W. Hastings.

Q Residence? A Tahlequah, age 35.

Q You are attorney for the Cherokee Nation in the general preparation of these cases? A Yes sir.

Q Just state how it happened that you summoned Mr. Campbell Taylor, and what occurred between you with reference to his testimony?

A Well there had been some talk, as the testimony here indicates, that there was perhaps fraud in the admission of this family, and by agreement with counsel on the other side, and the Commission, this case was set for the 17th day of March, and some short time prior to that, as the attorney for the Nation I began to make some preparation or inquiry into the case, and I wrote a great many letters around to different people and among them I wrote C. H. Taylor to come down here. I don't think in that letter that I told him what I wanted with him. I don't think I told him the case that I wanted him to testify in; that is my recollection now. Mr. Taylor prior to that time, neither directly nor indirectly, so far as I know, ever gave me any information voluntarily against this family, or ever said anything that would lead me to believe that he knew anything of a fraudulent character connected with it. But I summonsed him; perhaps the fact that I knew he had been connected with them in some way and that I perhaps also would get some information from him. Well he came in response to a letter that I wrote, and I took him up to my office. I talked to him quite a long while. He was exceedingly reluctant about giving any testimony whatever, he told me first and last that he didn't intend to testify before the Commission. He told me he had been attorney for these people, and he didn't believe he could be compelled to testify, and that is he was put upon the stand he would claim that privilege, and he didn't believe I could force him to testify. I talked to him at some considerable length; I asked him what he knew about it; of course he for a long time declined to tell me; and what information I did get from him was by piecemeal. He was exceedingly reluctant all through the interview to give any information. I asked him finally though that if the Court compelled him to testify when he got before the Commission, if he would tell the facts about it, and he said that he would. I told him then that I would subpoena him.

Well we talked quite a good while and finally after always telling me that he intended to claim that privilege, and never wanting to testify, he detailed to me the facts just as he told them on the stand; I don't believe there is the slightest variation, except that he perhaps was not so full at that time and it was told by piecemeal, but I got all those facts out of him, or very nearly all those facts out of him. He may have elaborated a little more here by examination; but he never voluntarily gave me any information at all, either directly or so far as I know indirectly. I don't think he sent any one to me. I got his name because I heard he was connected with the case, and perhaps knew something about it, like I did a great many other people, some of whom I didn't bring, because they didn't know what I supposed they did know about the case.

With reference to S. H. Benge, I want to state that he never voluntarily gave me any information at all about this case, nor did I know that he knew anything in connection with this case until I sent J. C. Starr over to S. H. Benge's place to take his affidavit on Saturday, March 15, in the W. H. and J. W. Shoemake case, and their descendants. I had heard that Mr. Benge knew some important facts in connection with the Shoemake case and I went him over there then to take that affidavit; and when Mr. Starr came back he told me that he knew some facts also in connection with those other cases, and I was surprised to find he had instead of one affidavit, in the Shoemake case, that he also had another affidavit in the Dawson case. That is the first information I had that Mr. Benge knew anything whatever in connection with the Dawson case, and therefore he never voluntarily, either directly or indirectly gave any information prior to that time to me.

I impressed upon Mr. Taylor that the Nation only wanted the absolute truth in this matter; that it was not seeking anything else but the truth, and didn't want him to tell anything else but the truth.

I want to say again that after he was on the stand and left that evening, and after Captain McKennon, or counsel for the family, had indicated his willingness for Mr. Taylor to testify, that he went over all of these facts that he testified to on the stand subsequent to that time in the presence of J. C. Starr in my office. I simply wanted to go on the stand for the purpose of showing that ~~Mr. Taylor hadn't voluntarily given me any information~~, and I make this statement for that purpose.

BY MR. McKENNON:

Q You had no power to compel him to give you any information at that time at all did you? A No sir, none other than the pursuation that I brought to use.

Q He therefore did it simply upon your pursuation? A Yes sir.

Q You knew he had been acting as attorney for these parties?

A Yes sir, I had seen from the record that he did too.

Q And he told you so? A Yes sir.

BY COMMISSION: The attorneys for the applicant and the representatives of the Cherokee Nation will be granted thirty days from the receipt of the transcript in this case in which to file a brief in this case with the Commission.

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

(Signed) M. D. Green.

I, Arthur C. Evans, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I copied the foregoing, and that the same is a true and complete copy of the original.

Arthur C. Evans

Subscribed and sworn to before me this 18th day of December, 1902.

B O Jones
Notary Public.

File with Cherokee D-830, Lizzie Jackson, et al.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Francis M. Dawson, et al for enrollment as Cherokee citizens, consolidating the applications of,

Francis M. Dawson et al	Cherokee	D.	324
John Dawson,	"	D	580
William R. Dawson,	"	D	581
Andrew C. Atkins, et al	"	D	584
Francis M. Dawson, Jr.	"	D	588
Arizona Allred, et al	"	D	835
Samuel R. Dawson, et al	"	D	350
Robert Dawson,	"	D	352
Albert H. Dawson, et al	"	D	358
August Bulawsky, et al	"	D	365
John W. Dawson, et al	"	D	482
Katie Newman	"	D	402
John Dawson, et al	"	D	578
Thomas P. Dawson, et al	"	D	360
Orle H. Dawson, et al	"	D	530
Robert Pierce, et al	"	D	408
William Pierce,	"	D	409
Charles E. Pierce,	"	D	431
Oma Gray, et al	"	D	471
Effie Pierce,	"	D	472
John S. Bogle, et al	"	D	479
Joseph R. Dawson, et al	"	D	364
Wilborn Dawson,	"	D	475
Charles T. Moore, et al	"	D	518
James R. Dawson, et al	"	D	526
Henry A. Blasingame, et al	"	D	832
Elbert L. Blasingame, et al	"	D	833
James R. Blasingame, et al	"	D	834
Martin L. Patterson, et al	"	D	435
William C. Dawson, et al	"	D	604
Robert L. Dawson,	"	D	605
Elbert B. Dawson, et al	"	D	608
Richard W. Dawson, et al	"	D	617
Ella L. Spickerman, et al	"	D	626
Francis M. Dawson,	"	D	627
Sarah J. Dawson,	"	D	609
John W. Graham, et al	"	D	23
Gideon Graham, et al	"	D	35
Mathew A. Painter, et al	"	D	836
Charles T. Bradshaw, et al	"	D	1124
Joe E. Graham, et al	"	D	1125
John F. Graham, et al	"	D	1126
Joe Willie Neal	"	D	1127
James M. Graham, et al	"	D	1128
Green W. Jackson, et al	"	D	395
James H. Harmon, et al	"	D	476
Toshie A. Jackson,	"	D	508
Lizzie Jackson, et al	"	D	830
William C. Lemox, et al	"	D	847
James Lowe, et al	"	D	839
Millie T. Dawson,	"	D	408

Texanna Woolley, et al.,	Cherokee	D	406
Henry T. Richardson, et al.,	"	D	715
Etta Brauer,	"	R	12
Melissa A. Dawson,	"	R	13
Alonzo M. Fishback, et al.,	"	D	343
Hiram F. Weddle, et al.,	"	D	521
William D. Douthitt,	"	D	522
Florence Morgan, et al.,	"	D	737
John E. Fishback,	"	D	845
George A. Mabry, et al.,	"	D	979

D E C I S I O N.

It appears from the record herein that applications were made to this Commission at the times and places hereinafter mentioned for the enrollment of the following named persons as citizens of the Cherokee Nation:

D 324 By Francis M. Dawson, son of Robert Dawson, at Vinita, Indian Territory, on September 17, 1900, for the enrollment of himself and his minor children, Lula, Ray, Jessie J., Jacob L., Hugh A. and Laura A. Dawson as citizens by blood, and for the enrollment of his wife Katie Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, and October 20, 1902.

D 580 By John Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 1, 1902.

D 581 By William R. Dawson, at Nowata, Indian Territory, on October 13, 1900, for the enrollment of himself and his wife, Fannie Dawson as citizens by blood. Fannie Dawson has been differently classified and is not embraced in this decision.

D 584 By Andrew C. Atkins, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Lizzie Atkins and his minor children, Arthur, Edna E., Edward C. and George J. F. Atkins as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 10, 1902.

D 588 By Francis M. Dawson, Jr., son of Francis M. Dawson and grand son of Robert Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself as a citizen by blood.

D 835 By Francis M. Dawson, Jr., at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of his daughter Arizona Allred and his grand-son William C. Allred as citizens by blood.

D 350 By Samuel R. Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself and his two minor children August and Mate Dawson, as citizens by blood, and for the enrollment of his wife Catherine Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 3, 1902.

D 352 By Robert Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself as a citizen by blood.

D 358 By Albert H. Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself and his minor children Ralph H., Alford and Cecil Dawson as citizens by blood, and for the enrollment of his wife Sarah F. Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, and October 3, 1902.

D 365 By August Bulawsky, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for his wife Josephine, and his minor children Dora, Ida, Annie, Blanche, May and Oscar Bulawsky, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 6, 1902.

D 482 By John W. Dawson, at Vinita, Indian Territory, on October 1, 1900, for the enrollment of himself as a citizen by blood, and for the enrollment of his wife Nannie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.

D 402 By Charles J. Newman, for the enrollment of his wife Katie Newman as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 18, 1902.

D 578 By John Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself and his minor children Robert B., Iola M., Lemuel H., Rosa B., Charles B., Hattie J., Jennings B. and James U. Dawson as citizens by blood, and for his wife Sarah J. Dawson as a citizen by intermarriage. On November 20, 1901, an affidavit was filed for Vergal C. Dawson, a ninth child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 20, 1902.

D 360 By Thomas P. Dawson, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself and his minor child Mariee J. Dawson as citizens by blood.

D 530 By Orle H. Dawson, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of himself and his minor child, Burr R. Dawson as citizens by blood. On October 31, 1902, a birth affidavit was filed for James W. Dawson, a second child of the applicant.

D 408 By Robert Pierce, at Vinita, Indian Territory, on September

24, 1900, for the enrollment of himself and his minor child Myrtle as citizens by blood, and for the enrollment of his wife Nellie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902. On January 9, 1902, an affidavit was filed showing the birth of Arthur Pierce, a second child of the applicant.

D 409 By William Pierce, at Vinita, Indian Territory. on September 24, 1900, for the enrollment of himself as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902.

D 431 By Charles E. Pierce, at Vinita, Indian Territory, on September 25, 1900, for the enrollment of himself as a citizen by blood.

D 471
D 472 By John B. Gray, at Vinita, Indian Territory, on September 29, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Oma Gray, his minor child, Cecil Gray, and his sister-in-law, Effie Pierce (now Effie Akin), as citizens by blood. John B. Gray is differently classified and is not embraced in this decision. Further proceedings were had in the matter of this application at Vinita, Indian Territory, on October 4, 1900, and at Muskogee, Indian Territory, on July 21, 1902. On February 18, 1903, an affidavit was filed showing the birth of Velton Gray, a second child of the applicant.

D 479 By John S. Bogle, at Vinita, Indian Territory, on October 2, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Nancy J., and his minor children, James E., Edna N., John H., Marvin R. and Claud Bogle as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902. On October 31, 1902, a birth affidavit was filed for Nancy Edith Bogle, born since the date of this application.

D 364 By Joseph R. Dawson, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself and his five minor children, Clarence E., Council J., Elmer A., Cleo, and Rufus T. Dawson, as citizens by blood, and for the enrollment of his wife, Florence Dawson, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 19, 1901, and at Muskogee, Indian Territory, on October 3, 1902. On October 19, 1901 an affidavit was filed showing the birth of Edgar Dawson, a sixth child of the applicant.

D 475 By Wilborn Dawson, at Vinita, Indian Territory, on September 29, 1900, for the enrollment of himself as a citizen by blood.

D 518 By Charles T. Moore, at Vinita, Indian Territory, on October 4, 1900, for his enrollment as a citizen by intermarriage, and for the enrollment of his wife, Mollie, and his five minor children, Nora, Walter, Clara, Ora and James W. Moore as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 18, and October 10, 1902, and on March 17, 1902, an affidavit was filed showing the birth of Edna E. a sixth child of the applicant.

D 526 By James R. Dawson, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of himself and his three minor children, Vinnie D., Ermine C. and Edwin C. Dawson as citizens by blood, and for the enrollment of his wife, Martha A. Dawson, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 5, 1900, and at Muskogee, Indian Territory, on October 3, 1902, and on September 13, 1901, an affidavit was filed showing the birth of Ancil F. Dawson, a fourth child of the applicant.

D 832 By Henry A. Blasingame, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of himself and his minor child, Vinnie C. as citizens by blood, and for the enrollment of his wife, Birdie J. as a citizen by intermarriage. Birdie J. Blasingame is differently classified and is not embraced in this decision.

D 833 By Elbert L. Blasingame, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of himself and his three minor children Ellis W., Earl D. and Alexander Blasingame, Jr., as citizens by blood, and for the enrollment of his wife Ida, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 6, 1902. On October 31, 1902, a birth affidavit was filed for Elmer H., born since the date of this application.

D 834 By James R. Blasingame, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself and his two minor children, William A. and George L. Blasingame as citizens by blood, and for the enrollment of his wife, Mary A. Blasingame as a citizen by intermarriage. On February 28, 1901, an affidavit was filed showing the birth of Grace D. Blasingame, a third child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 6, 1902.

D 435 By Martin L. Patterson, at Vinita, Indian Territory, on September 28, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Zona, and his five minor children, Sarah A., Martha A., Claud A., Edgar D. and Thomas M. Patterson, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, and October 4, 1902, and on October 23, 1901, an affidavit was filed showing the birth of Virgil V., sixth child of the applicant.

D 604 By William C. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by blood, and for the enrollment of his wife Alice as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 3, and October 10, 1902.

D 605 By Robert L. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by blood.

D 608 By Elbert B. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by blood. On July 8, 1901, an affidavit was filed showing the birth of Ralph E. Dawson, a child of the applicant.

D 609 By Sarah J. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of herself as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 15, 1902.

D 617 By Richard W. Dawson, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of himself and his minor child Ina E. as citizens by blood, and for the enrollment of his wife, Luella as a citizen by intermarriage. Luella Dawson is differently classified and is not embraced in this decision. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, 1902.

D 626 By Ella L. Spickerman, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of herself and her minor child, Hellen J. Spickerman, as citizens by blood, and for the enrollment of her husband, John J. Spickerman as a citizen by intermarriage. John J. Spickerman is differently classified and is not embraced in this decision. On March 8, 1902, an affidavit was filed for William Glenn Spickerman, a second child of the applicant.

D 627 By Francis M. Dawson, son of Elbert Dawson, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of himself as a citizen by blood.

D 23 By John W. Graham, at Fairland, Indian Territory, on July 12, 1901, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Missouri and his minor children Tempa V. and Robert S. Graham, as citizens by blood. Furtherproceedings were had in the matter of said application at Muskogee, Indian Territory, on October 2, 1902.

D 35 By Gideon Graham, at Westville, Indian Territory, on July 16, 1900, for the enrollment of himself and his minor children, John W., Julius E., Francis W., Mary E., Jesse E., Gracie L. and Florence M. Graham as citizens by blood, and for the enrollment of his wife Elizabeth Graham, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 17, 1902.

D 836 By Mathew A. Painter, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Laverna A. and his five minor children Ada R., Eva P.. John W., Ray D., and Roberta A. Painter, as citizens by blood. On December 7, 1900, an affidavit was filed for Roy V. Painter, a sixth child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 2 and 3, 1902.

D1124 By Charles T. Bradshaw, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of himself as a citizen by intermarriage, and for his wife Florence P. and his minor children, Myrtle and Claude Bradshaw as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, and October 20, 1902.

D1125 By Joe E. Graham, at Muskogee, Indian Territory, on Febru-

ary 23, 1901, for the enrollment of himself and his minor child William C. as citizens by blood.

D1126 By John F. Graham, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of himself and his minor child Edna M. as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902. On October 31, 1902, a birth affidavit was filed for Robert Lee Graham, a second child of the applicant.

D1127 By James Neal, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of his wife, Joe Willie Neal, as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902.

D1128 By James M. Graham, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of himself and his minor children, Marion, Maggie, Luther, Liddie and Margaret Graham as citizens by blood, and for the enrollment of his wife Bessie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 17, 1902. On October 27, 1903, a birth affidavit was filed for Floyd Graham, born since the date of this application.

D 395 By Green W. Jackson, at Vinita, Indian Territory, on September 22, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Ella Jackson as a citizen by blood.

D 476 By James H. Harron, at Vinita, Indian Territory, on October 1, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Flora and his minor children, Lillie R., Claud, Dwight, and William D. Harron, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902.

D 508 By Toshie A. Jackson, at Vinita, Indian Territory, on October 3, 1900, for his enrollment, among others, as a citizen by blood. The other parties to the application are differently classified and are not embraced in this decision. Further proceedings were had in the matter of said application at Tahlequah, Indian Territory, on December 7, 1900.

D 830 By Lizzie Jackson, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her minor children Osie, Lizzie, Jessie, Ray and Clyde Jackson as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.

D 847 By William C. Lenox, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Fannie and his minor children Birtie E. and Myrtle Lenox as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.

D 839 By James Lowe, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself and his minor children, May, Zelma, Roberta and Rosa Lowe as citizens by blood.

D 405 By Millie T. Dawson, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of herself as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 13, 1902.

D 406 By Texanna Woolley, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of herself and her minor child Irene W. Woolley as citizens by blood. On March 27, 1902, an affidavit was filed showing the birth of Wilburn E. Woolley, a second child of the applicant.

D 715 By Henry T. Richardson, at Claremore, Indian Territory, on October 26, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Kitty, his minor children Delia F. and Finis T. Richardson and his stepchildren, Edgar, Walter, Alice, Laura, Oscar, Claude, Edna and Florence Flournoy as citizens by blood. Florence Flournoy is embraced in another application herein as Florence Morgan (D - 737). Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902, and on August 20, 1902, a birth affidavit was filed for Jasper C. Richardson, born to Henry T. Richardson and his wife, Kittie, since the date of this application.

R 12 By Etta Brauer, at Fairland, Indian Territory, on July 12, 1900, for the enrollment of herself as a citizen by blood.

R 13 By Melissa A. Dawson, at Fairland, Indian Territory, on July 12, 1900, for the enrollment of herself as a citizen by intermarriage.
Further proceedings in the matter of said application were had at Vinita, Indian Territory on October 4, 1900, and at Muskogee, Indian Territory, on October 14, 1902.

D 521 By Lula Pearl Weddle, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of herself and her minor children Curtis and Morris O. Weddle as citizens by blood, and for the enrollment of her husband, Hiram F. Weddle as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 14, 1902. October 31, 1902, a birth affidavit was filed showing the birth of Roy Weddle, a third child of the applicant.

D 522 By William D. Douthitt, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of himself as a citizen by blood.

D 343 By Alonzo M. Fishback, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Laverna A. Fishback and his minor children William A. and Annie B. Fishback as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 18, and October 3, 1902.

D 737 By Elbert L. Morgan, at Claremore, Indian Territory, on October 29, 1901, for the enrollment of his wife Florence and his minor child Clide as citizens by blood. On April 30, 1902, an affidavit was filed showing the birth of Alice A. Morgan, a second child of the applicant.

D 845 By John E. Fishback, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself as a citizen by blood.

D 979 By George A. Mabry, at Tahlequah, Indian Territory, on December 14, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Edna, and his minor children Roby and Charley Mabry as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, January 15, 1901, and March 17, and October 15, 1902.

Proceedings were had in the matter of F. M. Dawson, et al., before Lewis T. Martin, a Notary Public on October 4, 1900, and further proceedings were had therein before the Commission at Muskogee, Indian Territory on March 17, 1902. All of these proceedings have been made a part of the record herein.

The evidence, and an examination of the records of the Cherokee Nation, in the possession of this Commission show that on January 11, 1883, one Robert Dawson and his adult children, F. M. Dawsin, Elbert Dawson, Jasper Dawson, Mollie Dawson, Wilborn Dawson, James Dawson, Rial Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson and John Dawson were admitted to citizenship in the Cherokee Nation by the Cherokee Commission on Citizenship, commonly known as the "Teehee Court", and that on September 9, 1884, one James Dawson, a brother of the Robert Dawson aforesaid, together with his adult children, Ella Dawson, W. A. Dawson, Malvina Dawson and Missouri Dawson were admitted to citizenship in the Cherokee Nation by the Cherokee Commission on Citizenship commonly known as the "Spears Court." In addition to their tribal enrollment as shown by the evidence herein, it also appears from an examination of the Cherokee tribal rolls, in the possession of this Commission, that F. M. Dawson is identified on the Cherokee pay rolls of 1883 and 1894, Elbert Dawson on the Cherokee pay roll of 1886, Mollie Dawson on the pay roll of 1883, Wilborn Dawson on the pay rolls of 1886 and 1894, James Dawson on the pay rolls of 1883 and 1894, Rial Dawson on the pay rolls of 1886 and 1894, Josephine Dawson on the pay roll of 1886, Jane Dawson on the pay roll of 1883, Joseph Dawson and John Dawson on the pay rolls of 1883, 1886 and 1894, Ella Dawson and W.A.

Dawson on the pay roll of 1886, and Missouri Dawson on the pay roll of 1894.

A majority of the above named persons, together with the descendants of the persons admitted as aforesaid and such white persons as may have intermarried with the said Dawsons or their descendants are the applicants herein.

For convenience, the applications are divided into groups:

Group 1, includes the applications of Francis M. Dawson and those claiming through him and embraces cases numbered D 324, D [illegible], D [illegible], D 584, D 588 and D 835.

The evidence shows that Francis M. Dawson is the same person admitted to citizenship as hereinbefore stated under the name of F.M. Dawson. Katie Dawson, his wife, was married to him on November 21, 1880. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since they were married, and the six children included in the application of said Francis M. Dawson, and hereinbefore named are the issue of the marriage aforesaid. All the applicants herein are identified on the Cherokee Census roll of 1896.

John Dawson, William R. Dawson, Lizzie Atkins, formerly Dawson, Francis M. Dawson, Jr., and Arizona Allred are the children of said Francis M. Dawson by a former wife, Julia Ann. They were minors at the date of their father's admission to citizenship. John Dawson, Lizzie Atkins and Francis M. Dawson, Jr., are identified on the Strip Payment roll of 1894, and William R. Dawson and Arizona Allred are identified on the Cherokee Census roll of 1896.

Andrew C. Atkins was married under a Cherokee marriage license

and in accordance with the laws of the Cherokee Nation on March 29, 1891, to the above named Lizzie Dawson. He has resided in the Cherokee Nation with his said wife since they were married, and the four children included in his application, and hereinbefore named are the issue of that marriage. The oldest child, Arthur, is identified on the Cherokee pay roll of 1894, and the three younger children are identified by birth affidavits on file with this Commission.

Arizona Allred, nee Dawson, came from Arkansas to the Cherokee Nation for the first time in 1894, remained there about two years and then returned to Arkansas, where she was married to Lee Allred. Such marriage was not in accordance with the laws of the Cherokee Nation. Arizona Allred and her husband came to the Cherokee Nation in 1896, stayed there a month and returned to Arkansas where they remained until September, 1898, at which time they came to the Cherokee Nation, remained there about a year and returned to Arkansas in 1899, where they were living at the date of this application. William C. Allred is the child of said Arizona Allred and possesses no rights not acquired by his mother. He is identified on the Cherokee Census roll of 1896.

Paragraph 9, Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495) provides:

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

The evidence further shows that Francis M. Dawson, his wife, Katie and William R. Dawson, Francis M. Dawson, Jr., and Lizzie Atkins have resided in the Cherokee Nation since 1883, and Andrew C. Atkins, the husband of said Lizzie Atkins, since 1891, and that John Dawson has resided in the Cherokee Nation for at least fourteen years prior to the date of his application. The residence of the minor children of the above named persons is considered to be that of their parents, with whom they are living.

Group II, includes the applications of Samuel R. Dawson, together with those claiming through him and embraces cases numbered D 350, D 352, D 358, D 365, D 482 and D 402.

The evidence shows that Samuel R. Dawson is identified as the Rial Dawson admitted to citizenship in the Cherokee Nation as hereinbefore stated. His wife, Catherine, a white woman, was married to him on July 11, 1866. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since their marriage, and August and Mate Dawson are the issue of the aforesaid marriage. Samuel R. Dawson, his wife and children are identified on the Cherokee Census roll of 1896.

Robert Dawson, Albert H. Dawson, Josephine Bulawsky, formerly Josephine Dawson, John W. Dawson, and Katie Newman, formerly Katie Dawson are the children of said Samuel R. Dawson. They were minors at the date of their father's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

Sarah F. Dawson, nee Abbott, was married to the said Albert H. Dawson in October, 1894. She has lived with her said husband, since they were married. Ralph H., Alford and Cecil Dawson are the issue of that marriage. Sarah F. Dawson and her child Ralph H. are identified on the Cherokee Census roll of 1896. Alford is identified by a birth affidavit on file with this Commission. The evidence further shows that the youngest child, Cecil Dawson, is dead.

August Bulawsky, was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on May 25, 1893, to the said Josephine Dawson. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage. The

four older children are identified on the Cherokee Census roll of 1896, and the Strip payment roll of 1894. May Bulawsky is identified on the Cherokee Census roll of 1896, and Oscar Bulawsky is identified by a birth affidavit on file with this Commission.

Nannie Dawson, nee Baugher, was married to the said John W. Dawson on September 2, 1894, and she has lived with her said husband since they were married.

The evidence further shows that Samuel R. Dawson, his wife, Cathorine, and Robert Dawson, Albert H. Dawson, John W. Dawson, and Katie Newman have resided in the Cherokee Nation since 1886, August Bulawsky and his wife Josephine, since 1892, and Sarah F. and Nannie Dawson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group III, includes the application of John Dawson, and those claiming through him and embraces cases numbered D 578, D 360 and D 530. The evidence shows that John Dawson is the same person admitted to citizenship in the Cherokee Nation as hereinbefore stated. Sarah J. Dawson, nee Wood, his wife, a white woman, was married to him on October 4, 1871. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since they were married and the nine children included in the application of said John Dawson, and hereinbefore named, are the issue of said marriage. John Dawson, his wife, and his seven older children are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

Thomas P. Dawson and Orle H. Dawson are the children of said John Dawson. They were minors at the date of their father's admission to citizenship, and they are both identified on the Cherokee

Census roll of 1896.

Thomas P. Dawson was married on April 24, 1898, to Allen A. Allison, and Marise J. Dawson is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Orle H. Dawson was married on December 28, 1899, to Willie York, and Burr R. and James W. Dawson are the issue of that marriage. The said children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said John Dawson and his wife, Sarah J., have resided together in the Cherokee Nation since 1883; that said Orle H. Dawson has resided in the Cherokee Nation since 1883, and that Thomas P. Dawson has resided in the Cherokee Nation since 1888. The residence of the minor children herein is considered to be that of their parents, with whom they are living.

Group XV, includes the applications of those claiming through the said Josephine Dawson, now deceased. At the time of her admission she was the wife of one Thomas Pierce, but was admitted to citizenship under maiden name of Dawson. The group embraces cases numbered D 408, D 409, D 431, D 471, D 472 and D 479.

The evidence shows that Robert Pierce, William Pierce, Charles E. Pierce, Oma Gray, formerly Oma Pierce, Effie Pierce (now Effie Akins) and Nancy J. Bogle, formerly Nancy J. Pierce are the children of said Josephine Dawson. They were minors at the date of their mother's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

Nellie Pierce, a white woman, was married to said Robert Pierce on July 15, 1894. She has lived with her said husband since they were married, and Myrtle and Arthur Pierce are the issue of that marriage. Nellie Pierce is identified on the Cherokee Census roll of 1896, and her two children are identified by birth affidavits on file with this Commission.

Oma Gray was married to John B. Gray on April 7, 1898, and Cecil and Velton Gray are the issue of that marriage. Oma Gray is identified on the strip payment roll of 1894 and her children are identified by birth affidavits on file with this Commission.

John S. Bogle was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on April 5, 1894, to the above named Nancy J. Pierce. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage. John S. Bogle and his two older children are identified on the Cherokee Census roll of 1896, and his four younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said William Pierce died in January, 1902.

It further appears that Robert Pierce, Charles E. Pierce, Nancy J. Bogle and Oma Gray have resided in the Cherokee Nation since 1884; that John S. Bogle, husband of Nancy J. Bogle, and Nellie Pierce, wife of Robert Pierce, have resided in said Nation ever since they were married, and the residence of the minor children herein is considered to be that of their parents with whom they are living. It appears that Effie Akin was seventeen years old at the date of the application for her enrollment, and it further appears that she resided in the Cherokee Nation from about 1886 up to December, 1900, when she went to Colorado, was married there to Will Akin, and is now living in that state with her said husband.

Group V, includes the application of the said Joseph Dawson, Wilborn Dawson and James Dawson, and embraces cases numbered D 364, D 475 and D 526.

Joseph R. Dawson is identified as the Joseph Dawson admitted to citizenship in the Cherokee Nation as hereinbefore stated. He was married to Florence Jackson on May 16, 1886, and they have lived to-

gether since the date of their marriage. The said Florence Jackson is the daughter of Ella Dawson, but she was of age at the date of her mother's admission to citizenship. The six children included in the application of said Joseph R. Dawson, and hereinbefore named, are the issue of the marriage between the said Joseph R. Dawson and Florence Jackson. The applicant, his said wife and his four older children are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

Wilborn Dawson is identified as the person of that name admitted to citizenship in the Cherokee Nation as hereinbefore stated. He is identified on the Cherokee Census roll of 1896.

James R. Dawson is identified as the James Dawson admitted to citizenship in the Cherokee Nation as heretofore stated. His wife, Martha A. Dawson was married to him on February 20, 1890. She has lived with her said husband since the date of their marriage, and the four children included in the application of said James R. Dawson, and hereinbefore named, are the issue of said marriage. The applicant, his said wife and his three older children are identified on the Cherokee Census roll of 1896. The youngest child is identified by a birth affidavit on file with this Commission.

The evidence further shows that Joseph R. Dawson has resided in the Cherokee Nation since 1883; that Florence Dawson and Wilborn Dawson have resided in said Nation since 1886, and that James R. Dawson has resided in said Nation since 1883, excepting a temporary absence from 1889 to 1891. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group VI, includes the application of Mollie Dawson and those claiming through her and embraces case numbered D 518.

The evidence shows that Mollie Moore, formerly Dawson, is identified as the Mollie Dawson admitted to citizenship in the Cherokee

Nation as hereinbefore stated. Her husband, Charles T. Moore, was married to her under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on January 17, 1887. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of said marriage. Charles T. Moore, his wife Mollie, and his four older children are identified on the Cherokee Census roll of 1896; the two younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that said Charles T. Moore, his wife Mollie and his oldest child have resided in the Cherokee Nation since 1883; the younger children have resided in said nation all their lives.

Group VII, includes the applications of those claiming through the above named Jane Dawson, who, at the time of her admission to citizenship in the Cherokee Nation, as hereinbefore stated, was the wife of one Alexander Blasingame, but she was admitted under her maiden name of Dawson. Jane Dawson is a resident of Arkansas, and is not an applicant for enrollment. This group embraces cases numbered D 832, D 833 and D 834.

The evidence shows that Henry A. Blasingame, Elbert L. Blasingame, and James R. Blasingame are the children of said Jane Dawson. They were minors at the time of their mother's admission to citizenship and they are all identified on the Cherokee Census roll of 1896.

Henry A. Blasingame was married to his wife Birdie J., on December 6, 1896, and Vinnie C. Blasingame is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Ida Blasingame, a white woman, was married to the said Elbert L. Blasingame on September 5, 1894. She has lived with her said husband ever since they were married and the four minor children included in the application of said Elbert L. Blasingame are the

issue of that marriage. The said Ida Blasingame and her two older children are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

Mary A. Blasingame was married to the said James R. Blasingame on August 11, 1895. She has lived with her said husband since they were married and the three minor children included in the application of said James R. Blasingame, and hereinbefore named, are the issue of that marriage. Mary A. Blasingame and her oldest child are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said Henry A. Blasingame, Elbert L. Blasingame and James R. Blasingame removed to the Cherokee Nation in 1897 and have resided therein with their said wives ever since. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group VIII, includes the applications of those claiming through the said Elbert Dawson, and embraces cases numbered D 435, D 604, D 608, D 605, D 609, D 617, D 626 and D 627.

The evidence shows that Zona Patterson, formerly Dawson, William C. Dawson, Robert L. Dawson, Elbert B. Dawson, Richard W. Dawson, Ella L. Spickerman, formerly Dawson, and Francis M. Dawson are the children of the said Elbert Dawson. All of them, excepting the said Francis M. Dawson, were minors at the time of their father's admission to citizenship. Zona Patterson is identified on the Cherokee Census roll of 1896, and William C. Dawson, Robert L. Dawson, Elbert B. Dawson and Richard W. Dawson are identified on the Strip payment roll of 1894. An examination of the Cherokee tribal rolls, in the possession of this Commission, shows that the said Ella L. Spickerman is also identified on the Strip payment roll of 1894.

Martin L. Patterson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on July 13, 1890, to the said Zona Dawson. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage. Martin L. Patterson and his three older children are identified on the Cherokee Census roll of 1896, and his three younger children are identified by birth affidavits on file with this Commission.

Alice Dawson, nee Alexander, was married to the said William C. Dawson on November 18, 1886. She has lived with her said husband ever since they were married.

Elbert B. Dawson was married on February 16, 1898, to Cora Bright, a non-citizen, and his child Ralph E. Dawson is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Sarah J. Dawson, nee Jones, was married to the above named Elbert Dawson about 1854, and lived with him as his wife until his death in February, 1899, and has not re-married since his death. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship.

Richard W. Dawson was married to Luella Mason, a white woman, on January 24, 1898. His child Ina E. Dawson is the issue of that marriage, and she is identified by a birth affidavit on file with this Commission.

Ella L. Spickerman was married to John J. Spickerman, a white man on September 7, 1897. Her children Hellen J. and William Glenn are the issue of that marriage. They are identified by birth affidavits on file with this Commission.

It further appears from the evidence that Francis M. Dawson, son of Elbert Dawson, at the time of his father's admission to citizen-

ship in the Cherokee Nation was twenty-two or twenty-three years old. There is no evidence that the said Francis M. Dawson has been admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress of June 10, 1896 (29 Stats., 321), Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of,

> "all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted."

The evidence further shows that Zona Patterson, William C. Dawson and Richard W. Dawson have resided in the Cherokee Nation since 1884; Robert L. Dawson, Elbert B. Dawson, Sarah J. Dawson, ~~and Ella L. Spickerman since 1883;~~ Alice Dawson since 1836, and Martin L. Patterson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group IX, includes the applications of the said Missouri Dawson, and those claiming through her. The said Missouri Dawson at the time of her admission to citizenship was the wife of one John W. Graham, but she was admitted under her maiden name of Dawson, This group embraces cases numbered D 23, D 35, D 836, D 1124, D 1125, D 1126, D 1127 and D 1128.

The evidence shows that John W. Graham was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on February 12, 1888, to the said Missouri Dawson. He had been formerly married to her in the State of Texas in 1866, and has lived with her since that time. Tempa V. and Robert S. Graham are the issue of the aforesaid marriage. John W. Graham, his wife and two children are identified on the Cherokee Census roll of 1896.

ship in the Cherokee Nation was twenty-two or twenty-three years old. There is no evidence that the said Francis M. Dawson has been admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress of June 10, 1896 (29 Stats., 321). Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of:

> "all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted."

The evidence further shows that Zona Patterson, William C. Dawson and Richard W. Dawson have resided in the Cherokee Nation since 1884; Robert L. Dawson, Elbert B. Dawson, Sarah J. Dawson, and Ella L. Spicherman since 1883; Alice Dawson since 1886, and Martin L. Patterson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group IX, includes the applications of the said Missouri Dawson, and those claiming through her. The said Missouri Dawson at the time of her admission to citizenship was the wife of one John W. Graham, but she was admitted under her maiden name of Dawson. This group embraces cases numbered, D 23, D 35, D 836, D 1124, D 1125, D 1126, D 1127 and D 1128.

The evidence shows that John W. Graham was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on February 12, 1888, to the said Missouri Dawson. He had been formerly married to her in the State of Texas in 1886, and has lived with her since that time. Tempa V. and Robert S. Graham are the issue of the aforesaid marriage. John W. Graham, his wife and two children are identified on the Cherokee Census roll of 1896.

Joe E. Graham was married to Mary Bradshaw, a non-citizen on January 6, 1898. William C. Graham is the issue of that marriage, and he is identified by a birth affidavit on file with this Commission.

John F. Graham was married on February 11, 1900, to Mattie Lawson, a non-citizen, and Edna M. and Robert Lee are the issue of that marriage. Said children are identified by birth affidavits on file with this Commission.

Bessie Graham was married on November 2, 1892, to the said James M. Graham She has lived with him since the date of their marriage, and the six children included in the application of said James M. Graham, and hereinbefore named, are the issue of the said marriage. The oldest child Marion is identified on the Strip payment roll of 1894, and the five younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said John W. Graham, his wife Missouri Graham, Gideon Graham, Mathew A. Painter, and his wife Laverna A. Painter, Florence P. Bradshaw, John F. Graham and Joe Willie Neal have resided in the Cherokee Nation since 1888, and that Joe E. Graham and James M. Graham have resided in the Cherokee Nation since 1884. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group X, includes the application of the said Ella Dawson and those claiming through her. The said Ella Dawson, at the time of her admission to citizenship, was the wife of Green W. Jackson, but she was admitted to citizenship under her maiden name of Dawson. This group embraces cases numbered D 395, D 476, D 508, D 830 and D 847.

The evidence shows that Green W. Jackson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on March 24, 1887 to the said Ella Dawson. He had been previously married to her in Texas prior to her admission to

citizenship. From an affidavit made a part of this record it appears that Green W. Jackson died subsequent to the date of this application, and prior to September 1, 1902.

The evidence further shows that Flora Harmon, formerly Jackson, Toshie A. Jackson, William Jackson and Fannie Lenox, formerly Jackson are the children of said Ella Dawson, now Ella Jackson. Flora Harmon, Toshie A. Jackson and Fannie Lenox were minors at the date of their mother's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

James H. Harmon was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on April 24, 1887, to the said Flora Jackson. He has lived with his wife since the date of their marriage, and the four minor children included in his application, and hereinbefore named, are the issue of the said marriage. James H. Harmon and his three older children are identified on the Cherokee Census roll of 1896. The youngest child is identified by a birth affidavit on file with this Commission.

William C. Lenox was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on April 1, 1888, to the said Fannie Jackson. He has lived with his wife since the date of their marriage, and the two children Birtie E. and Myrtle Lenox, included in his application, are the issue of the said marriage. William C. Lenox and his two children are identified on the Cherokee Census roll of 1896.

Lizzie Jackson claims to have been married in 1888 to the said William Jackson, who is now deceased. It appears that William Jackson at the date of his mother's admission to citizenship, was over twenty-one years old. There is no evidence that the said William Jackson was ever admitted to citizenship in the Cherokee Nation, by the duly constituted authorities of said Nation, or by the Commission

to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321). Lizzie Jackson and the five minor children included in her application, and hereinbefore named, are identified on the Cherokee Census roll of 1896, and they take only such rights as may have been possessed by the said William Jackson. The authority of the Commission herein is defined in Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), heretofore quoted.

The evidence further shows that the said Ella Jackson, the said Flora Harmon and the said Toshie A. Jackson have resided in the Cherokee Nation since 1884, and that William C. Lenox, and his wife Fannie Lenox have resided in the Cherokee Nation since 1888. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group XI, includes the applications of those claiming through Malvina Dawson and embraces case numbered D 839.

The evidence shows that James Lowe is the son of the said Malvina Dawson, and that at the time of her admission to citizenship the said James Lowe was over 21 years old. There is no evidence that the said James Lowe was ever admitted to citizenship in the Cherokee Nation, by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321). It further appears that the said James Lowe was married on June 12, 1887, to Mollie Knight, a white woman, and the four minor children included in his application and hereinbefore named, are the issue of that marriage. James Lowe and his said children are identified on the Cherokee Census roll of 1896 and said children take only the rights which may have been acquired by their father.

The authority of the Commission herein is defined in Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), heretofore quoted.

Group XII, includes the applications of those claiming through the said W. A. Dawson and embraces cases numbered D 405, D 406, D 715, R 12 and R 13.

The evidence shows that Millie T. Dawson was married to the said W. A. Dawson in 1892 and lived with him as his wife in the Cherokee Nation until his death in 1899, and that she has not re-married since his death. Texanna Woolley is the daughter of said W. A. Dawson and his former wife Melissa A. Dawson. Texanna Woolley was a minor at the date of her father's admission to citizenship, and she is identified on the Strip payment roll of 1894. She was married on March 27, 1898, to James Woolley, and her children Irene W. and Wilburn E. are the issue of that marriage. They are identified by birth affidavits on file with this Commission.

Henry T. Richardson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on July 11, 1886, to one Sellar Dawson, who was the daughter of the said W. A. Dawson by his first wife Melissa A. Sellar Dawson was a minor at the date of her father's admission to citizenship. Henry T. Richardson lived in the Cherokee Nation with his said wife Sellar from the date of their marriage until her death in 1892. On September 22, 1898, Henry T. Richardson married one Kitty Flournoy nee Dawson. The said Kitty Flournoy was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 1, 1894. Of the children herein applied for, Delia F. Richardson is the child of the applicant by his first wife, Sellar. Finis T. Richardson and Jasper C. Richardson are children by his wife Kitty. Edgar, Walter, Alice, Laura, Oscar, Claude and Edna Flournoy are the children of his said wife Kitty by a former husband.

The six older children were admitted to citizenship in the Cherokee Nation on December 1, 1894, with their mother as the members of her family. The youngest child Edna Flournoy was born in 1896 and was living at the date of this application. Delia F. Richardson is identified on the Cherokee Census roll of 1896, and Finis T. and Jasper C. Richardson are identified by birth affidavits on file with this Commission.

Etta Brauer is the daughter of said W. A. Dawson, and was a minor at the date of her father's admission. She was married in 1892 to a non-citizen but such marriage was not in accordance with Cherokee laws. She is identified on the Cherokee Census roll of 1896.

Meliasa A. Dawson was married to the said W. A. Dawson in the State of Texas on September 28, 1873. The Supreme Court of the Cherokee Nation in the case of Melissa A. Dawson vs. W. A. Dawson, decided that Melissa A. Dawson, the applicant herein was a citizen of the Cherokee Nation by virtue of intermarriage with her said husband, W. A. Dawson. She is identified on the Cherokee Census roll of 1896, and she has not re-married since her divorce from said W. A. Dawson.

The evidence shows that Texanna Woolley has resided in the Cherokee Nation since 1884; that Etta Brauer and Melissa A. Dawson have resided in the Cherokee Nation, with the exception of temporary absences, since 1884; that Willie T. Dawson has resided in the Cherokee Nation since 1892; that Henry T. Richardson has resided in the Cherokee Nation since 1886, and that Kitty Richardson, his wife, has resided in the Cherokee Nation since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group XIII, includes the following applications: Hiram F. Weddle, et al D 521; William D. Douthitt, D 522; Alonzo M. Fishback, D [illegible]; Florence Morgan, et al D 737; John E. Fishback, D 845 and [illegible] A. Mabry, et al D 979. The persons embraced in these appli-

cations are related to the above named Dawsons. They are not claiming the right to enrollment by virtue of such relationship, but rely upon a separate adjudication of their rights.

The evidence shows that Hiram F. Weddle was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on September 15, 1884, to Lula P. Douthitt, who was admitted to citizenship in the Cherokee Nation by the said "Spears Court" on September 15, 1884. Curtis, Morris O. and Roy Weddle are the issue of the said marriage. Hiram F. Weddle and his said wife are identified on the Cherokee Census roll of 1896, and their three children are identified by birth affidavits on file with this Commission.

William D. Douthitt is the brother of said Lula P. Weddle, and was admitted to citizenship in the Cherokee Nation with his said sister on September 15, 1884. He is identified on the Cherokee Census roll of 1896.

Alonzo M. Fishback was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on May 17, 1891, to Lavinia A. Dawson. He had been previously married to the same wife in Texas in 1877, and has lived with her ever since. It appears that Lavinia Fishback was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 1, 1894. William A. and Annie B. Fishback are the issue of the said marriage. Alonzo M. Fishback and his said wife and children are all identified on the Cherokee Census roll of 1896, and his wife is also identified on the Cherokee pay roll of 1890.

Florence Morgan, the wife of Elbert L. Morgan, is the daughter of the Kitty Richardson heretofore mentioned and was admitted to citizenship in the Cherokee Nation on December 1, 1894 with the said Kitty Richardson as a member of her family. Clide and Alice A. Morgan are her children by her said husband. The said children are

identified by birth affidavits on file with this Commission.

John E. Fishback is the son of Laverna Fishback, who was re-admitted to citizenship on December 1, 1894, as heretofore stated. He was a minor at the date of his mother's admission to citizenship and he is identified on the Cherokee Census roll of 1896.

George A. Mabry was married to one Edna Dawson in the State of Arkansas in 1884. He claims to have been married under a Cherokee marriage license to his said wife in 1889, but he presents no satisfactory proof of such marriage. Edna Dawson was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 1, 1894. Roby and Charley Mabry are her children by her said husband, George A. Mabry. Edna Mabry is identified on the strip payment roll of 1894, and the two children were minors at the date of their mother's admission to citizenship.

The evidence further shows that Alonzo H. Fishback and his wife Laverna A. Fishback have resided in the Cherokee Nation since 1883; that Lula P. Weddle, William D. Douthitt, and John E. Fishback have resided in the Cherokee Nation since 1884, and that Florence Morgan and Edna Mabry have resided in said Nation since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

All birth affidavits for the minor children embraced in this decision, and hereinbefore noted, are made a part of this record.

It is contended by the Cherokee Nation that the applicants herein are not entitled to be enrolled by this Commission because they have never been lawfully admitted or enrolled by the Cherokee authorities, and that the judgment of the Cherokee Commission on Citizenship admitting Robert Dawson and his family was obtained by fraud on the part of said Dawson.

In considering the question at issue, it is the opinion of this Commission that it has no power, and that it is not the purpose of this proceeding, to review or to set aside the judgment in the Dawson case, or to determine such questions as were necessarily involved in the issues before the Cherokee Commission, and were passed upon by that Commission. In United States vs. Throckmorton, 98 U.S. Page 61, it is stated, "the doctrine is well settled that the Court will not set aside a judgment because it was founded on perjured testimony or for any matter which was actually presented and considered in the judgment assailed." Only such facts therefore, are considered by this Commission, as were not part of the record in the Robert Dawson case before the Teehee Commission, and which tend to show whether the judgment admitting the Dawsons was a bona fide judgment of the Teehee Commission, or whether such judgment is void because of fraud, and upon this proposition the burden of proof is upon those attacking the judgment.

Briefly stated, the circumstances attending the admission of the Dawsons appear to be as follows:

On September 24, 1881, an application was made to the Cherokee Commission on Citizenship known as the "Teehee Court" for admission to Cherokee citizenship of Robert Dawson and the members of his family above mentioned. The members of that Commission were Thomas Teehee, Alex Wolfe and T. F. Thompson. The first two were full blood Cherokee Indians; they could understand, but could not talk English. One D. W. C. Duncan was the Clerk of the Commission. The Dawson case was continued several times before final decision. J. M. Bryan appears to have been an attorney in the case, and after some delay he notified Francis M. Dawson that the case would be taken up by the Commission at its session in January, 1883, and also informed him that C.H.Taylor would look after Dawson's interests as he, Bryan,

would be in Washington. On receipt of this notice Francis M. Dawson went to Fort Gibson, Cherokee Nation, and made arrangements with his uncle Samuel H. Benge to go to Tahlequah and conduct the case. Benge who is a witness herein testifies that he was connected with the Dawson case when it was commenced in 1881; that it was continued several times for want of evidence, and that in January, 1883, in company with F. M. Dawson he went to Tahlequah and while there secured the testimony of Tosh Rogers, a negro, who knew the Dawson's ancestors, and that after getting his evidence the case was submitted to the Commission. He further testifies that the Commission rendered a decision against the Dawsons and that next morning the Commission reopened the case, but not upon motion of the witness, and rendered a judgment admitting the Dawsons to citizenship. He further states that on his way home to Fort Gibson with Dawson he remarked to the latter, "it was a pretty hard blow when they rendered a decision against us," to which Dawson is alleged to have replied, "yes, but Duncan was the man to reach and he reached him with five hundred dollars."

Dawson denies ever having had such a conversation and says that he did not return to Fort Gibson with Benge but went home to Arkansas by a different route.

C. H. Taylor testifies that he was an attorney in the case and was present when the case was decided. He says there were only two Commissioners present, Teehee and Wolfe. He further testifies that D. W. C. Duncan, the Clerk of the Court asked the witness to let him know when any large citizenship cases came up; that he introduced F. M. Dawson to Duncan on the evening of January 10th, heard part of a conversation between them in which Duncan addressing Dawson said, "there is a hitch in your evidence, if that was straightened out it will be all right." Next morning witness says Dawson told him to call up the case, which he did. That there was no additional

evidence introduced and no argument made, and that the case was then decided in favor of the Dawsons. Witness further testifies that Dawson gave him twenty dollars and said he would send him the balance in a short time, that in the course of ten days he sent him one hundred dollars with directions to pay over half of it to Duncan; that Dawson soon afterwards sent him another hundred dollars with the same instruction to give Duncan half of it.

Dawson denied the matters testified to by Taylor excepting in the matter of paying Taylor money, which he admits in part, but says that the twenty dollars mentioned was sent to Taylor about a year after the decision, and that he instructed Taylor to pay it over to Duncan to pay him for a land claim, and that the other money was in payment of J. M. Bryan's attorney fees which Taylor represented to Dawson he had for collection against him. Taylor's reputation for truth and veracity has been impeached by various disinterested witnesses.

The evidence which may be considered as tending to support the charge of fraud is the testimony of S. H. Benge, C. H. Taylor, Thomas J. Babeart, J. E. Clinkenbeard, James W. Lewis, C. G. Draught and David Meredith.

S. H. Benge testifies that a judgment adverse to the Dawsons was rendered by the Commission on the evening of one day and without any additional proceedings in the case that judgment was reversed on the morning of the next day.

Even if this were a material fact, there is no other proof that two judgments in the case were ever rendered. The record of the proceedings and judgment in the Commission's docket is all on one page, the entry of the application in 1881 and the first continuance being entered under authority of a former Commission and by a different clerk, and there is no evidence of erasure on that page. It is not an unusual thing for a Court to change its judgment, and this fact, if it is a fact, is not in itself any evidence of fraud.

Thomas B. Babcart testifies that one James Dawson, a man of forty or fifty years of age, in company with Butler, the Commission's interpreter and Jim Smith, solicitor for the Nation, came to the witness in Tahlequah the evening of January 10, 1883, to borrow some money; that Dawson was vouched for by Butler as a responsible party and that Dawson told the witness that he had to have money that night, that his case was to be submitted the next day if he could get some money, that Smith had agreed to submit the case without evidence, and that witness thereupon let Dawson have ten dollars.

Admitting all this to be true and that the influence of these officials was purchased for the sum of ten dollars, the Commission fails to see how these alleged facts show that the Court was imposed upon or misled. Bribery of officials to use their influence with the Commission would not necessarily vitiate the judgment, but it must appear that the fraud, or corruption reached the members of the Commission and tainted the judgment itself. The case was not submitted without evidence as appears from the record, and it is shown that such evidence was carefully considered by that Commission. Furthermore, the evidence shows that there was no such person then in Tahlequah as the James Dawson described by witness.

Clinkenbeard testifies that he had a talk with Elbert Dawson about 1881; that Dawson told him he had only one witness, Dr. Baker of Arkansas, "an old man 85 or 90 years old who did not know straight up" and that he could give Dr. Baker four drinks of Arkansas whiskey and he would swear black was white. Witness further testifies that Dawson told him that money was what made the mare go in Texas, and that he had found out that it goes here too.

Assuming that this Commission can go into thequestion of perjury in connection with evidence in that case, the testimony of Clinkenbeard establishes, if anything, only the facts stated and does not prove that Dr. Baker committed perjury in giving his testi-

mony before the Commission. Further, it is not clear that Dr. Baker was the only witness in the case. Benge stated that Tosh Rogers was a witness, Duncan is under that impression also, and T. F. Thompson, one of the Commissioners, states that he thinks there were three witnesses. The testimony of Dr. Baker, seems, however, to be the only testimony preserved of record. As to whether Doctor Baker offered perjured testimony by Dawson's procurement, it is proper to state that the evidence of W. H. Curtis and A. S. McMennon, witnesses for applicants, show that Doctor Baker was a man of integrity and was not addicted to drinking.

The testimony of James W. Lewis is to the effect that he had a conversation with F. M. Dawson about 1863, in which Dawson had told the witness that it had cost him seven hundred dollars to get his rights. Braught also testifies that he was an applicant for citizenship about 1881 or 1882, and that while his case was pending he had a talk with F. M. Dawson who told him that if he (the witness) ever got in, it would cost him seven hundred dollars, and that Dawson told him he had paid one witness three hundred dollars, and made arrangements with the Court to get the Dawsons in at one hundred dollars a family. David Meredith testifies that he had a talk with old James Dawson in 1888, and that the latter told the witness it cost him twelve hundred dollars to get his case through.

It can hardly be urged that such evidence is sufficient to show that the members of the Teehee Commission were corrupted by the fraudulent use of money. So far as these witnesses have been able to testify the money spent by the Dawsons might have been for proper and legitimate purposes. F. M. Dawson gives a detailed statement of what the case cost him and his brother in a legitimate way. The presumption can not be indulged that such moneys were used for fraudulent purposes and the proof to the contrary must be very clear

before this Commission will deny applicants the right to be enrolled upon that ground.

Admitting the truth of all the testimony in this case as to the actual transfer of money by the Dawsons, it appears that Duncan, Butler and Smith were the only beneficiaries of that money. There is no evidence that the members of the Commission received or were offered any of it.

The judgment entered in the Commission's docket shows the signature of the three members of the Commission appended thereto. There is some conflict as to whether Duncan signed Thompson's name, or whether Thompson affixed his own signature. Duncan testified that all three signatures were made by him as Clerk under authority of the Commissioners present, the two full bloods being unable to sign their names. T. F. Thompson testifies that he signed the original transcript of the judgment, which was made on the day of its rendition. The question, however, is not considered to be very material. The signing of judgments by each Commissioner appears to have been a matter of custom only. T. F. Thompson testifies that he remembers the Dawson case and recognizes the judgment therein as the final judgment of the Commission, and that there was no fraud or corruption in the procurement of that judgment by the Dawsons or by any one else so far as he knew.

Much evidence has been introduced by the Cherokee Nation for the purpose of showing that the ancestor, through whom the Dawsons claim, was not a Cherokee, and that other members of the Dawson family, claiming from the same source, have been denied Cherokee citizenship by subsequent Cherokee tribunals, and also by this Commission and by the United States Court. Such evidence, in the opinion of this Commission, is not competent for any purpose in this proceeding. The only question before this Commission is whether there was

fraud in the procurement of the Robert Dawson judgment, and not whether the applicants are Cherokee Indians, or whether they ought to have been admitted to citizenship upon the proof submitted. These were questions presented, considered and passed upon by the Teehee Commission. If their decision is a valid and regular judgment, it is binding on this Commission. If, on the contrary, the applicants have never been lawfully admitted to citizenship, because the judgment under which they claim is void, for fraud, then the question as to whether they are Cherokees by blood is not material, as this Commission has now no authority to admit them to citizenship.

While it is true, that since 1883, a number of applicants, members of the Dawson family, have been denied admission to citizenship in the Cherokee Nation, no argument derived therefrom is of any force, for it is also true that other members of the same family have been admitted to citizenship, and the action of the Cherokee authorities in admitting them has never been questioned by the Cherokee Nation. Whatever inference, therefore, may be drawn from these facts, applies with equal force both for and against the validity of the judgment in question.

The Dawsons have lived in the Cherokee Nation, most of them since 1883; they have exercised the rights of Cherokee citizenship for many years, some of them occupying official positions in the Nation, and no protest seems to have been made against their citizenship until within the last few years. The records of the Cherokee Nation, in the possession of this Commission, show, that since 1883, there have been Commissions on citizenship charged with authority to investigate the judgments of former tribunals alleged to have been secured by fraud, and the Cherokee Legislature had power to order an investigation, and to create a tribunal with authority to set aside a judgment so obtained. No such action appears to have been taken

by the Cherokee authorities with reference to the judgment of the Teehee Commission in the Robert Dawson case.

After a careful consideration of all the facts in this case this Commission is of the opinion that the evidence fails to establish that the Dawsons secured their admission to citizenship by fraud or that the judgment of the Teehee Commission as rendered January 11, 1883, was fraudulent as the result of corruption, bribery, or deception upon the part of the Dawsons, or their agents, and that such judgment, and also the judgment of the Spears Commission in 1884, and the Act of the Cherokee National Council of December 1, 1894, which have not been attacked by the Cherokee Nation, being regular on their face, must therefore be accepted by this Commission as the valid judgments of the duly constituted Cherokee authorities.

It is, therefore, the opinion of this Commission that,

(Group I.) Francis M. Dawson, son of Robert Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J. F. Atkins, Francis M. Dawson, Jr., son of Francis M. Dawson and grand-son of Robert Dawson,

(Group II.) Samuel R. Dawson, August Dawson, Mate Dawson, Robert Dawson, Albert E. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Newman,

(Group III) John Dawson, Robert B. Dawson, Iola M. Dawson, Lemuel H. Dawson, Rosa B. Dawson, Charles E. Dawson, Hattie J. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas P. Dawson, Mariee J. Dawson, Orle H. Dawson, Burr R. Dawson, James W. Dawson,

(Group IV) Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Oma Gray, Cecil Gray, Velton Gray, Effie Akin (formerly

Effie Pierce), Nancy J. Bogle, James E. Bogle, Edna M. Bogle, John H. Bogle, Marvin R. Bogle, Claud Bogle, Nancy Edith Bogle,

(Group V) Joseph R. Dawson, Clarence E. Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson,

(Group VI) Mollie Moore, Nora Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna E. Moore,

(Group VII) Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame,

(Group VIII) Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas H. Patterson, Virgil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert B. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hellen J. Spickerman, William Glenn Spickerman,

(Group IX) Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Mary E. Graham, Jesse E. Graham, Gracie M. Graham, Florence M. Graham, Lavorna A. Painter, Ada R. Painter, Eva P. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John F. Graham, Edna M. Graham, Robert Lee Graham, Joe Willie Neal, James M. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham,

(Group X) Ella Jackson, Flora Harmon, Lillie R. Harmon, Claud Harmon

Twight Harmon, William D. Harmon, Tookie A. Jackson, Annie Lenox, Birtie T. Lenox, Myrtle Lenox,

(Group VII) Texanna Woolley, Irene W. Woolley, Wilburn E. Woolley, Witty Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura Flournoy, Oscar Flournoy, Claude Flournoy, Edna Flournoy, Finis T. Richardson, Jasper J. Richardson, Julia A. Richardson, Etta Brazer,

(Group XIII) Lula Pearl Weddle, Curtis Weddle, Morris S. Weddle, Roy Weddle, William D. Douthitt, Lawrence A. Fishback, William A. Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry, and Charley Mabry,

should be enrolled as citizens by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and that

(Group I) Katie Dawson, Andrew C. Atkins,

(Group II) Catherine Dawson, Sarah F. Dawson, August Dulawsky, Mannie Dawson,

(Group III) Sarah J. Dawson, nee Wood,

(Group IV) Nellie Pierce, John H. Bogle,

(Group V) Florence Dawson, Martha A. Dawson,

(Group VI) Charles T. Moore,

(Group VII) Ida Blasingame, Mary A. Blasingame,

(Group VIII) Martin L. Patterson, Alice Dawson, Sarah J. Dawson, nee Jones,

(Group IX) John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham,

(Group X) James H. Harmon, William C. Lenox,

(Group XII) Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson

(Group XIII) Hiram F. Weddle and Alonzo M. Fishback, should be

enrolled as citizens by intermarriage of the Cherokee Nation in accordance with the provisions of said Section twenty-one of the Act of Congress, and it is so ordered.

It is further the opinion of this Commission that, for the reasons heretofore stated, the applications for the enrollment of Arizona Allred and William C. Allred, (embraced in D 835); Francis M. Dawson, son of Elbert Dawson, (embraced in D 627); Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, and Clyde Jackson, the children of William and Lizzie Jackson, (embraced in D 830); James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe, (embraced in D 839), as citizens by blood of the Cherokee Nation, and that the applications of Lizzie Jackson, widow of William Jackson, (embraced in D 830), and George A. Mabry (embraced in D 979), as citizens by intermarriage of the Cherokee Nation should be denied, in accordance with the provisions of the law heretofore quoted, and it is so ordered.

As hereinbefore stated William Pierce (D 409) and Cecil Dawson (D 358) and Green W. Jackson (D 595), died prior to September 1, 1902. It further appears from affidavits, made a part of this record that Liddie and Margaret Graham (D 1128) have died since the date of the application for their enrollment and prior to September 1, 1902.

It is, therefore, ordered that the applications for the enrollment of said William Pierce, Cecil Dawson, Green W. Jackson, Liddie Graham and Margaret Graham be, and the same are hereby dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(Signed) TAMS BIXBY,
Acting Chairman.

(Signed) T. B. NEEDLES,
Commissioner.

Dated at Muskogee, Ind. Ter.,
this Dec. 23, 1902.

(Signed) C. R. BRECKINRIDGE,
Commissioner.

[illegible]

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In re

[illegible] Mabry :

for [illegible] of) Nov. 15, 1898.

the [illegible] :

----o----

[illegible]

The following is from the decision of the Commission at [illegible]:

"George [illegible] Mabry was [illegible] in person, in the [illegible] 1894. [illegible] to have been in [illegible] Cherokee [illegible] license to his said wife in [illegible] satisfactory proof of such marriage. [illegible] to sit [illegible] in the [illegible] tional Council [illegible]."

[illegible] the [illegible] case is sufficient to [illegible] in the Cherokee Nation in [illegible] Cherokee law. [illegible] testified that he was [illegible] Cherokee marriage license issued by the proper official. Frank L. Wilson, the brother of Mrs. Mabry, testified that [illegible] Mabry to get the license and that Mabry complied with the Cherokee law, filing proper certificates, paying $[illegible] for the license and taking the oath of allegiance.

S. A. Hyden testified that from 1890 to 1894 he was a member of the Cherokee Senate; that Mabry came down to Tahlequah in relation to his right to be enrolled; that in taking the census Mabry was [illegible] put on a doubtful roll and that Mabry presented either a marriage license or marriage certificate; "Any way with the papers we had before, that was satisfactory to the committee and we put him off the doubtful card on the straight Cherokee

roll." "It is [illegible] not now [illegible] because of the [illegible]; that is [illegible] of the committee [illegible] it was [illegible] or not. [illegible] license certificate to [illegible] says that it was returned to him and [illegible].

[illegible] filed [illegible] affidavit of C. G. James [illegible] that time that [illegible] the county clerk of the [illegible] District; [illegible] clerk issued in accordance with [illegible] law the [illegible] license to George [illegible]; that they could [illegible] not a citizen, [illegible] delivered to them in the early part of [illegible].

[illegible] affidavit of [illegible] L. [illegible] [illegible] ent [illegible] ring of the year [illegible] in accordance with the [illegible] law.

[illegible] contention [illegible] to consider as proven facts the [illegible] set forth in the affidavit, the [illegible] are willing that [illegible] record is thus completed.

We respectfully submit that the record [illegible] conclusively [illegible] marriage license [illegible]; that in [illegible] proper place [illegible] certificate of [illegible] was delivered to the authorities of the Cherokee Nation and that its loss is properly [illegible] own, [illegible] have a [illegible] authority for the offer of secondary evidence. Its loss is [illegible] directly to the Cherokee Nation, and such being the case, the Nation is not in a position to object to our offering this secondary evidence. We have shown, therefore, the issuance of the license by the testimony of the official who actually issued it, that the marriage actually took place, and that they have continued to live together ever since that time as husband and wife. Certainly no more conclusive [illegible]

secondary evidence could be offered.

In [illegible] of the [illegible] vits the evidence of senator [illegible] show that a [illegible] certificate was actually delivered to [illegible]. [illegible] marriage license or marriage certificate, it is to be remembered that the Cherokee authorities considered it sufficient to enroll Mary as an intermarried citizen. It [illegible] to be contended that the action which has not [illegible] by [illegible] license -- [illegible] -- for that would not make Mary an intermarried citizen. It must have been certificate of marriage.

We, therefore, respectfully submit that at this time a finding be made that Mary was legally married and in accordance with the Cherokee law, and that pending the decision of the Interior Department on the point of claims, that she may receive the same consideration as other intermarried white citizens.

Respectfully submitted,

Henry G. Kimball

Wm. Henry White

Attorneys for Applicant.

BEFORE THE DEPARTMENT OF THE INTERIOR

WASHINGTON:

September 10, 1903.

In the matter of the application for the enrollment of George A? Mabry as a citizen of the Cherokee Nation by Intermarriage.
Cherokee D. 979.

Brief of the Cherokee Nation.

Statement.

We have received from Kimball & White, Attorneys for the applicant a copy of a motion to reopen this case and this statement is filed on part of the Cherokee nation in reply thereto.

Argument.

We most respectfully protest against a new hearing in this case upon the grounds that the applicant George A. Mabry, who desires to be enrolled as a citizen of the Cherokee nation by intermarriage, has been afforded an abundant opportunity on numerous occasions to introduce the records and the testimony in his case tending to show that he was married in accordance with the laws of the Cherokee nation.

That it is not sufficient for the applicant in a motion for a rehearing to set up the effect of the additional testimony to be introduced but that the law requires that he state the witnesses giving their names and what he expects to prove by them, not in substance, but in detail. This has not been done by the applicant and inas much as the applicant was given almost three years to procure andintroduce his testimony and the record in this case shows that he attempted to introduce testimony favorable to his contention on numerous occasions and the case should not therefore be reopened for two reasons.

First: That he does not state the names of the witnesses he desires to introduce and what he expects to prove by them.

Second: That the case has been closed which was agreed to by the Attorney for the applicant himself; and if the applicant has additional testimony he has not shown the proper diligence in submittting the same before the case was by agreement closed.

Respectfully,

W W Hastings, CA

Attorney for the Cherokee Nation.

BEFORE THE DEPARTMENT OF THE INTERIOR.

In the matter of the application of George A. Mabry for enrollment as a Cherokee Citizen by inter-marriage.

The applicant, George A. Mabry, moves that he be given a new hearing in his case, which was heard before the Commission to the Five Civilized Tribes, as No. 979 and consolidated with the application of Francis Dawson, et al., and for reasons states,

That his wife and children were duly enrolled as citizens of the Cherokee Nation and that he, himself, appears to have been rejected, upon the ground of insufficient proof as to his marriage to his wife, Edna Mabry, in compliance with the Cherokee Law, relative to marriage of white men with Cherokee women.

Your applicant states that the Dawson family, of which his wife was a member, were duly admitted to citizenship in the Cherokee Nation, in 1883, as shown by the records in the said Francis M. Dawson and concolidated cases; that after such admission his wife was enrolled asa citizen of the Cherokee Nation by the census takers of said Nation.

That in 1884 the said Edna Mabry, nee Dawson, and this applicant, ~~xxxxx~~ Gedge A Mabry, were married, and moved to the Cherokee Nation, and that about 1889 said parties were re-married under and in accordance with the laws of the Cherokee Nation. That he subsequently placed the evidence of said marriage in the hands of Sam H. Mayes, who was one of the members of the Cherokee Senate, and that the said evidence was lost or misplaced by said Mayes and was not returned to this applicant; but applicant can show, if given an opportunity to produce additional testimony, that there was a lisence issued to him in 1889 by the clerk of the Delaware District of the Cherokee Nation to marry his said wife, a Cherokee Citizen by blood, and that said lisence was issued in due form

after proper compliance with all of the conditions of the Cherokee law relating thereto, and that the marriage ceremony , under said lisence, was duly performed.

Applicant can prove this by a witness who saw said lisence and who knows that the ceremony was performed by virtue thereof.

Applicant can further show that prior to the time his said wife Edna was re-admitted as a citizen of the Cherokee Nation, in 1894, he was from the time of his marriage under the Cherokee law in 1889, all the while recognized as a citizen of the Cherokee Nation.

The fact being that the wife of this applicant is a citizen of the Cherokee Nation and so recognized by the Commission to the Five Civilized Tribes, and the further fact being that all of this family, including this applicant , George A. Mabry, having been admitted by the said Commission in 1896, and that judgment never having been disturbed, this applicant should have been enrolled without question by the Commission in the making of a roll now in process of construction.

Wherefore, applicant prays in the alternative, first, that he be enrolled as an inter-married citizen along with his wife and children on the record as it now stands before this Honorable Department; second, that if this Honorable Department considers this applicant not entitled to enrollment as the record now stands, that he be given an opportunity to prove that in 1889 he was married according to the Cherokee law, and that he has ever since exercised the rights of a Cherokee Citizen, and that the Commission be directed to take further proof in this regard.

Attorney for Applicant.

George A. Mabry, being duly sworn states, that he is the applicant in the above-entitled matter, and that the allegations therein contained are true as he verily believes.

Subscribed and sworn to before me this .... day of April, 1903.

---Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory. February 1st, 1902

George A. Mabry,

Talala, Indian Territory,

Sir:-

You are hereby notified that the application of yourself, your wife and tre minor children

for enrollment as citizens of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 17th day of March, 1902.

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

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

The Commission requires that certified copy of Cherokee marriage license and certificate be supplied.

Cherokee D-979,

Register.

Yours truly,

Acting Chairman.

NOTICE!

IN THE MATTER OF the application of George A. Hughes et al for enrollment as Cherokee citizens:

Case No. D. 979

To George A. Hughes et al Tahlequah, 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 ..... Indian Territory, on ..... or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this ..... March 20, 1902.

W. W. Harlin Jr.

Attorneys for the Cherokee Nation.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT } ss

In the matter of the application of Geo. C. Mabrey for enrollment as a Cherokee ~~Freedman~~ citizen.

~~No. F. D. 494~~ Arthur Evans

J. C. STARR, of lawful age, being duly sworn on oath states that on the 10th day of March, A. D., 1902 he registered to Geo. C. Mabrey whose postoffice is Talala, Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Muskogee, Indian Territory; and that on the 15th day of March, 1902 he received the return card which is hereto attached, signed by the said Geo. C. Mabrey, showing that he had received said notice.

Arthur Evans

Subscribed and sworn to before me on this the 15 day of March A. D. 1902

J C Starr
Notary Public.

COPY.

Cherokee D-324--

Muskogee, Indian Territory, January 24, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, granting the application for the enrollment of Francis M. Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J. F. Atkins, Francis M. Dawson, Jr., Samuel R. Dawson, August Dawson, Nate Dawson, Robert Dawson, Albert M. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Lerman, John Dawson, Robert B. Dawson, Iola M. Dawson, Lemuel H. Dawson, Rosa B. Dawson, Charles B. Dawson, Hattie J. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas P. Dawson, Mariee J. Dawson, Orle M. Dawson, Burr R. Dawson, James W. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Ona Gray, Cecil Gray, Velton Gray, Effie Akin, Nancy J. Bogle, James E. Bogle, Edna M. Bogle, John H. Bogle, Marvin R. Bogle,

Claud Bogle, Nancy Edith Bogle, Joseph R. Dawson, Clarence E. Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Mollie Moore, Nora Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna E. Moore, Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame, Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Vergil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert D. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hellen J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Mary E. Graham, Jesse E. Graham, Gracie L. Graham, Florence M. Graham, Laverna A. Painter, Ada R. Painter, Eva W. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John F. Graham, Edna M. Graham, Robert Lee Graham, Joe Willie Neal, James M. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora Harmon, Billie R. Harmon, Claud Harmon, Dwight Harmon, William D. Harmon, Toshie A. Jackson, Fannie Lenox, Birtie E. Lenox, Myrtle Lenox, Texanna Woolley, Irene W. Woolley, Wilburn E. Woolley,

Tittie Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura Flournoy, Oscar Flournoy, Claude Flournoy, Edna Flournoy, Winis T. Richardson, Jasper C. Richardson, Delia P. Richardson, Etta Brauer, Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A. Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and for the enrollment of Katie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Bulawsky, Fannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Bogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Dessie Graham, James H. Harmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alonzo M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis M. Dawson, Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, Clyde Jackson, James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Dawson, Green W. Jackson, Liddie Graham and Margaret Graham.

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

Respectfully,

(Signed) TAMS BIXBY,

Acting Chairman.

Enc. M-130.

COPY.

Cherokee D-324--

Muskogee, Indian Territory, February 10, 1903.

.. S. McKennon,

Attorney for Francis M. Dawson, et al,

Wewoka, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, granting the application for the enrollment of Francis M. Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J.F. Atkins, Francis M. Dawson, Jr., Samuel R. Dawson, August Dawson, Mate Dawson, Robert Dawson, Albert H. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Newman, John Dawson, Robert B. Dawson, Iola M. Dawson, Lemuel H. Dawson, Rosa B. Dawson, Charles E. Dawson, Hattie .. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas P. Dawson, Mariee J. Dawson, Orle H. Dawson, Burr R. Dawson, James W. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Oma Gray, Cecil Gray, Velton Gray, Effie Akin, Nancy J. Bogle, James E. Bogle, Edna M. Bogle, John H. Bogle, Marvin R. Bogle, Claud Bogle, Nancy Edith Bogle, Joseph R. Dawson, Clarence E.

Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Mollie Moore, Nora Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna E. Moore, Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame, Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Vergil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert B. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hellen J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Mary E. Graham, Jesse B. Graham, Gracie M. Graham, Florence M. Graham, Laverna A. Painter, Ada R. Painter, Eva P. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John F. Graham, Edna M. Graham, Robert Lee Graham, Joe Willie Neal, James M. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora Harmon, Lillie R. Harmon, Claud Harmon, Dwight Harmon, William D. Harmon, Toshie A. Jackson, Fannie Lenox, Birtie E. Lenox, Myrtle Lenox, Texanna Woolley, Irene W. Woolley, Wilburn E. Woolley, Kittie Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura

Fluornoy, Oscar Fluornoy, Claude Fluornoy, Edna Fluornoy, Finis T. Richardson, Jasper C. Richardson, Delia F. Richardson, Etta Brauer, Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A. Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and for the enrollment of Katie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Bulawsky, Nannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Bogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patters Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James H. Harmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alonzo M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis M. Dawson, Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, Clyde Jackson, James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Dawson, Green W. Jackson, Liddie Graham and Margaret Graham.

You have heretofore been furnished with a copy of the record of proceedings had in this case.

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

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

You are requested to forward to the Commission two copies of your printed brief, in this case, in order that the same may be included in the record to be forwarded to the Secretary of the Interior

Respectfully,

(Signed) TAMS BIXBY,

Acting Chairman.

Enc. M-45.

Register.

Cherokee D-979.

Muskogee, Indian Territory, February 25, 1903.

George A. Mabry,

Talala, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, in the consolidated case of Francis M. Dawson, et al., granting, among others, your application for the enrollment of your wife, Edna Mabry, and your two minor children, Roby and Charley Mabry, as citizens by blood of the Cherokee Nation, and rejecting your application for the enrollment of yourself as a citizen by intermarriage of said Nation. There has heretofore been furnished your attorney, A. S. McKennon, Wewoka, Indian Territory, a copy of the record of proceedings, together with a copy of the Commission's decision.

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

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

Respectfully,

Thomas Buckner

Acting Chairman.

Enc. H-61.
Register.

COPY.

Cherokee D-324.

Muskogee, Indian Territory, February 25, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Francis M. Dawson et al., applicants for enrollment as citizens of the Cherokee Nation, including the Commission's decision, dated December 23, 1903, granting ~~said application as to Francis M. Dawson, Lula Dawson, Ray~~ Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J. F. Atkins, Francis M. Dawson Jr., Samuel R. Dawson, August Dawson, Mate Dawson, Robert Dawson, Albert H. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Newman, John Dawson, Robert B. Dawson, Iola M. Dawson, Lemuel H. Dawson, Rosa B. Dawson, Charles B. Dawson, Hattie J. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas P. Dawson, Mariee J. Dawson, Orle H. Dawson, Burr R. Dawson, James W. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Oma Gray, Cecil Gray, Velton Gray, Effie Akin, Nancy J. Bogle, James E.Bogle, Edna N. Bogle, John H. Bogle, Marvin R.Bogle,

Claud Bogle, Nancy Edith Bogle, Joseph R. Dawson, Clarence E. Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Mollie Moore, Nora Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna E. Moore, Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame, Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Virgil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert B. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hellen J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Laverna A. Painter, Mary E. Graham, Jesse E. Graham, Gracie M. Graham, Florence M. Graham, Ada R. Painter, Eva P. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John F. Graham, Edna M. Graham, Robert Lee Graham, Joe Willie Neal, James M. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora Harmon, Lillie R. Harmon, Claud Harmon, Dwight Harmon, William D. Harmon, Toshie A. Jackson, Fannie Lenox, Birtie E. Lenox, Myrtle Lenox, Texanna Woolley, Irene W. Woolley, Wilburn E. Woolley,

Kittie Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura Flournoy, Oscar Flournoy, Claude Flournoy, Edna Flournoy, Finis T. Richardson, Jasper C. Richardson, Delia F. Richardson, Etta Brauer, Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A. Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and Katie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Julawsky, Nannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Fogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James H. Farmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alonzo M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis M. Dawson, Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson , Clyde Jackson, James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson, and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Dawson, Green W. Jackson, Liddie Graham and Margaret Graham.

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

Respectfully,

(Signed) TAMS BIXBY,

Chairman.

Enc. M-135.

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee D-324.

Muskogee, Indian Territory, February 25, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that there has this day been transmitted to the Secretary of the Interior, for review, the record of proceedings had in the matter of the application of Francis M. Dawson, et al., for enrollment as citizens of the Cherokee Nation, together with the Commission's decision in said case, and the protest of the Cherokee Nation against said decision, dated February 6, 1903.

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

Respectfully,

(Signed) TAMS BIXBY,

Chairman.

COPY.

Cherokee D-324.

Muskogee, Indian Territory, February 25, 1903.

A. S. McKennon,

Attorney for Francis M. Dawson, et al.,

Wewoka, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision in the matter of the application of Francis M. Dawson, et al., for enrollment as citizens of the Cherokee Nation, has this day been transmitted to the Secretary of the Interior for his review and decision.

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

Respectfully,

(Signed) TAMS BIXBY,

Chairman.

76

DEPARTMENT OF THE INTERIOR. CMR

ITD 8015-1903. WASHINGTON. September 23, 1903.

R 015

Mr. W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Sir:

Referring to your letter of September 11, 1903, transmitting argument in the matter of the motion for rehearing in the Cherokee enrollment case of George A. Mabry, you are advised that said argument has been transmitted to the Commissioner of Indian Affairs to be considered in connection with the motion filed by the attorney for the applicant.

It is requested that hereafter in filing motions addressed to the Department and such arguments, that you transmit them through the Commissioner of Indian Affairs.

Respectfully,

Thos. Ryan

Acting Secretary.

(COPY)

Refer in reply to the following:
Land 13855-1903.

Department of the Interior,
Office of Indian Affairs,
Washington, October 16,1903

Cherokee Enrollment
Francis M. Dawson et al., Group 13.

The Honorable

The Secretary of the Interior.

Sir:

Referring to office report of even date transmitting the record relative to applicants, parties to Group 1 of the Francis M. Dawson Consolidated Case, there is enclosed herewith the record relative to the applicants involved in Group 13.

D 521, Group 13, page 1.

Lula Pearl Weddle applies for enrollment of herself and her minor children, Curtis and Morris O. Weddle, as citizens by blood and for the enrollment of her husband, Hiram F. Weddle, as a citizen by intermarriage. She also applies for the enrollment of Roy Weddle who was born subsequent to the date of her original application. He is properly identified by a birth affidavit.

D 522, Group 13, page 8.

William P. Douthitt applies for the enrollment of himself as a citizen by blood.

D 343, Group 13, page 9.

Alonzo M. Fishback applies for the enrollment of himself as an intermarried citizen, and for the enrollment of his wife,

Laverna A. Fishback, and their minor children, William A. and Annie B. Fishback, as citizens by blood.

D 737, Group 13, page 19.

Elbert L. Morgan applies for the enrollment of his wife, Florence Morgan, and their minor child, Clide, as citizens by blood. He also applies for the enrollment of Alice A. Morgan, his minor child, born subsequent to the date of his original application. This minor is identified by a birth affidavit.

D 845, Group 13, page 24.

John E. Fishback applies for the enrollment of himself as a citizen by blood.

D 979, Group 13, page 27.

George A. Mabry applies for the enrollment of himself as an intermarried citizen and for the enrollment of his wife, Edna Mabry, and their minor children, Roby and Charlie Mabry, as citizens by blood.

December 23, 1902, the Commission found that all of the applicants above named, except George A. Mabry, were entitled to enrollmenr as citizens of the Cherokee Nation. Hiram F. Weddle and Alonzo M. Fishback as citizens by intermarriage and the others as citizens by blood.

The parties to this group claiming the right to enrollment are related to the Dawsons but they do not claim the right to enrollment by reason of such relationship. The evidence in this case shows that Hiram F. Weddle was married September 13, 1884, under

a Cherokee license, to Lula P. Douthitt (Group 13, page 1). Lula P. Weddle, nee Douthitt, was admitted to citizenship in the Cherokee Nation by the Spears Court, September 13, 1884. The decision of this Court admitting her is as follows:

And now on this the 13th day of Se tember, 1884 comes this case for final hearing and all the evidence in the case having been carefully read and considered by the Commission on Citizenship it has been decided by the Commission that the above named Lula Dauthett and Dallas Dauthett are Cherokees by blood, and that they are entitled to all the rights and privileges of Cherokee citizenship in Cherokee Nation and that they should be, and are hereby admitted to the full and complete enjoyment of the same in all respects, as native born Cherokees.

Eli Spears, pres.
John Lee,
Andrew Young,
Commission on Citizenship.

John L. Adair,
Clk Com'n.

Hiram F. Weddle and his wife are identified by the 1896 roll. Lula P. Weddle has lived in the Cherokee Nation since 1884.

William D. Douthitt (Group 13, page 8) is a brother of Lula P. Weddle and was admitted to citizenship in the Cherokee Nation by the Spears Court September 13, 1884. He is identified by the census roll of 1896 and the record shows he has lived in the Cherokee Nation since he was admitted to citizenship.

Leverna, or Verena, Fishback, nee Dawson (Group 13, page 9) is a daughter of Jasper Dawson, who was admitted to citizenship January 11, 1883. She was first married to Alonzo L. Fishback in 1887, in accordance with the laws of Texas. May 17, 1893, they were re-married in accordance with the laws of the Cherokee Nation. Leverna Fishback does not, however, claim right to enrollment by reason of the admission of her father but by reason of her own admission on December 1, 1894. The act of the national council admit-

ting her and others to citizenship is as follows:

Senate Bill No. 15.

Be it enacted, by the National Council, that M. A. Feland, Edna Mabry, Kittie Flournoy, Verena Fishback, M. C. Taylor and Edner Cox, together with their families, be, and are hereby entitled to all the rights and privileges as are enjoyed by the rest of the members of their families who are citizens of the Cherokee Nation by blood, and all of whom are new residents of cooweescoowee district Passed by the Senate November 27th, 1894.

Reach Young, President Senate.

J. C. Starr, Clerk of Senate.

Concurred in by Council November 28th 1894.

V. Gray, Speaker of Council Pro tem.

J. H. Dick, Clerk of Coulnéil.

Approved December 1st, 1894. C. J. Harris, Principal Chief C. N.

Alonzo M. Fishback, and the persons for whom he applied are identified by the Cherokee census roll of 1896. His wife is also identified by the Cherokee pay roll of 1890. The Fishback family has lived in the Cherokee Nation since 1883.

Elbert L. Morgan (Group 13, page 19) is the husband of Florence Morgan, Nee Flournoy, who is the daughter of Kitty Richardson, formerly Flournoy, nee Dawson. Mrs. Richardson was admitted to citizenship in the Cherokee Nation by the National Council December 1, 1894, under the name of "Kittie" Flournoy. The members of her family were also admitted by this act.

John E. Fishback (Group 13, page 24) is a son of Leverna A. Fishback who was admitted to citizenship in the Cherokee Nation by act of the national council of December 1, 1894. His mother was admitted under the name of "Verena" Fishback.

Edna Mabry (Group 13, page 27) was married to George A. Mabry December 11, 1884, in accordance with the laws of the State of

Arkansas. She and her husband claim to have been married in 1889 under the laws of the Cherokee Nation. The record contains no evidence as to this latter marriage except the testimony of the applicants. Edna Mabry is a daughter of Robert and Nancy Dawson. Robert was admitted to citizenship in the Cherokee Nation January 11, 1883. Edna Mabry, however, does not base her right to enrollment on her father's admission. The record shows that she and the members of her family were admitted to citizenship by act of the national council approved December 1, 1894.

In view of the foregoing the office is of the opinion that the decision of the Commission with reference to the parties to this group is correct and should be approved except in so far as it relates to the enrollment of Hiram F. Weddle and Alonzo M. Fishback who are applicants for enrollment as citizens by intermarriage and to George A. Mabry who is an applicant for enrollment as an intermarried citizen whose enrollment has been denied by the Commission. The approval of the Commission's decision, except as to the parties mentioned, is recommended, and attention is respectfully invited to office report of even date transmitting Group 1, of this consolidated case.

August 31, 1903, Kimball & White, attorneys of this city, filed a brief and argument relative to the right of George A. Mabry to enrollment as an intermarried citizen. In their letter it is stated that a copy of the brief was forwarded to the attorney for the Cherokee Nation.

September 23, 1903 (I.T.D. 8015), the Department forwarded to this office the reply of the Cherokee Nation to the brief above mentioned. May 23, 1903 (I.T.D. 4851), the Department transmitted to this office a motion for a new hearing with reference to the right of George A. Mabry to enrollment.

August 14, 1903, Kimball & White filed a motion "for review and recommitment" to the Commission of this group in so far as it relates to the right of George A. Mabry to enrollment as an intermarried citizen.

The evidence does not show that George A. Mabry and his wife, Edna Mabry, have been married in accordance with the laws of the Cherokee Nation. Mabry testifies that they were so married but he did not furnish a copy of the marriage license or of the record of the Cherokee Nation pertaining to such marriage. In order that no injustice may be done this applicant, the office believes that the case, so far as he is concerned, should be returned to the Commission in the event the Court of Claims finds that intermarried citizens are entitled to enrollment and to participate in the distribution of the Cherokee estate.

It is not believed, however, that the case should be returned until after the Court of Claims shall have made its findings and rendered an opinion on the question submitted to it by the Department February 24, last.

Attention is respectfully invited to the fact that the act of December 1, 1894, admitted to citizenship in the Cherokee

Nation Edna Mabry, among others, "together with their families." George A. Mabry and Edna Mabry were married prior to the date of said act and it may be possible that George A. Mabry was admitted to citizenship in the Cherokee Nation December 1, 1894, by reason of the fact that his wife and the members of her family were admitted to citizenship. However, as he has applied for enrollment as an intermarried citizen the office does not consider it necessary to discuss this point but invites attention thereto.

Very respectfully,

W. A. Jones,

G.A.W. (B).

Commissioner.

D. C. 10512-1904. DEPARTMENT OF THE INTERIOR,

WASHINGTON.

JP
FHE
J.W.H.

LRS

ITD 7442-1903.
7452- "

March 31, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

February 25, 1903, you transmitted the record in the matter of the application of Francis M. Dawson et al., for enrollment as citizens of the Cherokee Nation. In your decision of December 23, 1902, you disposed of the applications in the Dawson case by groups. In this letter Group XIII, as disposed of by you, will be considered.

This group includes those applications designated by you as D. 343, D 521, D 737, D 843 and D 979.

Title D 343 refers to the application of Alonzo M. Fishback for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Leverna A., and his minor children, William A. and Annie B. Fishback, as citizens by blood of the Cherokee Nation. It appears that the said Alonzo M. Fishback was married May 17, 1893, in accordance with the laws of the Cherokee Nation to Leverna A. Dawson, to whom he was previously married in the

State of Texas, according to the laws thereof in 1877. She was admitted to citizenship in the Cherokee Nation by the act of the National Council approved December 1, 1894, under the name of Verena Fishback.

All the members of this family are identified upon the 1896 roll. Verena Fishback is also identified upon the pay roll of 1890. The father and mother have resided in the Cherokee Nation since 1883.

Title D 521, refers to the application of Lula Pearl Weddle for the enrollment of herself and her minor children, Curtis, Morris O., and Roy Weddle, as citizens by blood, and for the enrollment of her husband, Hiram F. Weddle, as a citizen by intermarriage of said nation. It appears that Lula Pearl Weddle, formerly Lula Pearl Douthitt, was admitted to citizenship in the Cherokee Nation by decree of the Spears Court dated September 13, 1884. She has resided in the Cherokee Nation since 1884, and is identified upon the 1896 census roll. Her children named above are identified by birth affidavits.

Title D 727 refers to the application of Elbert L. Morgan for the enrollment of his wife, Florence, and his minor children, Clide and Alice A. Morgan, as citizens by blood of said nation. It appears that the said Florence Morgan is the Florence Flourney referred to under title D 715, which was disposed of by you in Group xii. She was admitted to citizenship December 1,1894, with her mother, Kitty Richardson, formerly Flourney as a member of her

family. She has resided in the nation since 1894. Her children, Clide and Alice A. Morgan, are identified by birth affidavits.

Title D. 845 refers to the application of John M. Fishback for the enrollment of himself as a citizen by blood of said nation. This applicant is a son of the Leverna Fishback who was admitted to citizenship on December 1, 1894, and was a minor at that date. He is identified on the census roll of 1896 and has resided in the Nation since 1894.

Title D. 979 refers to the application of George A. Mabry for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Edna, and his minor children, Roby and Charlie Mabry, as citizens by blood of said nation. The principal applicant was married to Edna Dawson in Arkansas, in 1884. Subsequently, it is claimed, they married in the Cherokee Nation, in accordance with the laws thereof, in 1889. The testimony is not clear as to whether or not George A. and Edna Mabry were married in accordance with the Cherokee law. They were married, however, at the date of her admission by the National Council, viz: December 1, 1894, to Cherokee citizenship, her name appearing therein as Edna Mabry. She is identified on the strip payment roll of 1894, and has resided in the nation with her husband since 1884. Their children, Roy and Charlie Mabry, were minors at the date of their mother's admission.

The attorneys for Mabry have filed a motion for a rehearing in his case, supported by a brief. Both motion and brief have been

duly served upon the attorney for the Cherokee Nation. The latter has filed a reply thereto. The purpose of said mot on is to secure a rehearing in order to establish that George A. Mabry was married in accordance with the laws of the Cherokee Nation.

In said decision of December 23, 1902, you held that all of the applicants are entitled to enrollment except George A. Mabry.

Reporting in reference to this group on October 16, 1903, the Commissioner of Indian Affairs recommended that your decision be approved, except in so far as Miram F. Weddle, Alonzo M. Fishback, and George A. Mabry are concerned, who are classified as applicants claiming by intermarriage. The Commissioner is of the opinion that George A. Mabry should have an opportunity to show that his marriage with Edna Dawson was performed in accordance w th the Cherokee law. He does not believe, however, that the case should be returned until after the Court of Claims has rendered its opinion submitted to it by the Department on February 24, 1903. He calls attention, however, to the act of December 1, 1894, which reads as follows:

"Senate Bill No. 15.

Be it enacted by the National Council, that M. A. Feland, Edna Mabry, Kittie Flournoy, Verena Fishback, M. C. Taylor and Edner Cox, together with their families, be, and are hereby entitled to all the rights and privileges as are enjoyed by the rest of the members of their families who are citizens of the Cherokee Nation by blood, and all of whom are now residents of Cooweescoowee district.
Passed by the Senate November 27th, 1894.

Roach Young, president Senate,
J. C. Starr, Clerk of Senate.

Concurred in by the Council November 28th, 1894.

V. Gray, Speaker of Council, protem.
J. H. Dick, Clerk of Council.
Approved December 1st, 1894.

C. J. Harris, Principal Chief, C. N."

and states that it is possible that George A. Mabry was admitted to

citizenship by the force of said act. In view of the fact that Mabry applied for enrollment as an intermarried citizen, the Commissioner considers it unnecessary to discuss his rights under said act of the National Council.

It should be noted in this connection, that if the act is applicable to Mabry, it also refers to Alonzo M. Fishback.

Title D 522 refers to the application of William D. Douthitt for the enrollment of himself as a citizen by blood of said nation. He was admitted to citizenship by the National Council September 13, 1884, and is identified on the census roll of 1896. Since 1884 he has resided in the nation.

The Department concurs in your decision as to those applicants who claim enrollment by blood. Respecting those claiming by intermarriage, action will be deferred until a decision shall be rendered by the Court of Claims concerning the rights of intermarried persons to enrollment in the Cherokee Nation.

A copy of Indian Office letter of October 16, 1903, relating to this group, is inclosed.

Respectfully,

(signed) Thos Ryan

Acting Secretary.

1 inclosure.

Cherokee D-979

Muskogee, Indian Territory, April 12, 1904.

George A. Mabry,

Talala, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated December 23, 1902, granting, among others, your application for the enrollment of your wife, Edna, and your two minor children, Roby and Charley Mabry, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on March 31, 1904.

Respectfully,

Commissioner in Charge.

Cherokee D 324, et al.

Muskogee, Indian Territory, April 12, 1904.

A. S. McKennon,

Attorney for Francis M. Dawson, et al.,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated December 23, 1902, in the consolidated case of Francis M. Dawson, et al., granting the applications for the enrollment of Francis M., Lula, Ray, Jessie J., Jacob L., Hugh A., Laura A., John, William R. and Franics M. Dawson, Jr., Lizzie, Arthur, Edna E., Edward C., and George J. F. Atkins, John W., Albert M., Ralph H., Alford, Samuel R., August, Nate and Robert Dawson, Katie Newman, Josephine, Dora, Ida, Annie, Blanche, May and Oscar Bulawsky, John, Robert B., Iola L., Lemuel H., Rosa B., Charles B., Hattie J., Jennings B., James U., Vergal C., Thomas P., Mariee J., Orle H., Burr R. and James W. Dawson, Ella Jackson, Flora, Lillie R., Claud, Dwight and William D. Harmon, Toshie A. Jackson, Nannie, Birtie E. and Myrtle Lenox, Missouri, Tempa V., Robert S., Gideon, John W., Julius E., Francis M., Mary E., Jesse E., Gracie M. and Florence M. Graham, Laverna A., Ada R., Eva P., John W., Ray D., Roberta A., and

Roy W. Painter, Florence J., Myrtle and Claude Bradshaw, Joe R., William C., John E., Ezra ... and Robert Lee Graham, Joe Willie Heal, James L., Marion, Maggie, Luther and Floyd Graham, Mollie, Nora, M[illegible]er, Clara, Ora, James W., and Edna Edith Moore, Richard W. and Ir[illegible] E. Dawson, Ella L., Hellen J. and William Glenn Spickerman, Elbert ..., Ralph E., Robert L., and William G. Dawson, Zena, Sarah A., Martha A., Claud L., Major P., Thomas L. and Virgil V. Patterson, Joseph L., Clarence E., Counsil J., Elmer A., Cleo, Rufus T., Edgar, Wilborn, James L., Minnie L., Emmine G., Edwin C. and Ancil T. Dawson, Etta Brauer, Nicey, Delia E., Minis T. and Jasper Cecil Richardson, Edgar, Walter, Alice, Laura, Oscar, Claude and Edna Flournoy, Tenanna, Irene M. and Wilburn E. Woolley, Laverna A., William A. and Annie B. Fishback, Lula P., Curtis, Morris O. and Roy Weddle, Florence, Clide and Alice A. Morgan, John E. Fishback, Lina, Toby and Charley Mabry and William D. Douthitt, as citizens by blood of the Cherokee Nation, and dismissing the applications for the enrollment of Cecil Dawson, Liddie and Margaret Graham as citizens by blood of the Cherokee Nation, they having died prior to September 1, 1902, was affirmed by the Secretary of the Interior on March 31, 1904, and that the Commission's decision rejecting the applications for the enrollment of James, May, Zelma, Roberta, and Rosa Lowe, Osie, Lizzie, Jessie, Ray, and Clyde Jackson as citizens

by blood of the Cherokee Nation, was reversed by the Secretary of the Interior on the same date.

Respectfully,

(Sic) T. B. N[illegible]

Commissioner in Charge.

Cherokee D 324, et al.

Muskogee, Indian Territory, April 12, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated December 23, 1902, in the consolidated case of Francis L. Dawson, et al., granting the applications for the enrollment of Francis L., Lula, Ray, Jessie J., Jacob M., Hugh A., Laura A., John, William T. and Francis L. Dawson, Jr., Lizzie, Arthur, Edna E., Edward C., and George J. M. Atkins, John W., Albert M., Ralph M., Alford, Samuel R., August, Mate and Robert Dawson, Hatie Newman, Josephine, Dora, Ida, Annie, Blanche, May and Oscar Bulawsky, John, Robert E., Iola M., Daniel M., Rosa B., Charles M., Hattie J., Jennings E., James C., Vergal C., Thomas P., Mariee J., Orle M., Burr R. and James W. Dawson, Ella Jackson, Flora, Lillie R., Claud, Dright and William D. Harmon, Toshie A. Jackson, Mannie, Birtie E. and Myrtle Lenox, Missouri, Tempa V., Robert S., Gideon, John W., Julius E., Francis W., Mary E., Jesse E., Gracie M. and Florence M. Graham, Laverna A., Ada R., Eva P., John W., Ray D., Roberta A., and

Roy V. Painter, Florence P., Myrtle and Claude Bradshaw, Joe E., William C., John F., Edna M. and Robert Lee Graham, Joe Willie Neal, James L., Marion, Maggie, Luther and Floyd Graham, Lollie, Nora, Walter, Clara, Ora, James W., and Edna Edith Moore, Richard W. and Ina E. Dawson, Ella L., Nellen J. and William Glenn Spickerman, Hibert E., Ralph E., Robert L., and William C. Dawson, Zona, Sarah A., Martha A., Claud A., Edgar D., Thomas M. and Virgil V. Patterson, Joseph R., Clarence E., Council J., Elmer A., Cleo, Rufus T., Edgar, Wilborn, James R., Vinnie D., Emmine C., Edwin C. and Ancil F. Dawson, Etta Brauer, Kitty; Delia F., Finis T. and Jasper Cecil Richardson, Edgar, Walter, Alice, Laura, Oscar, Claude and Edna Flournoy, Texanna, Irene W. and Wilburn E. Woolley, Laverna A., William A. and Annie M. Fishback, Lula P., Curtis, Morris O. and Roy Weddle, Florence, Hide and Alice A. Morgan, John E. Fishback, Edna, Roby and Charley Mabry and William D. Douthitt, as citizens by blood of the Cherokee Nation, and dismissing the applications for the enrollment of Cecil Dawson, Liddie and Margaret Graham as citizens by blood of the Cherokee Nation, they having died prior to September 1, 1902, was affirmed by the Secretary of the Interior on March 31, 1904, and that the Commission's decision rejecting the applications for the enrollment of James, May, Zelma, Roberta, and Rosa Lowe, Osie, Lizzie, Jessie, Ray, and Clyde Jackson as citizens

by blood of the Cherokee Nation, was reversed by the Secretary of the Interior, on the same date.

Respectfully,

(SIGNED).

Commissioner in Charge.

Tahlequah, Indian Territory. May 21, 1904.

Commission to the Five Civilized Tribes,

(Cherokee Division),

Muskogee, Indian Territory.

Gentlemen:

There are enclosed herewith cards, jackets and records in the following Cherokee Doubtful cases:

William C. Lennox D-847
James H. Harmon D-476
Lizzie Jackson D-830
Henry T. Richardson D-715
Hiram F. Weddle D-821
Alonzo M. Wishback D-343
George A. Mabry D-979
Ida Blassingame D-833
Mary A. Blassingame D-834

Decisions have been rendered and all applicants in these cases, except intermarried applicants, have been transferred to cards as indicated by notes. The jackets and cards are forwarded to the office at Muskogee to be retained until such time as the intermarried applicants can be disposed of.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

MBF
Encl R-112

(COPY)

D.C.53540-1906. Y.P.
LLB

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

I.T.D.7442,7444,
7446,7448,
7450,7452,
7454,7456,
7458,7462,
7464,7466,
7906-1903.

December 4, 1906.

I.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In accordance with the decision of the Supreme Court of the United States in the case of Daniel Red Bird et al., citizens of the Cherokee Nation by blood, and Francis B. Fite et al., claiming to be entitled to citizenship in the Cherokee Nation by intermarriage, the applications for the enrollment of Katie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Bulawsky, Nannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Bogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (formerly Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James H. Harmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, Alonzo W. Fishback, Lizzie Jackson, and George A. Mabry, as cit-

isens by intermarriage of the Cherokee Nation, mentioned in letter of the Commission to the Five Civilized Tribes of February 25, 1903, submitting the record in the consolidated case of Francis M. Dawson et al., are rejected. See eleven departmental letters of March 31, 1904, and letters of April 8 and 13, 1904.

The papers still remaining in the Department have been returned this day to the Indian Office.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

23 inc. to Ind. Of.

Cherokee
D 979.

Muskogee, Indian Territory, December 19, 1906.

George A. Mabry,

Talala, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, denying your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, December 4, 1906.

Respectfully,

Commissioner.

LMC

Cherokee
D 324 et al.

Muskogee, Indian Territory, December 19, 1906.

A. S. McKennon,

Attorney for Katie Dawson,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that the applications for the enrollment of Katie Dawson, et al., as citizens by intermarriage of the Cherokee Nation, were denied by the Department December 4, 1906.

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

Respectfully,

Commissioner.

Encl.W-10
S.W.

Cherokee
D 324 et al.

Muskogee, Indian Territory, December 19, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the applications for the enrollment of Katie Dawson, et al., as citizens by intermarriage of the Cherokee Nation, were denied by the Secretary of the Interior, December 4, 1906.

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

Respectfully,

Commissioner.

Encl.W-11
S.W.

2290

Cher D 980

17

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., December 15, 1900.

In the matter of the application of John Sanders for the enrollment of himself, wife and children as Cherokee citizens; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A John Sanders.
Q How old are you? A About 39 years old.
Q What is your postoffice address? A Westville.
Q What district do you live in? A Goingsnake.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q Who do you want to enroll? A Five children, myself, and my wife; she is adopted.
Q What is her name? A Elizabeth. Mills was her maiden name.
Q Have you any certificate of marriage to her? A Yes sir.
Applicant presents certificate of marriage certifying that he was married on the 25th day of September, 1887, to one Elizabeth Mills, in the year 1887.
Q What are the names of your children? A William.
Q How old is William? A About 14 years old.
Q The name of the next one? A Callie.
Q How old is Callie? A 12 years old.
Q The next one? A Polly M.
Q How old is she? A She's about eight years old.
Q Next one? A Mahala.
Q How old is she? A She's [illegible] years old.
Q Next one? A Nick.
Q How old is he? A 22 months old.
Q I notice by the dates you give you have been married 13 years, but have a child 14 years old? A Yes sir, that is correct. He and my wife lived together two years before we were lawfully married, and then married her.
Q This oldest child was born before you were lawfully married?
A Yes sir.
Q You lived with her, did you? A Yes sir.
Q Are these children all living at this time? A Yes sir.
1880 roll; page 471, #1526, John Sanders, Goingsnake district
1896 roll; page 788, #1924, John Sanders, Goingsnake district
1896 roll; page 3[illegible], #178, Lizzie Sanders, Goingsnake district
1896 roll; page 788, #1925, William Sanders "
7[illegible], #1926, Callie Sanders "
7[illegible], #1927, Polly "
7[illegible], #192[illegible], Hailey "
Q You always lived in the Cherokee Nation? A Yes sir.
Q You and your wife lived together since your marriage, continuously? A Yes sir.
Q These children all alive? A Yes sir.

Commissioner Needles-
The name of John Sanders appears upon the authenticated roll of 1880 as well as the Census roll of 1896 as a Cherokee citizen by blood. He makes satisfactory proof of marriage to his wife, Elizabeth Mills, a non citizen, in the year 1887. Her name is found upon the Census roll of 1896. The names of his children, William, Callie, Polly M. and Mahala, are found upon the Census roll of 1896.

D- J.S.

He makes satisfactory proof of birth as to Nick, a younger child, whose name does not appear upon the said rolls. All duly identified according to page and number of the roll as indicated in the testimony, and he makes satisfactory proof as to residence; consequently, the said John Sanders and his children, Sallie, Polly W., [illegible], and Nick, will be duly listed for enrollment as Cherokee citizens by blood; His wife Elizabeth as a Cherokee citizen by intermarriage. It appears from the testimony that said John Sanders was married to his wife in the year 1887; that he lived with her two years before said marriage, during which time his oldest child, William, was born. By reason of thi fact, final judgment as to the enrollment of said William Sanders will be suspended, and his name will be placed upon a doubtful card.

I, C. [illegible] hereby, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. L. Rothenberger

Subscribed and sworn to before me this 17th day of December, 1900.

[illegible]
Commissioner.

[illegible]

[illegible]

[illegible] Chairman of the [illegible] Indian Commission [illegible]

[illegible] applicant [illegible] Secretary [illegible] of his child [illegible] taken up [illegible] in Vanlore [illegible] on said date [illegible] in person or by atto[illegible] [illegible] present having this day [illegible] failing to [illegible] will be [illegible] decision based upon the evi-[illegible]

[illegible]

[illegible] recorded the [illegible]

[illegible]

R.

C. D-980.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 14, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of John Sanders for the enrollment of his child William Sanders as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 26, 1902, that his application for the enrollment of his child William Sanders as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 14th 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 his application. The applicant having this day, to-wit: the 14th day of March, 1902, been called, and failing to respond, it is deemed that his case is completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

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

Wm Hutchinson

Cherokee D-980.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William Sanders as a citizen by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on December 15, 1900, John Sanders appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment, among others, of his child, William Sanders, 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 14, 1902. The other parties to this application are differently classified and are not embraced in this decision.

The evidence shows that the applicant is a son of John Sanders and Elizabeth Mills, and was born prior to their lawful marriage; that John Sanders, father of this applicant, is identified on the 1880 authenticated roll of the Cherokee Nation and on the Census Roll of 1896, as a Cherokee citizen by blood; that the said John Sanders and Elizabeth Mills, father and mother of this applicant, were lawfully married on September 25, 1897; that this applicant is identified on the 1896 Census Roll as a Cherokee citizen by blood.

The evidence further shows that John Sanders, father of the applicant, has lived in the Cherokee Nation all his life, and that since their marriage, he and his said wife have continuously resided together. The applicant being a minor, he is presumed to have resided since his birth with his father, nothing to the contrary appearing in the evidence.

Section 692 of the Compiled Laws of the Cherokee Nation provides - "that when a man, having by a woman one or more children, shall afterwards intermarry with such woman, such child or children, if recognized by him, or proven to be his, shall thereby be legitimate".

It is therefore the opinion of this Commission that the said William Sanders 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.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this _____ 1902

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE
--
ALLISON T. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 980.

Muskogee, Indian Territory, September 24, 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 Sanders for the enrollment of his minor child, William Sanders, 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 a protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. C. No. 22.

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

Original testimony Dec 15/00

Memo of application on Dec 15/00

Notice of final consideration, 3/14/02

See Cherokee district 6 ~ 45 -

D

6

Cher D 981

D981

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 15th, 1900.

In the matter of the application of Henry J. French for the enrollment of himself, wife and child as citizens of the Cherokee Nation; said French being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Henry J. French.
Q How old are you? A 28.
Q What is your post office? A Tahlequah.
Q In what district do you live? A Tahlequah district.
Q Do you want to enroll yourself and family? A Yes, sir.
Q Have you a wife? A Yes, sir.
Q How many children have you? A One.
Q Are you a Cherokee by blood? A Yes, sir.
Q Is your wife a white woman? A Yes, sir.
Q Have you lived in the Cherokee Nation all your life? A No, not all my life.
Q How long have you lived in the Cherokee Nation? A The biggest part of my life.
Q How long have you been in the Cherokee Nation? A In the Cherokee Nation most of the time.
Q Where have you been living for the last four or five years? A Right here around Tahlequah.
Q Where were born? A Here in Illinois District.
Q How long did you live in the Cherokee Nation before you went out? A Ten or twelve years I guess.
Q You were born in the Cherokee Nation were you? A Yes, sir.
Q How long did you live in the Cherokee Nation before you left? A I do not know just how long, 15 years I guess.
Q Where did you go then? A In the Creek Nation.
Q How long did you stay there? A About a year.
Q Then what did you do? A Come back here.
Q How long did you stay here? A Five or six years.
Q Then what did you do? A I went back.
Q How long did you stay there? A I staid until about 12 months, maybe 13; staid as long as I could get work.
Q Then after that trip you came back again? A Yes, sir.
Q And then have you been in the Cherokee Nation since that trip?
Q No, sir, I just come back.
Q You staid her after your first trip, you staid here five or six years and then you went back to the Creek Nation and staid five or six years and come back? A Yes, sir.
Q How long did you stay here that time? A Three or four years.
Q And then you went back to the Creek Nation? A No, sir.
Q What did you do? A I staid here.
Q After you staid here that three or four years where did you go then? A I went back over in the Creek Nation.
Q How long did you stay there? A Not very long, as long as I could get work. When my work give out I come back.
Q How long since you have been in the Creek Nation? A I just come back from there--about ten days I guess.
Q How long had you been there before you came this time? A About a year I guess.
Q You came here ten years ago and up to that time you had been in the Creek Nation for a year? A Yes, sir, but I come here when I was a kid.
Q You came here ten years ago and you had been in the Creek Nation for a year? A Yes, sir.
Q Now when you went to the Creek Nation that time how long had you been here? A I had been here all my life.
Q You came here ten days ago and said you had been in the Creek Nation for a year; before you went to the Creek Nation that

time how long have you been in the Cherokee Nation? A About ten or 12 years.
Q Give me the name of your father? A Robert L. French.
Q Is your father dead or alive? A He is alive.
Q Give me the name of your mother? A Kate.
Q Is she dead or alive? A She is dead.
Q Give me the name of your wife? A Henrietta French.
Q How old is your wife? A She is 26.
Q When did you marry her? A '93, 10th of December.
Q Have you a certificate of your marriage? A Yes, sir.
Q Was your wife's name Bates? A Yes, sir.
Mr. Pritz:--The applicant exhibits presents a license issued by the Clerk of the United States Court, First Judicial Division, Indian Territory, December 7, 1893, and a certificate in accordance therewith, showing that he married to his wife on December 10, 1893, by the Rev. W. A. Martin. This is filed herewith.
Q Has your wife lived with you ever since you and she were married? A Yes, sir.
Q Were you ever married except to her? A No, sir.
Q Was she ever married except to you? A No, sir.
Q Give me the name of your child? A Fanny L. French.
Q How old is the child? A She is nine months old.
Q Now, Mr. French, where did you live when you were in the Creek Nation? A In Muskogee, I lived in Wagoner mostly, about three years at one time.
Q When was that? A I think it was in '96 and '97 and '98.
Q About end of 1896, 1897 and 1898? A Yes, sir.
Q What time did you come back in 1899? A I think it was in December, I think.
Q Were you occupying a house down there? A Yes, sir.
Q What kind of business were you engaged in? A I was working at a butcher shop.
Q Was your wife there with you? A Yes, sir.
Q When you came back to the Cherokee Nation from the Creek Nation, did you apply for readmission to the Cherokee Council or Commission? A No, sir.
Q Did you ever apply to the Dawes Commissioner for readmission to citizenship? A No, sir.
Q Did you have your house goods and effects down there in the Creek Nation? A No, sir.
Q Were you keeping up a house in the Cherokee Nation? A Yes, sir.
Q You did not have any of your effects here in the Cherokee Nation. A Yes, I had some.
Q But you were living and had your main effects there in the Creek Nation? A Yes, sir.
Q Were you running a butcher shop there at Wagoner? A No, sir. I was working for wages.
Q Did you ever vote in the election down there in the Creek Nation? A No, sir.
Q Never exercised the right of suffrage in any way? A No, sir.
Q Did you always regard yourself as a citizen of the Cherokee Nation? A Yes, sir.
Q Have youany property in the Cherokee Nation? A All I have got is here.
Q What is her? A My family [illegible] all about all I have got.
Q That is all the property you have [illegible] it? A Yes, sir.
Q All the balance is down in the Creek Nation? A Yes, sir.
Q You are keep house down there [illegible], sir.
Q Where are your household goods? A I have been back here about two months.
Q You brought your household goods with you? A Yes, sir.

Perry J. French--.

[illegible] Roll; page [illegible], [illegible], Henry French, Illinois.
[illegible] Roll; page [illegible], [illegible], J. Henry French, [illegible].
[illegible] Roll; page [illegible], [illegible], Henry [illegible], Tahlequah.
(Note: "Henry [illegible] Bates' family, wife of #107 Cherokee Roll:)

Colo'n Brockinbridge:--The applicant applies for the enrollment of himself, his wife and one child. He is identified on the rolls of 1880 and 1896 as a native Cherokee. The evidence shows that the applicant has divided his time ever since he was 18 years of age between the Creek Nation and the Cherokee Nation, and that he lived in the Creek Nation with his family during the years of 1896, 1897 and 1898 and returned to the Cherokee Nation in December, 1898. He has never been readmitted to citizenship by the Cherokee Council or Commission, and states that he has never applied to the Dawes Commission for readmission to citizenship. It is desired to further consider the status of the applicant in connection with the testimony regarding his residence, and attention is called to Section 2 Article 1 of the Cherokee Constitution, to the effect that "If any citizen shall remove from within the limits of the Cherokee Nation all his rights and privileges of this Nation shall cease." The applicant states that he has never exercised the right of Suffrage in the Creek Nation and attention is also called to Section 21 of the Curtis Law approved June 28, 1898, particularly the clause which states that "no person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship." It is evident that the applicant did not return to the Cherokee Nation until after the approval of that law. He will now be listed for enrollment as a Cherokee by blood, on a doubtful card for the further consideration of his status under the law and the evidence.

Mr. [illegible] is shown to have married him in December, 1896. The license and certificate are filed herewith. She is identified with her husband on the roll of 1896. They have lived together ever since their marriage, and neither was previously married. She is a white woman. She will now be listed for enrollment as a Cherokee by blood on a doubtful card to await the determination of her husband. When a proper certificate of the birth of the Child Henry M., is filed with the Commission, this child will also be listed for enrollment on a doubtful card as a Cherokee by blood to await the determination of the status of her father.

---.....00.....---

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

J G Tosson

Subscribed and sworn to before me this 19th day of December, 1900.

Commissioner.

D981

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 1 1902

R.

C. D-981.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 14, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Henry J. French for the enrollment of himself, wife and child as citizens of the Cherokee Nation.

Appearances: I. P. Bledsoe, Agent for Applicant.
W. W. Hastings, attorney for Cherokee Nation.

The applicant and his Agent, I. P. Bledsoe, Choteau, Indian Territory, were notified by registered letter February 26, 1902, that the application of Henry J. French for the enrollmentof himself, wife and child as citizens of the Cherokee Nation would betaken up for final consideration by the Commission at its offices in Muskogee I. T., on the 14th day of March, 1902. Receipt has been acknowledged of the Commission's letter, and the applicant this day, to-wit: the 14th day of March, 1902, appears in person and by his agent.

HENRY J. FRENCH, being first duly sworn, and being examined, testified as follows:

MR. BLEDSOE: What is your name? A Henry J. French.
Q How old are you? A Thirty.
Q Where do you live? A Tahlequah, when I am at home.
Q Have you made Tahlequah your home? A Yes sir.
Q How long? A Ever since I was born.
Q You have never made any other place except the Cherokee Nation your home? A No sir.
Q You have worked out, have you, at various different places?
A Yes sir.
Q Have you ever worked outside of the Five Tribes? A No sir.
Q You go anywhere where you can get work to do? A Yes sir.
Q All your effects have been in the Cherokee Nation, except just what is necessary for you to have to live on? A Yes sir.
Q What are you following here? A I am working down here at the jail.
Q In what capacity? A Guarding.
Q Indian Police? A No, I was last month.
Q So you work here because you can get employment here? A Yes sir.

BY COMMISSION: Did you ever ~~xxxx~~ ~~xxx~~ own any property in the Cherokee Nation? A No sir.
Q Did you ever own any property of any kind. A No sir.
Q In any other Nation of the Territory? A No sir.
Q Have you ever been denied citizenship in regard to voting?
A No sir. Q
Q Always drew all the money? A Yes sir.
Q On all the rolls? A Yes sir.
Q Citizenship has never been denied until this question came up?
A No sir.
Q Are your wife and child living now? A No sir.
Q Then this application can only include yourself? A Yes sir.

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

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

Wm Hutchinson

Cherokee D-981.

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

In the matter of the application of Henry J. French for the enrollment of himself and daughter, Fannie M. French, as citizens by blood, of the Cherokee Nation, and for the enrollment of his wife, Henrietta French, as a citizen by intermarriage of said Nation.

D E C I S I O N

The record in this case shows that on December 15, 1900, Henry J. French appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment of himself and daughter, Fannie M. French, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Henrietta French, as a citizen by intermarriage of said Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 14, 1902.

The evidence shows that Henry J. French is identified as a native Cherokee on the 1880 authenticated roll of the Cherokee Nation, and by the name of J. Henry French on the 1896 census roll of said Nation, also as a native Cherokee.

The evidence further shows that Fannie M. French died on June 12, 1901, and that Henrietta French died on October 28, 1901.

It further appears that said Henry J. French has resided within the territory of the Five Civilized Tribes all his life up to and including the date of the application herein.

It is therefore the opinion of this Commission that Henry J. French 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; and it is further ordered that this application be dismissed as to Henrietta French and Fannie M. French, without prejudice as to any further action which may be deemed necessary and proper.

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

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

FILES IN REPLY TO THE FOLLOWING

Cherokee D 981.

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:

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 Henry J. French for the enrollment of himself as a citizen by blood of the Cherokee Nation, and dismissing the application for the enrollment of his wife, Henrietta French, as a citizen by intermarriage, and for the enrollment of his minor child, Fannie M. French, 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. 27.

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony Dec 15/00

B Memo of application Dec 15/00

C Marriage license & cert.

D Birth

E Record in Volume

Notice of final consideration 3/14/02

Order closing testim. May 13/10/02

Cher D 982

8989

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T. December, 15th 1900.

In the matter of the application of Robert E. L. Jordan for the enrollment of himself, wife and four children as Cherokee citizens. He being sworn before Commissioner Needles, testified as follows-

Q What is your name? A. Robert E. L. Jordan.
Q What is your age? A. 33.
Q What is your post office address? A. Vera, I. T.
Q What district do you live in? A. Goowoosoowee.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
Q By blood? A. Yes sir.
Q Who do you want to have enrolled? A. Myself, wife and four children.
Q What is your wifes name? A. Hattie.
Q, Is she a Cherokee by blood? . Yes sir.
Q What was her name before she was married? A. Riley.
Q How old is she? A. 28.
Q What are the names of your children? A. Lee O.
Q How old? A. 9.
Q Next child? A. William R. E.
Q How old? A. 8.
Q Next child? A. Dennis B.
Q How old? A. 6
Q Next child? A. Richard R.
Q How old? A. 3.

1880 roll, page 27, No 766, R. E. L. Jordan, Canadian district.
1880 Sol 1928 Harriet Rily, Tahlequah district.

Q When were you married? A. In 1890.

1894 roll, page 14, No 22, R. E. Lee Jordan (Reservator)
1894 14 23 Hattie Jordan (Reservator)
1894 14 24 Lee Owen Jordan (Reservator)

BY CHEROKEE REPRESENTATIVE W. W. HASTINGS.

Q When did you move to the Cherokee Nation? A. On the 26th day of April 1898
Q Did the Cherokee Strip open up on the 16th day of September 1893? A. Yes sir.
Q And you were out there then and lived there until April of 1898? A Yes sir.
Q Have you voted in Oklahoma? A. Yes sir.
Q And you exercised every right of citizenship that other people did? A. Yes sir. your
Q Do you own any other property out there yet? A. " sir.

BY THE COMMISSION:

Q You are on the roll of 1880, were you in the Cherokee Nation at that time? A. Yes sir.
Q How long did you live in the Cherokee Nation? A. Came here in 1872 and lived here until 1883.
Q Where did you go then? A. To the Cherokee Strip.
Q At that time it was a part of the Cherokee Nation? A. Yes sir.
Q And was until September 1893? A. Yes sir.
Q And was then ceeded to the United States? A. Yes sir.
Q Were you living there then ? A. Yes sir, I staid there.
Q And you came back in 1898? A. Yes sir.
Q Did your wife and children come back also? A. Yes sir.

By W. W. Hastings-

Q You took allotments out in the Strip for yourself, wife and child Lee O. ? A. Yes sir. Took 80 acres each and the money was taken out of th money paid us from the Strip payment.

The name of Robert E. L. Jordan appears on the authenticated roll of 1880 and the name of his wife Hattie appears on the authenticated roll of 1880 as Harriet Rily, both as Cherokee citizens by blood. Their names are not found on the census roll of 1896, but the name of the Robert E. L. Jordan and his wife Hattie and his child Lee O. are found on the pay roll od 1894. The names of his children do not appear on the census roll of 1896, but he presents satisfactory proof of birth as to his four children, Lee O. William R. A., Dennis B. and Richard R. Jordan. By reason of the facts set forth in the testimony as to the residence of the said applicant and his family, and also by reason of the protest of the Cherokee Representativ as to the enrollment of the applicant and his family as Cherokee citizens by blood, final judgment as to the enrollment of said applicant and his family is suspended and their names will be placed on a doubtful card.

SUPPLIMENTAL- (By W.W.Hastings)

Q Have you lived continuously with your family in the Cherokee Nation since your return in April 1898? 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 in the above entitled 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 10th of January, 1901.

---Commissioner.

[illegible] in 1880. A. Yes sir, I was.
Q. Where were your children born?
A. Born in [illegible] that in, in the strip.
Q. What is [illegible] of the oldest one of [illegible] children [illegible] time. [illegible] twelve years.
Q. State w[illegible] time [illegible] I came [illegible] the Cherokee [illegible]tion, [illegible] place with you [illegible] A. Yes [illegible] 10.
Q. Where have they resided since that time?
A. Right here on the farm ever since.

Mr. HASTINGS: Where did you [illegible] A. [illegible] in the Strip.
Q. Before it became part of Oklahoma? A. [illegible] sir.
Q. You resided there in Oklahoma from September 14, 1889 until April, 1890? A. Yes sir.
Q. You voted [illegible] there? A. [illegible]
Q. Your wife lived there with you? A. Yes [illegible]
Q. Children born there? A. [illegible]
Q. Yours was a [illegible] in this claim? A. Yes sir.
Q. Came through your father? Your father is living? A. Yes sir.

Mr. GLASS: Did he ever have you ever received any part of the proceeds or rents of this [illegible] Cherokee District?
A. Yes, I received some [illegible] I think as [illegible] 150.
Q. At what time did you [illegible]?
A. It was-- I could not [illegible] exactly.. Six or seven years ago.
Q. By whom was it paid to [illegible] A. [illegible] Walker.

BY Mr. HASTINGS: You have [illegible] residing since then? A. No sir.

The attorney for the [illegible] and the representative of the Cherokee Nation [illegible] the case, same is considered completed, and will be [illegible] to the Commission for final decision based upon the evidence now of record.

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

[illegible] certify [illegible] stenographer to the Commission in the above entitled [illegible] correctly recorded the proceedings in the case [illegible] and that the foregoing is a true and complete transcript of the [illegible] hereof.

R.

C. D-982.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 13, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Robert E. L. Jordan for the enrollmentof himself, wife and children as citizens of the Cherokee Nation.

Appearances:
N. A. Gibson, attoney for applicant.
W. W. Hastings, atterney for the Cherokee Nation.

The applicant was notifiedby registered letter February 26, 1902, that his application for the enrollmentof himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 14th day of March, 1902. Receipt has been acknowledged of the Commission's letter, and the applicant this day, to-wit: the 13th day of March, 1902, appears in person and by his atterney, N. A. Gibson, and by request the case is taken up for final consideration.

ROBERT E. L. JORDAN, being first duly sworn, and being examined, testified as follows:

BY MR. GIBSON: What is your name? A. Robert E. L. Jordan.
Q. You are the principal claimant in this case, are you?
A. Yes sir.
Q. Where do you reside now? A. At Vera.
Q. What Nation? A. Cherokee Nation, Cooweescoowee District.
Q. State whether you have any farm and improvements there?
A. Yes sir.
Q. How long have you had the farm or improvements at that place?
A. I bought the farm there the 15th day of April, 1898, and moved on it the 25th or 26th of April, 1898.
Q. State whether or not you have resided there continuously since April 25th, 1898? A. Yes sir.
Q. The proof shows that at one time you lived in the Cherokee Strip. State whether you moved to that part of the Cherokee Nation from any other place in the Cherokee Nation.
A. Yes sir, movedthere from Canadian District, four miles East of Muskogee, Frozen Rock.
Q. When did you move to the Strip? A. In 1883, I think it was.
Q. State whether or not, at the time you moved to the Strip, you left any property in the Cherokee Nation as at present found, and particularly in Canadian District.
A. Nothing more than we had an interest in our father's farm in the Cherokee Nation. My father and mother parted.
Q. Give the date of their separation.
A. I could not give the date. Something about 1880 or 1881, I think. And they conveyed the property, I think they had two thousand dollars, to each child and each of my father and mother in equal shares.
Q. State whether your mother's share was paid to her. A.It was.
Q. By whom? A. By father.
Q. How? In Money? A. In money.
Q. What interest did you claim in that farm at Frozen Rock?
A. One-fifth interest.
Q. State whether you have ever disposed of that interest in your farm? A. No sir.

Q. How long did you reside in the Strip after moving there in 1882
A. I resided there until April, 1898.
Q. State whether you resided there at the time it became a part of Oklahoma in 1893. A. Yes sir, I was.
Q. Where were your children born?
A. Born in Oklahoma, that is, in the Strip.
Q. What is the age of the eldest one of these children at the present time? A. Ten or eleven years.
Q. State whether, at the time you located on your present farm in the Cherokee Nation, you brought your wife and children to that place with you? A. Yes sir, I did.
Q. Where have they resided since that time?
A. Right there on the farm ever since.

BY MR. HASTINGS: Where did you marry? A. There in the Strip.
Q. Before it became part of Oklahoma? A. Yes sir.
Q. You resided then in Oklahoma from September 14, 1893 up until April, 1898? A. Yes sir.
Q. You voted out there? A. Yes sir.
Q. Your wife lived there with you? A. Yes sir.
Q. Children born there? A. Yes sir.
Q. Yours was an undivided interest in this claim? A. Yes sir.
Q. Came through your father? Your father is living? A. Yes sir.

BY MR. GIBSON: State whether you have ever received any part of the proceeds or rents of this farm in Canadian District?
A. Yes, I received some rents, I think about $150.
Q. At what time did you get that?
A. It was-- I could not say exactly. Six or seven years ago.
Q. By whom was it paid to you? A. By my father.

BY MR. HASTINGS: You have received nothing since then? A. No sir.

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

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

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

Wm Hutchinson

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

In the matter of the application of R.E.Lee Jordan for the enrollment of himself, his wife and four minorchildren as citizens of the Cherokee Nation.

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The proof in this case shows that the applicants are Cherokee Indians by blood and that the principle claimants are enrolled on the 1880 and 1894 rolls of the Cherokee Nation, as citizens of the said Nation, and the only ground upon which it is sought to prevent their being enrolled as citizens at this time is by reason of the fact that it is claimed that they have forfeited their rights of citizenship under the provision of the Cherokee constitution, to the effect that whenever any citizen shall remove with his effects from out the limits of that nation and become a citizen of another government he shall thereby lose all of his rights and privileges as a citizen of said nation. We have fully discussed all the law applicable to this case in the case of John W. Jordan, who is the father of the principal applicant in this case; and we make a special reference to that brief and ask that the commission will consider the same under the law and the testimony in this case in making up its opinion.

We do not believe that the proof will show that all of the conditions provided for in the Cherokee constitution which are necessary to work a forfeiture will be found in this case. The applicants never removed from the Cherokee Nation, but on the contrary while living in the Cherokee Nation, had their homes sold out from under them by the treaty between the United States and the Cherokee Nation, known as the Strip Agreement, and under the provisions of this agreement were permitted to purchase 80 acres of land a head for $1.40 per acres, which amount was deducted from the strip money due the applicants.

The proof further shows that the applicants have never removed their effects from the Cherokee Nation, but that they have always retained valuable property in that nation and that they are now

bona fide residents of said nation, occupying farms and improvements and that they now as always, have retained valuable property in said Nation and have always considered the Cherokee Nation as their home.

The proof further shows that the principal applicants are enrolled upon the rolls of 1880 and 1894 of the Cherokee Nation, which rolls are expressly confirmed by the acts of congress approved on June 10, 1896, June 7, 1897 and May 28, 1898. We do not deem it necessary to go into a minute dissertation upon the merits of this individual case for the reason that this case will probably be considered in conjunction with that of John W. Jordan and others similarly situated. We desire to call attention to the Commission especially to the fact that the applicants have never removed with their effects from the Cherokee Nation, and that their names and the names of their descendants must appear upon the roll by reason of the fact that the names of the principal applicants as included in the 1880 roll of the Cherokee Nation have been confirmed and their citizenship in said nation has thereby been established beyond a doubt. We respectfully submit that no such showing has been made on the part of the Cherokee Nation as would justify the Commission in violating the plain and positive instructions laid down by the act of June 28, 1898 which unquestionably requires that these applicants be enrolled as citizens of the Cherokee Nation.

Respectfully submitted this_____day of March, 1902.

_____

Attorney for applicants.

Service of a copy of the foregoing brief accepted this_____ day of March, 1902.

_____

Attorney for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee I. T. June 6th 1902.

In the matter of the application of Robert E. L. Jordan et al for enrollment as citizens of the Cherokee Nation.

Cherokee D 982.

Brief on part of the Cherokee Nation.

The testimony in this case shows that the applicant is a son of John W. Jordan enrolled on Doubtful Card Number 774 and his wife the mother of the children applied for is adaughter of Richard Riley enrolled on Cherokee Doubtful card Number 946 and reference is made to both of these cases in which briefs have been filed on part of the Cherokee Nation protestin against their enrollment as citizens of the Cherokee Nation.

The testimony shows that the applicant removed from the Cherokee Nation to what is known as the Cherokee Strip about the year 1883, was a resident there when the strip was annexed to and became a part of the Territory of Oklahoma in September 1893; that he owned property there and became a citizen of the Territory of Oklahoma and according to his own testimony voted and exercised all the rights of any other citizen of the Territory of Oklahoma. The Cherokee Nation contends that by his residence in the Territory of Oklahoma and exercisin the rights of citizenship of that Territory since 1893 that he became a citizen of that Territory and that the very moment he became a citizen of that Territory (of Oklahoma) his right to be enrolled as a citizen of the Cherokee Nation ceased; that it was necessary for the applicant upon his return to the Cherokee Nation in the Spring of 1898 to have been readmitted to citizenship in the Cherokee Nation which was not done.

Certainly by living, votin and exercisin the rights of citizenship in the Territory of Oklahoma the applicant must have regarded himself as a citizen of that Territory and the testimony further shows that his wifes people exercised rights of citizenship in that Territory and the testimony further shows that his father ran for the office of member of the Legislature of the Territory of Oklahoma and we submit that we do not see how under the law the Commission can enroll him as a citizen of the Cherokee Nation, or any of the members of his family, he not having been readmitted to citizenship in the Cherokee Nation upon his return.

Respectfully submitted,

W W Harrington

Attorney for the Cherokee Nation.

Cherokee D-982.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Robert E. L. Jordan for the enrollment of himself, his wife, Hattie Jordan, and their four minor children, Lee O. Jordan, William P. A. Jordan, Dennis B. Jordan and Richard R. Jordan 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 December 15, 1900, Robert E. L. Jordan appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment of himself, his wife, Hattie Jordan, and their four minor children, Lee O. Jordan, William P. A. Jordan, Dennis B. Jordan and Richard R. Jordan as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 13, 1902.

The evidence shows that Robert E. L. Jordan and his wife, Hattie Jordan, (nee Riley), are Cherokees by blood; that they were lawfully married in 1890; and that the minor applicants herein are the issue of such marriage. It further appears that Robert E. L. Jordan is identified on the 1880 authenticated roll of the Cherokee Nation, as R. E. L. Jordan; that Hattie Jordan is also identified as a native Cherokee on said roll by her maiden name, Harriet Riley; and Robert E. L. Jordan, his wife, Hattie, and their eldest son, Lee O., are identified on the 1894 Cherokee Strip payment roll. The said William P. A., Dennis B., and Richard R. Jordan are identified by birth affidavits made a part of the record herein.

The evidence further shows that Robert E. L. Jordan lived in the Cherokee Nation from 1872 until 1883. On the latter date he removed to that portion of said Nation known as the Cherokee Outlet, which was ceded to the United States in 1893, and became a part of Oklahoma Territory. He and his family continued to reside in the Cherokee Outlet until April, 1898, when they returned to the Cherokee Nation as now constituted, where they have since continuously resided up to and including the date of this application.

In this connection, reference is made to the case of Daisy Lee Jordan, et al, vs. the Cherokee Nation, hereinafter cited, in which the Court held:

"This Court is of the opinion that the residence of the parties named in the Territory of Oklahoma, under the facts and circumstances set forth in the Master's report does not deprive them of citizenship in the Cherokee Nation. They took their lands in the outlet by virtue of the treaty between the Cherokees and the United States, and they were recognized by the treaty as Cherokees and entitled to a pro rata share of the strip payments,

and the value of the lands which they took in the strip was deducted from their strip money. They have not left the Cherokee Nation or removed their property out of the nation. The nation has simply ceded to the United States that part of its area upon which these persons were permitted to reside."

It further appears from the records of this Commission that William P. A. Jordan and Dennis B. Jordan, with others, made application to the Commission to the Five Civilized Tribes, under the Act of Congress approved June 10, 1896 (29 Stats., 321), for admission to citizenship in the Cherokee Nation, which application was duly acted upon by the Commission, and rejected. Appeal was taken to the United States Court for the Northern District of Indian Territory sitting at Muskogee, which Court by its judgment in the case of Daisy Lee Jordan, et al, vs. the Cherokee Nation, (203), reversed said decision of the Commission, and admitted said William P. A. Jordan and Dennis B. Jordan to citizenship in said Nation.

It is, therefore, the opinion of this Commission that Robert L. L. Jordan, Hattie Jordan, Lee O. Jordan, William P. A. Jordan, Dennis B. Jordan and Richard F. Jordan 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 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 2nd 1902.

In the matter of the application of Robert E . L. Jordan et al for enrollment as citizens of the Cherokee Nation.

Cherokee D # 982.

Protest of the Cherokee Nation.

Comes now the Cherokee Nation and respectfully protests against the decision of the Commission rendered in this case on November 20th 1902 and asks that the case be forwarded to the Honorable Secretary of the Interior for review..

We submit that the opinion of the court which the Commission went out of its way to quote in this case is not at all applicable for the reason that in the case of Maisy Lee Jordan the court found that they had not removed their property out of the Cherokee Nation and had shown no intention to become a citizen of any other government whereas in the case of the applicant it is admitted that when the Cherokee Strip became a part of Oklahoma, which was in 1893, that for five years the applicant remained in the territory of Oklahoma where he voted and exercised all the rights as did any other citizen of that young progressive territory and if article one of section two of the Cherokee Constitution: "Whenever any citizens shall removed with his effect out of the limits of this nation and becomes citizen of another government all of his rights and privileges as a citizen of this nation shall cease," has any controlling effect with the Honorable Secretary of the Interior we contend that under it the Honorable secretary of the Interior will be compelled to reverse the finding of the Commission in this said.

Now it is admitted that the applicant moved into the Territory of Oklahoma; that he became citizen of Oklahoma and we contend that at that very moment he forfeited all of his rights and privilieges as a citizen of the Cherokee Nation. We respectfully ask that the brief filed by the Cherokee Nation be forwarded with the record in this case.

Respectfully submitted,

W W Hastings

Atty for Cherokee Nation

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

Cherokee D-982.

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 E. L. Jordan for the enrollment of himself, his wife, Hattie Jordan, and his four minor children, Lee O., William P. A., Dennis B. and Richard R. Jordan, 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-205.

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

Cherokee D 982.

Muskogee, Indian Territory, December 5, 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 Robert E. L. Jordan for the enrollment of himself, his wife, Hattie Jordan, and his four minor children, Lee O., William P. A., Dennis B. and Richard R. Jordan, as citizens by blood of the Cherokee Nation, a copy of which decision was furnished you on November 26, 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.

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

Cherokee D-982

Muskogee, Indian Territory, July 17, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated November 20, 1902, granting the application of Robert E. L. Jordan for the enrollment of himself, his wife Hattie I., and his four minor children, Lee O., William P. A., Dennis B. and Richard R. Jordan, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 4, 1903.

Respectfully,

Commissioner in Charge.

IN THE MATTER OF THE APPLICATION OF

Robert E. L. Jordan et al.

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original letter receiving Dec. 15/00

B Memo of application Dec. 15/00

C Birth certificate to William B. A. Jordan

D " " " " Dennis B. "

E " " " " Richard R. Jordan

F Notice of final consideration, 3/14/02

Cher D 983

ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., December 17, 1902.

In the matter of the application of Wollis L. Chubbuck for the enrollment of himself as a Cherokee citizen; being sworn and examined by Commissioner Buckingham he testified as follows:

Q Give me your full name. A Wollis L. Chubbuck.
Q How old are you. A 72.
Q What is your post-office. A Collinsville.
Q In what district do you live? A That's Coweescoowee.
Q Do you want to enroll yourself and family. A Myself.
Q Just yourself? A Yes sir.
Q Do you apply as a Cherokee by blood. A No sir, adoption.
Q You are on the roll of 1880 are you not. A I think so.
Comr: The applicant presents license issued by the clerk of Tahlequah District August 4 1884, authorizing marriage between himself a citizen of the United States and Sarah Fallen, a Cherokee; the certificate shows that they were united in marriage on the day following by the Rev. W.A. Duncan,- this is filed herewith.
Q Your wife Sarah Fallen was a Cherokee woman was she. A Yes sir.
Q Is she dead now? A I think not, not that I know of.; she was living down near Tragg; I think she has been enrolled.
Q Was she ever married before she married you. A I couldn't say.
Q How old is she now. A I think she is about 55
Has she lived in the Cherokee Nation all her life? A I think she has, I don't know.
Q You don't know whether she was married before she married you or not. A No sir.
Q Were you ever married before you married her. A Yes sir
Q How many times? A Once, Washington City, D.C
Q Was that wife dead when you married this woman? A Yes sir.
Q How long did you and Sarah Fallen live together as husband and wife. A I don't ~~know~~ think it was over four or five months; she went away. We have always been on speaking terms.
Q Did you ever get a divorce from her. A Yes sir.
Q Have you a copy of the decree of the divorce? A No sir, she applied for the divorce and got it. We have no child.
Q You are not applying for the child? A No.
Q Have you a copy of the decree of divorce? A No sir, I haven't
Q The divorce was granted to her. A I think it was.
Q Upon what ground was she granted the divorce? A I don't know that there was any ground stated, it must have been something, but I don't know what it was; she had no complaint to make; she just told me that if I didn't care she would leave me, and I told her all right; I was teaching school.
Q Have you married since your wife and you separated. A No sir.

Examined by Cherokee Representative Joel L. Bond:

Q How long did you live with your wife after you married her.
A I couldn't say exactly; after we were married she went visiting in Delaware among her acquaintances and then come back to me in Canadian, and it was four months, I think it was about that ~~time~~ length of time she lived with me before she went on her visiting tour and never come back.
Q Did you ever go to her and make a proposition to live with her again. A No sir.
Q Where did you go to after your school was closed? A Came here.
Q Lived here at Tahlequah? A Yes sir.

Q Did you and she have a place of your own? A We had none; we had one in contemplation. Not in the possession of any.
Q Were the papers served on you in this case at all? A Yes sir
Q Where were you at the time the divorce proceedings was instituted? A Here in Tahlequah, a portion of the time; I don't know xxxxx x xxx whether I was right here when they were presented or not; I was merely here during vacation; I was teaching school you know.
Q In what court was that? A Illinois District.

By Commr Brockbridge:

Q Have you lived in the Cherokee Nation ever since your marriage with your wife in 1894? A Yes sir.
Q Has she lived in the Cherokee Nation all her life? A I think she has.
Q Was Fallen her maiden name? A Yes sir.
1880 roll page 532 #719 as Sallie Fawlen Illinois Dist native Cherokee, card #1303.
1896 roll page 855 #632 Sarah Falling Illinois.
1896 roll page 1277 #46 Wollis L. Chubbuck Tahlequah, husband of Sallie C. Chubbuck, deceased."
Q Who is that Sallie that is referred to on the 1896 roll?
A It is perhaps a child.
Q Did you ever have a wife named Sallie? A No sir.
Q I suppose the agent your wife Sarah and they were mistaken about her being dead? A It is possible; I never heard of it before.
Q You haven't a C. in your name? A No sir, only for the first, Chubbuck.
Q Your wife gave your name when asked about her former husband, as C. H.? A It is W.L.
Q You say you were teaching school at the time you married your wife? A Yes sir.
Q What did you have in the way of a home? A I rented a house, and also some ground to work.
Q Did you have a comfortable enough sort of house? A It was a comfortable house, yes sir, it was a log house, and comfortable.
Q What income were you getting as school teacher? A 35 dollars a month.
Comr: In the testimony of the applicant's wife number 1393, she speaks of only having been married once, and of that marriage as being the one to the applicant; she gives the names of children by other men, but states that she was not married to them.
Q Did your wife leave you or did you leave her? A She left me.
Q Did she leave you while you were teaching school there?
A Yes sir.
Q She got up and went off and left the house that you and she lived in? A Yes sir.
Q And didn't come back any more? A No sir.
Comr: When the applicant's wife was interrogated as to the condition of her leaving the applicant, she said, "He didn't give me anything; I thought I was getting a home, but I didn't get it." That is all that she alleges as to the occasion of their separation, though she states in response to the question, "What made him quit you?", "Because he was mad to I guess."

Examined by Cherokee Bayleyleigh:

Q Mr. Chubbuck did you ever have anything at all about your wife instituting proceedings against you? A She wrote to me saying that she would like to get a divrce and I told her to go ahead and get it, that I wouldn't oppose her.
Q You were willing, in other words, to accept anything that she should allege and set forth in the allegations? A I didn't sup-

pose she had anything; she didn't say anything there.

Comm'r Brockinridge:

Q You didn't mean by that that you were willing for her to allege anything she wanted to as grounds for a divorce? A Oh, no.
Q But you were willing for her to have a divorce if she wanted it. A Yes sir, just divorce by agreement; she said she had no charges to prefer.

Comm'r Brockinridge: The applicant is identified on the roll of 1896, and the license and certificate filed herewith show that he is a white man, as he claims to be, and that he married his Cherokee wife in accordance with Cherokee law in 1884; he states that he was once previously married, but that his former wife was dead at the time of this marriage; it appears from the testimony that his wife was never previously married; the applicant states that he has not remarried since he separated from this Cherokee wife, which was, according to his testimony, some four months after their marriage; in her testimony, case number 1393, where she is enrolled as a Cherokee by blood upon a straight card, she gives the period some what longer; the applicant states that there has been a divorce between them, but he is unable to supply the Commission at this time with a copy of the decree; there is nothing in the testimony to indicate that the applicant ever maltreated his wife or did anything so far as the testimony now divulges, to forfeit his right to citizenship; he will be listed for enrollment as a Cherokee by intermarriage, but upon a doubtful card, to await a copy of the decree of divorce which he states was granted to her by consent and without contest, in deference to her wishes, and also to consider any further testimony that may arise in connection with this case.

I, D. Crowe, being first duly sworn, state that I am stenographer to the Commission to the Five Civilized Tribes, and correctly recorded the testimony and proceedings in this case and that the foregoing is true and complete transcript of my stenographic notes thereof.

Subscribed and sworn to before me this December 17, 1906.

Commissioner.

[illegible] ENT OF THE INT [illegible]
ION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 15 1900

ACTING CHAIRMAN.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 15 1900 1900.

7) Name Hollis L. Schubbuck Collinsville, I.T.

District TAHLEQUAH Year 1896 Page 1277 No. 46

Citizen by blood Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

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

Enrolled

Copy of decree of divorce from former wife Sarah, to be supplied

[illegible] Department
Land Office
August 1854
Willis Ross,
Clerk, 1,026

ENT OF THE INT
ION TO THE FIVE CIVIL . BES.
FILED
DEC 15 1900

A TING CHAIRMAN.

I hereby certify that the within
Marriage has been Recorded by
me in the Clerks office of Tah
lequah District C. N. Given under
my hand & seal of Office
[illegible] August 1894

Allen Ross,
Clerk, T. D. C. N.

Know all men by these presents, that
[illegible] Ross, Clerk of Tahlequah Dis
[illegible] Nation, I.T. by virtue of
[illegible] me vested by law
[illegible] a License to H.L.
[illegible]buck a whiteman and a citizen
[illegible] the United States to Marry, Sarah
Fallen, a Cherokee, he having complied
with the Act regulating intermarriag
es between whites & foreigners & Cherokees

Therefore any Ordained Minister
of the Gospel in regular standing
Judge or Clerk of any of the Courts
are hereby authorized to solemnize
the rights of matrimony between
H.L. Chubbuck & Sarah Fallen, and
return this License with your certifi-
cate of Marriage attached for Record
in the Clerks office of Tahlequah
District C.N. Given under my
hand & seal of office this 4th day.

Allen Ross, Clerk
T.D.C.N.

The above named H. L. Chubbuck &
Sarah Fallen were married by me this
the 5 day August 1884

[illegible] Duncan, Minister
M. C. Smith

ENT OF THE
ION TO THE FIVE C ES.

FILED
DEC 15 1900

ACTING CHAIRMAN

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B. W. Alberty

9763

#983

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 28 1902

ACTING CHAIRMAN.

EXECUTIVE DEPARTMENT

CHEROKEE NATION.
TAHLEQUAH, INDIAN TERRITORY.

I,B.W.Alberty assistant Executive secretary of the Cherokee Nation do hereby certify that the following proceedings:

" 11th case Bryant Falling (
Vs (For divorce,
Sarah Falling (

Judgement by default on part of defense.Divorce granted by the Court May 8th 1879," are to be found on the Circuit Court Record for Delaware District Cherokee Nation,now filed in this Office by law and in my legal custody.
Given under my hand and the seal of the Cherokee Nation this the 18th day of June 1902.

B. W. Alberty
Assistant Executive secretary,
Cherokee Nation

D795.

DEPARTMENT O[illegible]
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 1 1902

[illegible]
ACTING CHAIRMAN.

R.

C. D-983.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 14, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Hollis L. Chubbuck for the enrollment of himself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 26, 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, I. T., on the 14th 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 his application. He was further notified that the representative of the Cherokee Nation would also at the same time be afforded an opportunity to introduce testimony tending to disprove his right to enrollment as a Cherokee citizen, but that the said representative would first be required to notify him of his intention to introduce the said testimony before the same would be received. Receipt has been acknowledged of the Commission's letter.

J. C. STARR, being first duly sworn, and being examined, testified as follows:

MR. HASTINGS: State your name, age and post office address?
A J. C. Starr, age 31, post office Vinita.
Q Are you stenographer for the Cherokee Nation?
A Yes sir.
Q Did you attempt to get service upon the applicant?
A I sent a registered letter to the post office addressed at Collinsville, I. T., containing a notice that the Cherokee Nation would contest his right to enrollment, but never received a reply from him
Q How long ago did you send the notice, has it been long enough to return? A Yes sir.
Q Do you remember when you sent it? A No sir, I do not, about two weeks ago.

BY COMMISSION: Have you any reason to believe that he refused to take out this notice from the Cherokee Nation? A No sir.
Q You have not heard from it.
A Never received a card back. I made inquiry from the people, and they said he was at Owasso
Q
MR. HASTINGS: Ever try to get service on him there?
A I didn't try to get service on him at that place? I sent the notice to the City Marshal at Collinsville, and never heard from that either.
Q Collinsville is the post office address he gave in his application
A Yes sir.

MR. HASTINGS: The Cherokee Nation now moves that the case be continued until March 24th, 1902, in order to make a perfect notice of the intention of the Cherokee Nation to introduce testimony upon that date.

BY COMMISSION: The request of the Cherokee Nation will be compliedwith, and the case continued until the 24th day of March, 1902.

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

Wm Hutchinson

[illegible] but though
[illegible]
[illegible]
[illegible] if [illegible]
will never [illegible]
by day [illegible]

MR. [illegible]:

[illegible]

[illegible] there is [illegible] of [illegible] these [illegible]
ties were [illegible] ever divorce [illegible] claim [illegible] right [illegible] citizen of the Cherokee [illegible] of the Cherokee [illegible] Nation, the act of [illegible] and he is to-day a [illegible] privileges of Cherokee [illegible]

Conclusion: The [illegible] the [illegible] tive of the Cherokee [illegible] same is [illegible] sion for final decision [illegible]

I, J. C. Robson, do hereby certify that as the [illegible] mission to the five [illegible] testimony and proceedings [illegible] the foregoing is a true and [illegible] [illegible] thereof.

Supl.-C.D.#983.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 24, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of HOLLIA L. CHUBBUCK as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 26, 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 14th day of March, 1902. On said date the applicant appeared by his Agent, I. P. Bledsoe, and by agreement with the representative of the Cherokee Nation present, the case was continued until March 24th, 1902. The case being the 24th day of March, 1902, called, the applicant appears by his agent.

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

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

MR. HASTINGS:

Q What is your name? A Sarah Falling
Q Where do you live? A Live two miles south of Braggs.
Q That your post office? A Yes, sir; Braggs post office.
Q How old are you? A 51 years old.
Q Have you ever been married? A Yes, sir.
Q Who was your first husband? A A man by the name of Bryant.
Q How long did you live with him? A I lived with him I guess a year, little over.
Q Did you separate from him or did he die? A No, he left me.
Q You were never divorced from him? A He got the divorce and married another woman at Vinita.
Q Do you know that he got the divorce? A Yes, sir; he got it right there at Delaware Court house.
Q Were you married after that? A Yes, sir.
Q Who did you marry? A ChubbuaK/
Q This man here, this applicant? A Yes, sir; I guess that is him Q How long did you live with him as husband and wife, as his wife? A I don't remember how long I lived with him.
Q Well, short time or long? A I don't remember when it was.
Q Did you live a year or more? A No, I don't think I did.
Q Where were you living with him? A In Canadian district.
Q Did you have a place? A No, sir, he rented a little house and moved me over there.
Q Moved you over there? A Yes, sir.
Q Well, how come you to separate what did he do? A He didn't do anything I guess only just come home mad and cutting up all the time and threatened to put me out of doors and look the doors and never let me back in the house.
Q Well, did he take his things away? A Yes, sir; he got a man and come and moved everything he had out of the house and left me there withint anything.
Q You were still in there? A Yes, sir.
Q When they hauled his things away? A Yes, sir, and he said I could keep what belonged to me and he would take what he had and loaded it up and backed a wagon right up to the back door and took it off and left me and my little girl there.
Q What did he doe about the fire that was in the fire-place?

Q He took it and throwed it out and after they went I went out in the yard and picked up some of the coals and made a fire.
Q Who was there with you? A A little girl of mine.
Q By a former husband? A Yes, sir.
Q Did you and he have any children? A Yes sur; one.
Q Who kept that child? A I did and he never saw it and never will unless it comes to him.
Q Born after he left you? A Yes, sir.
Q Has he ever provided for that child in any way? A No, sir.
Q None whatever? A No, sir.
Q What waas his condition of drinking while you lived together as husband and wife? A I guess he was drinking that night he come home.
Q Well, did he drink quite a good deal before that? A Yes, sir.
Q Where did he move his thing to? A I could not tell you where, I know the man's name, I heard it after he took his things off but I never did think of his name; I never did think of it at that time after I got over thinking about it and I don't know the man's name at all; I have tried to think of it.
Q Well, he come home mad and drunk one night? A Yes, sir.
Q And the family trouble ensued? A Yes, sir.
Q And then he went and got a man to haul all the things off?
A Yes, sir.
Q Kicked the fire out and throwed it outs doors? A Yes, sir.
Q And after he did that you left I reckon? A Yes, sir, a boy come along there and saw I was there at home and he went home and told his mother that we was there al one and didn't have nothing to eat and she sent a wagon for us.
Q How long after he left? A It was late in the evening, that was in the morning, breakfast time.

MR. BLEDSOE:

Q You say, Mrs. Chubbuck, that you were married before you married this man Chubbuck? A Yes, sir.
Q You and that man parted? A Yes, sir.
Q Did you leave him or did he leave you? A No, he left me.
Q Why did he leave you? A Just because he wanted to.
Q Of course you didn't do anything to him to cause him to leave?
A No, sir; only I had a cow that was given to me and he wanted to sell that cow and I told the man that come after the cow that he could not have it and that is all the trouble we had.
Q You say you don't know how long you and Mr. Chubbuck lived together? A No, sir, I coul not tell.
Q You were married according to herokee law and got a Cherokee license? A Yes, sir.
Q Did he provide for you, have plenty to eat, good comfortable house? A No, we didn't have a good house, hardly fit to stay in; the house smoked.
Q They say smoking chimney is always a scolding wife? A I don't know.
Q You never saw him drunk did you? A No, sir; I know he was drinking when he got back.
Q Maybe he got drunk on that smoke? A No.
Q Now, isn't it a fact that you went off visiting and would not return back? A No, sir.
Q That you went to see your kinfolks? A Yes, sir, I did.
Q And didn't you stay and never come back? A No, sir,
Q Didn't Mr. Chubbuck propose to take you in a cart if you didn't want to stay there; if you didn't want to stay there to take you in a buckboard and provide for you as a man should? A No, sir; he promised before I married that he would get me a home.

Q Wash't he able to support you and your family? A Yes, he was teaching school.
Q Well, didn't you know that a man teaching school can't be a drunkard?

Mr. Hastings: I know that that ain't a fact, and that is not proper cross-examination.

Q You say he never come there with a buckboard and never offered to take you in a buckboard anywhere you wanted to go if you were not satisfied? A No, sir; and when I went visiting I come back; he said if I didn't come back a certain day I need not come back, and I never that day but I come the next day.
Q How long did you stay that time when you come back? A I stayed until he moved his things off and I could not stay any longer.
Q Didn't you gone on a visit and never come back? A No, sir.
Q Then if Mr. Chubbuck states that he states something that is not so? A Yes, sir, he does exactly, I never did do such a thing in my life.
Q Did you and Mr. Chubbuck get a divorce? A He got a divorce I heard.
Q Who applied for that divorce? A He did I guess; the note he sent me I sent it to Mr Chubbuck and I heard from Mr. Dunback, he come back from Tahlequah, he said it cost him $60 to get the divorce
Q Did you ever pay for any part of that divorce proceedings?
A Who?
Q You. A No, sir.
Q Don't you know in fact whether there was a divorce granted or not A That is what Mr. Dunback come and told.
Q There is no record of it at all is there? A I don't know.
Q You never got any notice of any divorce proceeding? A No, sir; I thought he got it, he was the one that wanted it.
Q Have you ever married since? A No, sir.
Q You are still a widow? A I am still a widow.
Q Did you all divode up your property you take your property and he take his? A I didn't have no property, what few clothes I had.
Q You have got one child that was born between you and him of that marriage? A Yes, sir.
Q Now Mr. Chubbuck says here: Did you ever hear anything about your wife instituting proceedings against you? and here is his answer: She wrote to me and says she would like to get a divorce and I told her to go ahead and get it; that I would not oppose her? A That was not the way of it; it was about that much; it was just a little bit of a note; there was a woman brought it to me; I don't know how she brought it and says if you want a divorce to send to Mr. W. P. Boudinot, I believe and so I got that little old note, I don't know long time, two or three years, and at last I put it in an envelope and sent it to him; maybe if that old man had not died, he could have told them things that was in the note; it has been a long time I never thought this thing would turn up.
Q You don't know of your own knowledgewhether the divorce was granted or not? A No, sir, of course; he was the one that got the divorce, said he wanted a divorce.

H. L. CHUBBUCK, being duly sworn, testified as follows in his own behalf:

MR. BLEDSOE:

Q What is your name? A H. L. Chubbuck.
Q How old are you? A I am about 63 years old, will be in August.
Q Where do you live? A I make my home in Cooweescoowee district now, my post office address is Collinsville; I am teaching school ashort distance from there.

Q How long have you been living in the Cherokee Nation, Mr. Chubbuck? A I think somewhere near 20 years, I can't remember exactly the date.
Q Are you the sa e Chubbuck that is spoken of here as the husband of Sarah Rolling? A I am.
Q You heard her statement just now; I would like to have you statement as regard that expression, Mr. Chubbuck? A I was teaching school in Canadian district on what is called Derdine Creek, near Tom Rose's where he used to life. I rented a house convenient to the school house and some land with it; I rented it from a man by the name of John Beck. He had a brother-in-law by the name of Rider Cloud, an Indian, and John Beck came to me and wanted the land back and I let him have it and he also wanted the house and I told him I would get out of it as soon as I could and made arrangements to move from that house to another house; I met Cloud, I had been and got a wagon, I had engaged another place to move to and I went to get wagons and the wagons were in the field loaded with cotten and they could not move me on that day, this was on Sunday, I met Rider Cloud and he told me he wanted the house right away; I had made arrangements and would have to wait for these wagons to be unloaded, Mr. Fisk was the man I had engaged to move our things away. I told him he ought not to be so angry and he told me I would be if I knew the facts in the case. I asked him what they were and he told me that my wife had told Mrs. Cloud that I would not move out of the house under any circumstances. I had been making propositions to build a stable for the horse I had: I may state here in the meantime she told him that I said that I would not pay him for the rent ~~xx x xxx xxxd~~ and that is what made him made mad; maybe I did say it, I thought he was asking too much and we could compromise the matter and settle on other price then, etc., and he said I would not blame him if I knew what made him ~~madx~~ and he told me that Cloud who is a brother-in-law of his wife that I would not leave there, would not pay him either. I spoke to me wife about it and she first said ~~xxxxx~~ she would not say such thing and then she said I said it. I told her I didn't say it; we had no high words at all, only just simply ~~xxxx~~ x talked x business.

When the man come who moved the things away, to make a l ong story short, I tried to get Sarah to move away and she would not go and I told her about nine o'clock, I told her if she would move her things I would move them if she would allow them to be moved. I went down to the house at nonn and she was still sitting there; my things was gone way, and I told her if she would wait until school was out at night I would take her in my horse and buckboard and take her anywhere in the neighborhood she wanted to go. Along in the afternoon I saw her leaving, I saw her go past the school house and I found that she had stopped at Mr. Monroe's, and I went over there and asked her to come over there where we had moved our things, she said she would not do it; afterwards they carried her down to~~xxxx~~ Braggs somewhere near there. Mr. Monroe's team I believe went, some man that had been visiting in the house, I don't remember his name, went and carried her away.
Q Did you ever try to get her to come back? A I tried then, that night I went in Mr. Monroe's and tried to get her to come back.
Q Did you ever apply for a divorce from her? A No, I didn't apply for a divorce.
Q If there was any divorce ever granted? A They give me word she wanted it.
Q Did you come home drunk as she stated in her testimony? A No sir.
Q Did you drink to excess at all? A No, sir; I don't know what ~~xxx~~ the lady has reference to; could a teacher drink?

MR. HASTINGS:

Q Now, Chubbuck, you have known me 12 years? A Yes, sir.
Q Now, do you mean to tell me in the presence of this Commission that you have not been drunk and hav not been drinking often times?
A No, sir
Q Now, do you say that you went up there at nonn and told this woman where your things h ad gone? A She knew where they had gone
Q Did you try to get her to live with you over there about Braggs?
A After she left there I had never seen her.
Q Now, didn't you get William P. Boudinot to get this divorce?
A The facts of the case; Why, that Mr. Boucinot get the divorce-
Q Now, you heard her say about writing this note that Boudinot would get it? A She wanted the divorce and I told her she could make her application and I would ~~xxx hx fax it~~ pay for it,
Q And you did it? A Yes I guess I did.
Q You settled with W. P. Boudinot? A I paid him.
Q For getting a divorce from you? A I paid him, but I never had any notice from him
Q You paid him for doing it? A Yes, sir.
Q You know he did get it? A I don't know that.
Q He said he got it? A Yes, he said he got it; I never had any official notice ~~that~~ of it one way or another.
Q You said in your statement when you were before the Commission before that ~~x~~ she had gotten a divorce? A I suppose so, I never got any legal notice of it, I went and searched the divorce -
Mr. Bledsoe: There is not record of it? A No, sir.
Mr. Hastings: You have been up and saw Captain Appletree Smith? A Yes, sir.
Q You got him to write her a letter about this? A No, sir.
Q You didn't? A I, he knew that something was coming up but I never asked him to look after it.
Q Didn't you tell him to make this woman a proposition with reference to this contest against you? A I did not sir.
Q You didn't offer to give her anything if she would let up on this contest? A No, sir.
Q Didn't you offer to give her son a farm? A No, sir.
Q From Appletree Smith? A No, sir.
Q J. M. Smith? A No; he asked me to get him an allotment.
Q There was something said about the farm? A Why I told him I would get him an alloemtnet; he said land was scarce down there and I would try to get him an allotment which I have done.

MR. BLEDSOE:

Q You have never married since then? A No, sir.

SARAH FALLING recalled:

MR. HASTINGS:

Q You are the same witness that was on the stand here ~~xxx~~ moment ago? A Yes, sir.
Q Now, Mr. Chubbuck said when he came upon the stand here that some one wanted this house? A Yes, I heard that.
Q And that he had sent a man ~~xxx xxxxx~~ to move your things and his things too, was there any agreement about that? A No, sir; when he come after them things, brought that man here, that was at breakfast; he says " you can put your things back there, you can keep what you have got and I will move around them.
Q He was there when he come? A Yes, sir.
Q You say Chubbucj himself kicked the fire and threw it out?
A Yes, sir, dropped fire in that man's pocket as he went out.
Q And told you you could put your things aside? A Yes, sir, said I could keep what belonged to me.
Q Did he come up there at dinner? A No, sir.
Q Where did you go that night? A I went to Mrs. Monroe's.
Q Did he come up there for you? A No, sir, he come there that

night though?
Q Didn't come for you? A No, sir
Q Did he try to get you to come and live with him that night?
A He said something about it; he said if you don't go now I will never turn m around on my heels again; he said I never want to ~~ky~~ lay eyes on you again.

MR. BLEDSOE:

Q Didn't he tell you that he would take you and carry your things anywhere you wanted to go but he could not come down to Braggs with you? A No sir, there was not nothing said about Braggs.

Mr. Blresoe: Now comes the Attorney for the applicant and states that there is no proof of record showing that these parties were ever divorce and claims that applicant is still a citizen of the Cherokee Nation by intermarriage under the laws of the Cherokee Nation, and under the laws of the Cherokee Nation, the act of abandonment has not been established, and he is to-day a citizen and entitled to all the rights and privileges of Cherokee citizenship by intermarriage

Commission: The agent 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.

---coc000ooo---

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

J O Rosson

Cherokee D 983.

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

In the matter of the application of Hollis L. Chubbuck for enrollment as a citizen by intermarriage of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

HOLLIS L. CHUBBUCK, being sworn, testified as follows:

By the Commission,

Q What is your name? A Hollis Lorenzo Chubbuck.
Q What's your postoffice, Mr. Chubbuck? A Collinsville.
Q What's your age? A Seventy-three.
Q Seventy-three? A Yes, sir.
Q Are you the same Hollis L. Chubbuck that made application for enrollment as an intermarried citizen in December, 1900? A Yes, sir.
Q What's your wife's name, Mr. Chubbuck, your Cherokee wife?
A Sarah.
Q Was her maiden name Fallin? A Sarah Fallin, yes, sir.
Q When were you married to your wife, Sarah Fallin? A I am not prepared to give the date, they have it here.
Q As near as you can. A U have forgotten and I did not think what these questions would be, but they have my marriage license and everything.
Q You were married to her under Cherokee license, were you?
A Yes, sir.
Q Were you ever married before you married this wife? A I was married, I think it was in '65 in Washington, D. C.
Q One time before? A Yes, sir, one time before.
Q Your first wife was a white woman? A Yes, sir.
Q Was she living or dead? A We were divorced. I have heard she was dead, but I don't know. We were divorced before I left Washington.
Q You have filed a copy of that divorce? A I don't know that I could get a copy now, it has been years, there was not never nothing said about it.
Q It seems that you have already filed a copy of the decree of divorce from that wife. A I don't remember.
Q Have you ever been married except the two times you speak of?
A No, sir.
Q Was your Cherokee wife ever married before you married her?
A I could not say. I understood she was married and divorced; she told me so.
Q Is she living? A Yes, sir.
Q Are you and she living together? A No, sir, we are not, she left me. She is living at Braggs.
Q You and she separated? A Yes, sir.
Q When did you separate? A Well, I don't recollect -- yes, it has been about sixteen or seventeen years ago she left me.
Q Did she just get up and leave you without any cause? A She did not make any complaint. She said if I did not go and carry her to her sister's she would leave me and I was teaching school and could not do that. The patrons of the school would object.
Q So she left -- left the home where you were living? A Yes, sir.
Q Did she ever come back? A Her brother came to me and I told

him she could come back.
Q Did you never see her and talk to her? A Never till I met her before the Commission.
Q You never talked to her yourself, tried to get her to come back?
A Never saw her, had no opportunity.
Q Since you and she separated, have you ever married? A No, sir.
Q Are you still single? A Unless she is my wife, yes, sir.
Q You have never applied for a divorce from her? A Yes, sir, and I understood it was granted but we could find no record.
Q What Court did you apply to? A In Illinois District.
Q The question of your and your wife's separation was went into fully on the other examination, was it? A Yes, sir.
Q Have you lived in the Cherokee Nation ever since your marriage to your wife? A It has been my home. I have been out to the Strip.
Q What were you doing out to the Strip? A Visiting.
Q How long did you stay out there? A Oh, a month, two months.
Q Was a month or two months the longest you ever stayed out?
A Yes, sir, I have not went anywhere else only in the Cherokee Nation.

It will be necessary, under the rules of the Commission, Mr. Chubbuck, for you to supply the Commission with a copy of that decree of divorce from that first wife. That you can procure, if it was obtained in Washington, without any doubt.

A I understood she was dead since.

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 20th day of November, 1902.

Leo Jones
Notary Public.

15983.

TRANSCRIPT OF RECORD

FROM

The Supreme Court of the District of Columbia.

.....	*In Equity.*
.....	*No.*
.....	*At Law.*

Clerk's fees for preparing this record $

Paid by .....

.....
Clerk.

15983.

TRANSCRIPT OF RECORD

FROM

The Supreme Court of the District of Columbia.

.....	*In Equity.*
vs.	*No.*
	At Law.

Clerk's fees for preparing this record $

Paid by .....

.....

Clerk.

II983

In the Supreme Court of the District of Columbia.

TRANSCRIPT OF RECORD.

To all to whom these presents come, Greeting:

UNITED STATES OF AMERICA,
DISTRICT OF COLUMBIA, } *ss:*

BE IT REMEMBERED, That in the Supreme Court of the District of Columbia, at the city of Washington, in said District, at the times hereinafter mentioned, among others, were the following proceedings, to wit:

Authentication of Record.

Supreme Court of the District of Columbia:

I, JOHN R. YOUNG, Clerk of the said court, do hereby certify that the writing — annexed to this certificate is a true copy of original — on file and of record in said office, and that said originals, together, constitute the record of the proceedings of said court in this cause.

Witness my hand and the seal of said court, this

18th day of [illegible] , 190[illegible]

, Clerk.

By , Ass't Clerk.

I, Edward F. Bingham , Chief Justice of said court, do certify the foregoing attestation by JOHN R. YOUNG, Clerk of the said court, to be in due form.

Witness my hand and seal this 18th day of November , 190[illegible]

Edw F Bingham , (SEAL)
Chief Justice.

I, JOHN R. YOUNG, Clerk of said court, hereby certify that the Honorable Edward F. Bingham , whose genuine signature is subscribed to the foregoing certificate, was, at the time of signing and attesting the same, Chief Justice of said court, duly commissioned and qualified.

Witness my hand and the seal of said court, this

[illegible] day of [illegible] , 190[illegible]

, Clerk.

By , Ass't Clerk.

FILED, AUG. 8, 1871; R. J. MIEGS, CLERK.

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

This 8th day of August 1871.

Lottie Chubback)
vs.) Equity No. 2420. Doc. 11.
Hollis L. Chubback.)

It appearing from the pleadings and proofs that the defendant has been guilty of wilful desertion and abandonment of the plaintiff for the full uninterrupted space of two years before the filing of her said petition, and also of cruelty of treatment endangering her life and of habitual drunkenness, so as to render it unsafe and improper for her longer to cohabit with him, or to be under his dominion and control, it is therefore this 8th day of August 1871,

Ordered, adjudged and decreed that the bonds of matrimony existing between the plaintiff and defendant be dissolved, annulled and for naught held and that the plaintiff be restored to all the rights of a feme sole with the right to resume her maiden name and hereafter to be called and known as Lottie Dorman and shall be entitled to and charged with the custody, care and education of the infant children in the pleadings mentioned.

And it is further ordered, adjudged and decreed that the defendant pay to the plaintiff two hundred dollars per year to be computed from the date of this decree in half yearly payments, to be applied towards the support and maintenance of the plaintiff and her children, and that this allowance is to continue until further order, and be subject to variation as future circumstances may require and that he shall pay to the plaintiff the costs of this suit, to be

taxed, and that she have execution therefor according to the course and practice of this court.

By the Court,

A. WYLIE.

Cherokee D #983

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

In the matter of the application of Hollis L. Chubbuck 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 December 15, 1900, Hollis L. Chubbuck appeared before the Commission at Tahlequah, 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, March 14, March 24 and October 20, 1902.

The evidence shows that the said Hollis L. Chubbuck was lawfully married, under authority of a Cherokee marriage license, on August 5, 1884, to one Sarah Falling (or Fallen), a citizen by blood of the Cherokee Nation. The said Hollis L. Chubbuck is identified on the Cherokee census roll of 1896 as an intermarried white.

It appears that the said Hollis L. Chubbuck lived with his said wife about one year following their marriage and they then separated. There is some evidence tending to show that they were divorced but no record of the same can be found. The said applicant testifies that a decree of divorce was rendered in accordance with an agreement between him and his said wife and that, although she instituted the proceedings for divorce, he paid her attorney fees in accordance with an agreement to do so made prior to the filing of her complaint.

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."

Section 667, of the Compiled Laws of the Cherokee Nation (1892), is as follows:

> "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."

Ch. D #983

It is, therefore, the opinion of this Commission that the said Hollis L. Chubbuck abandoned his wife, within the meaning of the section of the Cherokee laws 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.

(SIGNED) Tams Bixby.
Acting Chairman.

(SIGNED) T. B. Needles.
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

this MAR - 2 1903

Bragg I.T.
Sept. 26. 1901

Mr Joel L. Baugh.
Ft Gibson

Dear Sir!-

In the Matter of Hollis L. Chubbuck -vs- C.N. will say I have just saw Sarah Fallen in regard to the divorce Chubbuck spoke of. She stated as follows, To wit

"I never left Chubbuck he "got mad one morning and taken "everything he had bought, such as- "Cook Stove, bead steadl, meat and "bread stuff, dresses he had bought "for myself and little-girl (his "Step daughter) some Domestic and "scissors, kicked out the fire "in fireplace and left me:

"He went to Tom Monroe! "across "Dirty Creek" in Canadian "District (this Tom Monro is the "man who Noah Langly killed for "some hogs) that ~~evening~~ Chubbuck "came to Monroe and asked me "if I would live with him any more "I said no; never since you have "treated me the way you have today. "No, I never left him, he left me

" I never wrote him a letter
" asking for a divorce. He sent
" me a note one time saying
" if I wanted one he would secure
" it for me and for me to write
" Mr W. P. Boudinot of Tahlequah
" that he ("Chubbuck") would pay
" all costs lawyers fees Etc.
" I never was notified of the
" divorce having been secured.
" But, old man "Dambarick" (or
" (Dunbackt as we used him)
" was in Tahlequah after I wrote
" Mr Boudinot and when he returned
" he said Chubbuck had said we
" were divorced and that it had
" cost him $65.00. I never received
" a copy of the decree
" I dont know who
" that "Sallie Chubbuck" deceased,
" is. I never was called "Sallie"
" and I know I am not dead
" Now I have never wanted to
" live with him any more.
" The house he rented for us
" in Canadian Dist was anything
" most but comfortable quarters
" more like a hog pen than anything
" else. Could not hardly stay
" in it when fire was burning
" It smoked so bad.

" He has never gave him boy
" (my son too), anything towards buying
" him Clothes and feeding him.
" it has been about 12 years ago
" near as I can say since he has
" left us, Of Course we never
" received anything more from him
" and did not expect anything after
" he had taken everything out of
" the house that day.

The above is the substance of our talk Joel.

She says also that she wanted to go up to Echo to see some of her folks, before they were married. he insisted she should wait until after they had married. she did so and they went to Echo, when she got there she found her folks sick, and over stayed her time she received a letter from Chubbuck stating if she wasnt back by a certain time she need not come at all ~~Shooes~~ she over stayed the time and came home Chubbuck was glad to see her and they moved over in Canadian where he treated her as he did.
she denies ever Wrighting him

asking him for a divorce when she was visiting that time. ~~Had~~ that when she went, Chubbuck was perfectly willing for her to go.

They were married at Apple Tree Smiths, I think, and in Tallequah Dist.

Let me hear from you whether it would be necessary for me to hunt any more evidence to corroborate her.

Truly yours

Samuel B. Sanders

Bragg

Ind. Ty.

E

P. 78.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
LEWIS ADAMS ASTESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 26, 1902.

Mr. Hollis L. Chubbuck,

Collinsville, Indian Territory,

Sir:-

You are hereby notified that the application of yourself

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

the 14 day of March, 1902.

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

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

Cherokee D-983
Register.

Yours truly,

~~Acting Chairman.~~

Commissioner in Charge.

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. 983

Muskogee, I. T. March, 3, 1902.

Mr. B. W. Alberty,

Tahlequah,

I. T.

Dear Sir:-

Please examine the records of Tahlequah district, and send me a certified copy of the decree of divorce granted in the case of Hollis E. Chubbuck and his wife, Sarah Chubbuck.

Yours very truly,

(C D).

D. 1983

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 .....
for enrollment as Cherokee citizens:
Case No. D .....
To .....:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes ~~testimony on behalf of the Cherokee Nation~~ tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of **Muskogee, I. T.** Indian Territory, on ..... **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 .....

W. W. Harding

.....

Attorneys for the Cherokee Nation.

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. 985.

Muskogee, I. T., March 6, 1902.

Sam T. Sanders, Esq.,
Braggs, I. T.

Dear Sir:

Enclosed herewith find a subpoena which I wish you would serve at once on Sarah Allen to appear here as a witness on March 14th, 1902. Please serve this subpoena and make out your return on one copy and send to us as quick as possible.

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,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....
Hallie L Chubbuck
on the 19" day of Mch. A. D. 190 2
Sam Williams

Subscribed and sworn to before me this 20" day of March 1902
John W Goldsbury
Notary Public.
My com. ex. Jany 2" 1903

NOTICE!

IN THE MATTER OF the application of Willis L. Chulkuck, for enrollment as Cherokee citizens:

Case No. D

To Willis L. Chulkuck, Collinsville, 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 24, 1906, 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 15, 1906.

N. W. Harris

Attorneys for the Cherokee Nation.

Cherokee D-983

Muskogee, Indian Territory, June 3, 1902.

Hollis L. Chubbuck,

Collinsville, Indian Territory.

Sir:

In the matter of your application for enrollment as a citizen of the Cherokee Nation, you are directed to furnish, on or before June 18th 1902, to this Commission a certified copy of the decree of divorce alleged to have been granted in the Delaware District of the Cherokee Nation, dissolving the marriage which is alleged to have existed between Sarah Fallen (or Falling) and a man named Bryant; or that you submit additional testimony to this Commission on or before said date, showing that the said Sarah Fallen (or Falling) was never lawfully married to the said Bryant.

Yours truly,

Acting Chairman.

Cherokee D-933.

Muskogee, Indian Territory, June 3, 1902.

I. P. Bledsoe,

Chouteau, Indian Territory.

Sir:

In the matter of the application for the enrollment, as a citizen of the Cherokee Nation, of Hollis L. Chubbuck, whom you represented before this Commission, you are advised that this Commission has notified the applicant to furnish on or before June 18th 1902 to this Commission a certified copy of the decree of divorce alleged to have been granted in the Delaware District of the Cherokee Nation, dissolving the marriage which is alleged to have existed between Sarah Fallen (or Falling) and a man named Bryant; or that he submit additional testimony to this Commission on or before said date, showing that the said Sarah Fallen (or Falling) was never lawfully married to the said Bryant.

Yours truly,

Acting Chairman.

Cherokee D-983

COPY.

Muskogee, Indian Territory, March 2, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Hollis L. Chubbuck for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision, dated March 2, 1903, rejecting said application.

Respectfully,

Tams Bixby.

Chairman.

Enc. N-4166

Through the

Commissioner of Indian Affairs.

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D-983

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, rejecting the application of Hollis L. Chubbuck for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

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

Respectfully,

Chairman.

Enc. M-3166

Cherokee D-983

Muskogee, Indian Territory, March 2, 1903.

I. P. Bledsoe,

Agent for Hollis L. Chubbuck,

Choteau, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of supplementary proceedings had in the matter of the application of Hollis L. Chubbuck for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, together with a copy of the Commission's decision, dated March 2, 1903, rejecting said application. You have heretofore been furnished with a copy of the record of proceedings had in the original application.

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

Respectfully,

Tams Bixby

Chairman.

Enc. M-2166

Register.

Cherokee D-983

Muskogee, Indian Territory, March 2, 1903.

Hollis L. Chubbuck,

Collinsville, 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, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

There has heretofore been furnished your agent, I. P. Bledsoe, Chotean, Indian Territory, a copy of the record of proceedings had in the original application, and there has this day been forwarded to him a copy of the record of supplemental proceedings, together with a copy of the Commission's decision.

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

Respectfully,

Chairman.

Enc. M-166

Register.

(COPY)

DEPARTMENT OF THE INTERIOR,

Land.
15011-1903

Office of Indian Affairs,

Washington.

December 10, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report of Mr. Bixby, former chairman of the Commission to the Five Civilized Tribes, dated March 2, 1903, transmitting record in the matter of the application of Hollis L. Chubbuck for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision dated March 2, 1903, rejecting the application.

The applicant, a white man, claims the right to enrollment by reasons of his marriage on August 4, 1884, to Sarah Fallen (or Falling), a Cherokee citizen by blood, in accordance with the laws of the Cherokee Nation. The applicant is identified on the 1896 census roll. The record shows that he lived with his wife for about a year, and abandoned her.

Under the decision of the Supreme Court of the United States in the case of Daniel Bird, et al., versus the United States, the applicant is not entitled to enrollment, and it is recommended that his application be denied and the decision of the Commission adverse to him be approved.

Very Respectfully,

C.F. Larrabee.

Acting Commissioner.

AJW--SD.

(COPY)

J.C.H.

DEPARTMENT OF THE INTERIOR, LLB

D.C.1775-1907.
I.T.D. 25112-1906.
LRS

WASHINGTON.

January 4, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

December 10, 1906 (Land 15011-1903), the Indian Office submitted the record in the matter of the application of Hollis L. Chubbuck for enrollment as a citizen by intermarriage of the Cherokee Nation, and recommended that thedecision of the Commission to the Five Civilized Tribes of March 2, 1903, adverse to the applicant, be approved.

The evidence in the case shows that the applicant intermarried on August 4, 1884, with a Cherokee citizen by blood and that they separated about a year later.

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, the decision of the Commission, adverse to the applicant is hereby affirmed.

The papers in the matter have been sent to the Indian Office for its Files.

Respectfully,

Thos. Ryan.

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

4 incs. to Ind. Of.

Cherokee
D-983

Muskogee, Indian Territory, January 17, 1907.

Hollis L. Chubbuck,

Collinsville, Indian Territory.

Dear sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 2, 1903, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior January 4, 1907.

Respectfully,

MH

Commissioner.

Cherokee
D-983

Muskogee, Indian Territory, January 17, 1907.

I. P. Bledsoe,

Agent for Hollis L. Chubbuck,

Choteau, Indian Territory.

Dear sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 2, 1903, rejecting the application for the enrollment of Hollis L. Chubbuck as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior January 4, 1907.

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

Respectfully,

MH
Enc. M 5.

Commissioner.

REFER IN REPLY TO THE FOLLOWING:

Cherokee

D-983

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

Muskogee, Indian Territory, January 17, 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 March 2, 1903, rejecting the application for the enrollment of Hollis L. Chubbuck as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior January 4, 1907.

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

Respectfully,

Commissioner.

MH
Enc. M 6.

Muscogee I.T. 3/24/1902

Received from the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Hollis L. Chubbuck

for enrollment as a citizen of the Cherokee Nation.

Cherokee D No. 983

J. P. Bledsoe
agt. for applicant

D 983

IN THE MATTER OF THE APPLICATION OF

Hollis L. Chubbuck

FOR EN[illegible]

CHEF[illegible]

Cher D 984

D 984

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 15th, 1900.

In the matter of the application of Thomas J. Adair for the enrollment of some children, FRANK SOON ET AL., as citizens of the Cherokee Nation; said Adair being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Thomas J. Adair.
Q What is your age, Mr. Adair? A About 44.
Q What is your post office address? A Tahlequah.
Q What do you apply for for enrollment? A That list there; the mother of those children is dead.
Q What is the mother, Nancy? A Yes, sir.
Applicant applies for the enrollment of Volney, Frank, Earl and Emma Soon.
Q How old is Volney Soon? A I do not know, Mr. Needles, anything about their age.
Volney Soon 20, next one 18, next one 16, next one 14.
Com'r:-As likely presents a certificate copy of a certificate of Admission to Cherokee citizenship issued from the office of the Commission on Citizenship, dated at Tahlequah, May 22, 1887, signed by J. T. Adair, Chairman, J. M. Carter, Commissioner, J. T. Lipe Commissioner, attested by Henry Ziffert, Clerk of the Commission; The correctness of the certificate being certified to by A. Alberty, Asst. Executive Secretary of the Cherokee Nation, under the seal of the Cherokee Nation; certifying that on the first day of May, 1887, said Volney Soon, Frank Soon, Earl Soon and Emma Soon, were admitted to all the rights and privileges of Cherokee citizenship.
Q When did these children remove to the Cherokee Nation? A They are not here in the Cherokee Nation, Mr. Needles.
Q Where do they reside? A Frank Soon is in the Philippine Islands; he made his home here with me.
Did he ever live here, Mr. Adair? A I do not know just how long he was in this country.
Q Where was he born? A Texas.
Q He is now in the Philippine Islands? A Yes, sir, he is a soldier.
Where are the others? A They are in Texas.
Q They have always lived in Texas, A Yes, sir, born in Texas.
Q Never removed here after their admission? A Their mother did, she was ---
Q Did their mother ever remove to the Cherokee nation? A I do not know whether their mother ever removed here or not.
Q Her name was Nancy Soon? A Yes, sir.
Q She was admitted at the same time the others were? A Yes, sir.
Com'r:--The certificate also certifies that Nancy Soon, the mother of these children was readmitted on the 21st day of May, 1887.
Q You say she never removed to the Cherokee Nation? A No, sir, she is dead.
Q Frank did remove here did he? A Yes, sir. He came here and made his xxxx home with me and got the Philippine fever and joined the army and went over there.
Q How long did Frank Soon live in the Cherokee Nation? A He did not live here long, I don't think he was here, I could not be positive about it, he was not here a great while, Mr. Needles.
Q Do you know what year he come here? A This--1900. My books will show just when he went to work for me up there, he worked in the store, he must have come here, I could not answer that question positively, it must have been in 1898, 1899 somethere. He is just about 17 or 18 years old; he is not over 19 I don't reckon now.

1896 Roll; page 1142, #3353, Volney Soon, Tahlequah.
1896 Roll; page 1143, #3354, Frank Soon, "
1896 Roll; page 1143, #3355, Pearl (Earl) Soon, "

Thomas J. Adair----.

1896 Roll; page 1[illegible], [illegible], Emma Boon, Tahlequah.

If these children were not residents of the Cherokee Nation in 1[illegible] how did they happen to be enrolled? A I do not know about that; they were all minors and never come to this Country.. Their father died and their mother married again.

1896 Roll; page 7[illegible], [illegible], Volney Boon, Illinois.
1896 Roll; page 7[illegible], Frank Boon, Illinois.
1896 Roll; page 7[illegible], [illegible] Boon, Illinois.
1896 Roll; page 74[illegible], [illegible], [illegible] Boon, Illinois.

Q. Do not recollect you say how long Frank lived here? A No, sir, I can't tell you the exact time.
Q. Two or four years? A No, sir, nothing like that; I did not believe he was here more than five or six months; he might have been here longer than that.

Mr. Goodlow:--The name of Volney Boon, Frank, Earl and Emma Boon appear upon the census roll of 1896 and the pay roll of 1894. The present satisfactory proof of their sojourn with their mother, Nancy Boon, in my opinion, last day of May. The testimony shows that they were born in the State of Texas and that they or their mother never removed to the Cherokee Nation, with the exception of Frank, who removed and is not a resident in the Philippine Islands. By reason of the fact of their non-residence, final decision of the enrollment of the said children, will be suspended and their names will be placed upon a doubtful card, and the Commission will decide the matter and you will be notified. The Commission being of the impression that Frank Boon did acquire lawful residence in the Cherokee Nation, that his ground for enrollment is stronger than those of his children.

---000---

J. O. Johnson, 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. Johnson

Subscribed and sworn to before me this 19th day of December, 1900.

Commissioner.

R.

C. D-984.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 14, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Volney Boon for the enrollmentof himself, brothers and sister as citizens of the Cherokee Nation.

The applicants were notified by registered letter February 26, 1902, that their applications for enrollment as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 14th day of March, 1902. Receipt has been acknowledged of the Commission's letter, and the applicants this day, to-wit: the 14th day of March, 1902 appear in person.

VOLNEY BOON, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: Whatis your name? A Volney Boon.
Q How old are you? A I will be twenty-two the 18th of next April.
Q Where dé you live? A Tahlequah.
Q You and your brothers and sister were before the Commission for enrollment as citizens of the Cherokee Nation? What are the names of your brothers and sister? A Frank, Earle and Emma.
Q Are they living at this time? A Yes sir.
Q Where do they live?
A Frank is in the 26th Infantry, in the Philippine Islands.
Q When did he enlist in the army?
A I don't remember. I think in, it must have been 1898, I am not quite certain.
Q Where was he living at that time? A Tahlequah.
Q Where are Earle and Emma? A With my father in Texas.
Q Were you all born in Texas? A Yes sir.
Q Have you ever resided in the Cherokee Nation?
A None except Frank.
Q How long did he reside here?
A I don't remember that either, I expect about a year.
Q When was that?
A It must have been 1898. It was right after the close of the Spanish-American War.
Q Did he live here for about a year at that time? A Yes sir.
Q Then re-enlisted in the army? A Yes sir.
Q Did you ever reside in the Cherokee Nation?
A Not until the 8th of last March, I came here.
Q That is, March, 1901? A Yes sir.
Q Have you made the Cherokee Nation your home continuously since that time? A Yes sir.
Q Your younger brother and sister are not living in the Cherokee Nation at this time? A No sir.
Q What is their post office address? A Karnes City, Texas.
Q Whatis the date of your birth? A April 18, 1880.
Q You came to the Cherokee Nation in March, 1901? A Yes sir.
Q Did your mother ever live in the Cherokee Nation?
A I don't know that. I suppose, though, she did. My grand father lived here. I think she lived in Flint District.
Q How long has she been dead? A I think she died in 1889.
Q She was admitted to citizenship in 1887? A Yes sir.
Q Did she then reside in Texas? A Yes sir.

Q How long had she been residing there previous to that time? Had she been living there as long as you can remember? A Yes sir.
Q Had she ever during that time been in the Cherokee Nation?
A Not that I know of.
Q Is your father living? A Yes sir.
Q After the death of your mother, did your father re-marry?
A. Yes sir.
Q Was his second wife a white woman? A Yes sir.
Q He is living in Texas at this time? A Yes sir.
Q And the two children are down there with him? A Yes sir.
Q Is there any further statement you desire to make relative to the application of yourself, brothers and sister?
A Nothing except I have a ~~certified copy~~ certificate of admission I want to have filed, and aletter of guardianship.

The documents mentioned will be filed and made a part of the record in this case.

The Certificate of Admission is as follows:

CERTIFICATE OF ADMISSION TO CHEROKEE CITIZENSHIP?

*** **

Office of Commission on Citizenship.
Tahlequah, Cherokee Nation.

To all Whom it May Concern:- Greeting:

THIS IS TO CERTIFY, That the following named, to-wit: Nancy Been, female, age 29 years, Velney Been, male, age 7 years, Frank Been, Male, age 5 years, Earle Been, male, age 3 years, Emma Been, female, age 1 years, did, pursuant to theprovisions of an Act of the National Council of the Cherokee Nation, approved December 8th 1886, entitled, "An Act providing for the appointment of a Commission to try, and determine, applicationsfor Cherokee Citizenship," make such application to and before said"Commission" on the 21 day of May, 1887; that the proof submitted by the above named Nancy Been in support of her said application has been found, and is hereby declared and certified to be sufficient and satisfactory to the said Commission according to the requirements of Section Seventh of said Act of the National Council--and that by virtue of such finding of fact by the Commission, and in conformity with the Fourteenth Section of said act, the above named parties (applicants for citizenship) are, from this, the date of said finding and decision of the Commission as announced and recorded, re-admitted by the National Council, as provided in said Fourteenth Section, to the rights and privileges of Cherokee citizenship under Section 2, Art. 1 of the Constitution of the Cherokee Nation; and this certificate of the said decision of the Commission and of re-admission by Council is made and furnished to the said parties accordingly.

IN WITNESS WHEREOF, I hereunto sign my name, as Chairman of the Commission, on this the twenty-first day of May, 1887.

J. T. Adair,
Chairman Com.on Citizenship.

Henry Nifful,
Attest: Clerk Com. on Citizenship.

(SEAL) Approved and endorsed:
D. W. BUSHYHEAD,
Principal Chief, C. N.

R. O. Trent,
Asst. Ex. Sect'y. C.N.

Endorsed as follows:
Department of the Interior.
Commission to the Five Civilized Tribes.
F I L E D
Mar 14 1902
Tams Bixby,
Acting Chairman.

The Letters of Guardianship are as follows:

LETTERS OF GUARDIANSHIP

Cherokee Nation, I. T.)
)
Tahlequah District:)

OFFICIAL DISTRICT JUDGE,)
)
Tahlequah District.)

TO WHOM IT MAY CONCERN:

KNOW YE, that I, Jeff Roberson, Judge of the District Court of the District and Nation aforesaid, do, by virtue of authority in me vested by law, this day make, constitute and appoint in the name and by the authority of Cherokee Nation, Emily W. Harnage as Guardian of Volney, Frank, Earl and Emma Boone, minor children of Nancy Boone, deceased, late of Flint District, Cherokee Nation, the said Emily W. Harnage having compliedwith and performed all duties requiredby law of her precedent to this appointment

In testimony whereof I hereunto set my hand on this the 19th day of May, 1896.

JEFF ROBERSON,

Attest: Arch Spears,
Deputy Clerk, Tahlequah District.

Judge District Court.

(Seal)

Endorsed as follows:

Department of the Interior.
Commission to the Five Civilized Tribes.
F I L E D
Mar 14 1902.
Tams Bixby,
Acting Chairman.

BY COMMISSION: You submit the case in behalf of yourself, brothers and sister to the Commission for final consideration? A Yessir.

The applicant, in behalf of himself, brother and sister, submits the case. The representative of the Cherokee Nation present submits the case, same is deemed completed, and will be reported to the Commission for final decision based upon the evidence now of record.

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

Wm Hutchinson

D984

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 1 1902

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DEPARTMENT OF THE INTERIOR, BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES, AT MUSKOGEE, I. T. MARCH 20th 1902.

----------oOo----------

In the matter of the application of Thomas J. Adair for the enrollment of Frank Boon et-al , Valney, Frank, Earl, and Emma Boon, as Citizens of the Cherokee Nation. Subsequent to the making of the above application by the said Thos. J. Adair, Valney Boon, presnets himself to the Commission in person and makes statement in further support of his individual application for enrollment, as a Cherokee Citizen by blood.

" D 984".

In obedience to a notification to the said Thomas J. Adair and volney Boon of the time for final hearing and closing of said case by the Commission, applicant, Volney Boon, appeared in person, made further statement in his own behalf, and agreed that the case be submitted for final decision by the Commission, that leave was granted him to file brief in support of his contention by his attorney, G. W. Benge.

" Briefe,"

The contention of the applicant , Volney Boon, is that he is a Cherokee Indian by blood and a citizen of the Cherokee Nation, That on May 20th, 1887, his mother, Nancy, he (Volney) Frank, Pearl,(and Emma Boon, then minors and children of the said Nancy Boon, were all admitted to Cherokee Citizenship, by a Commission of the Cherokee Nation duly authorized to Exercise such authority, on account of their right to Citizenship by Virtue of Cherokee blood, that subsequent to their admission to Citizenship his mother died, and that his father being a white man, and not a citizen of the said Nation, therefor, remaine , and kept said minor children in the state of Texas, where he lived, and soon remarried to a citizen of said state, that his said father continues to live and remain in said state with the

youngest of said minor children, that applicant and Frank Boon moved into the Cherokee Nation, that Frank is now in the Philapine Islands as a Soldier, that applicant was not 21 years of age when he moved into the Nation, is now a resident of and owner of town property, and a Farm in said Nation, that he married Miss. Hattie Johnson a Cherokee Citizen by blood, on Dec, 22nd, 1901 and is now residing in Tahlequah, in said Nation.

SECOND, That notwithstanding his residence in the state of Texas with his father during his minority, the constituted authorities of said nation have always treated applicant, his brothers and sisters as citizens of the Cherokee Nation, as will be seen by the Census roll of 1896, on the pay roll of 1894, for the payment per capita of the proceeds of the sale of the Cherokee strip lands, his share of which he participated in, and again by reference to the roll of 1896, as authorized by an act of the National Council to take the Census of all recognized Citizens of said Nation, approved August 21st, 1893, and as revised by the terms of an act of said National Council approved November 9th, 1896, his name appears and will be found thereon as a Native Cherokee by virtue of his Cherokee blood, and as recognized by the Commission aforesaid.

Third- That the non-residence in the Cherokee Nation of his, since their admission to Citizenship, was not optional on his part but on account of his minority and under the control of his father was thereby unable to exercise that right thus afforded him but that as soon as he did reach of sufficient age, to manage affairs for himself and with the consent of his father he did avail himself of the right and at once moved to the Cherokee Nation as above stated, having thus acted in good faith on his part as soon as it was possible to do so, to avail himself of the right and having been recognized as aforesaid by the Constituted authorities of said Nation as a Citizen therof, the applic

cant, Volney Boon respectfully asks that he now be recognized and listed for enrollment by the honorable Commission as a Cherokee Citizen by Virtue of his Cherokee blood,

Respectfully submitted,

G. W. Benge

Attorney for Applicant.

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

In the matter of the application of Volley Boon and others for enrollment as citizens of the Cherokee Nation.

SUPPLEMENTAL TO D-984.

APPEARANCES:
The applicant appears in person.
W. W. Hastings in behalf of Cherokee Nation.
VOLLEY BOON, being first duly sworn, testified as follows:

Commission:
Q What is your name? A Volley Boon.
Q How old are you? A 22 on the 18th of last April.
Q What is your postoffice address? A Tahlequah, I. T.
Q Yourself, brothers and sister are applicants before the Commission for enrollment as citizens of the Cherokee Nation, are you?
A Yes, sir.
Q What are the names of your brothers? A Frank and Earl, and Emma is my sister's name.
Q Where were you born? A At Kilgore, Texas.
Q When did you come to the Cherokee Nation the first time?
A On the 8th of March last year.
Q Had you ever been here prior to that time? A No, sir.
Q Had your brother frank been here prior to that time? A Yes, sir.
Q When did he come the first time? A I think in either October or November of '98.
Q In 1898? A Yes, sir.
Q Had he ever been here before the fall of 1898? A He had not.
Q Have your brother Earl and sister Emma ever been in the Cherokee Nation? A No, sir.
Q Not living here at this time? A No, sir.

Examined by Cherokee Representative Hastings:
Q Is your father alive? A Yes, sir.
Q He is living in Texas, is he? A Yes, sir.
Q Kilgore, Texas? A No, sir, Karnes City, Texas.

Commission:
Q When you appeared before the Commission in March, 1902, you stated that your mother died in 1889; in that a mistake? A Yes, sir.
Q When did she die? A In '87. When Mr. Adair appeared before the Commission, I notice that Colonel Needles asked him the question why was it our names were on the roll of 1896 and on the Pay roll of 1894, if we never lived in the Cherokee Nation. As to that I want to say that our grand-mother took out guardianship papers for us, and that is why we are on both rolls.
Q When did your brother Frank first come here, at what time, year and month? A In November, 1898.
Q Where was he just prior to that time? A He just returned from Florida. He was a member of Company I First Texas Infantry.
Q How old is your brother? A I believe 20 years old; something over 20.

Velley Been et. al. #2.

Q Are you the eldest child? A Yes, sir.

Cherokee Representative Hastings:

Q Where did he first join the Texas Infantry? A In Austin.
Q Where was he living at the time he went to Austin? A We were in school at San Antonio.

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

H M Vance

Subscribed and sworn to before me this the 17th day of June, 1902.

Notary Public.

Cherokee D-984.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Volney Boon, Frank Boon, Earle Boon and Emma Boon for enrollment as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on December 15, 1900, Thomas J. Adair appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment of Volney Boon, Frank Boon, Earle Boon and Emma Boon as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 14, 1902, and on June 17, 1902.

It appears from the evidence that all the applicants were readmitted to citizenship in the Cherokee Nation by the duly constituted tribal authorities of said Nation on May 21, 1887; and that all of them are identified as native Cherokees on the 1896 Census Roll and on the 1894 strip payment roll of the Cherokee Nation.

It is not established by the evidence that any of the applicants, or their parents, ever became residents of the Cherokee Nation, or any other part of the Indian Territory, prior to June 28, 1898; on the contrary, it appears that all the applicants were born in the State of Texas, and all, with the exception of Frank Boon, resided in said State continuously up to and including the date of the application herein; and that Frank Boon never removed to or resided in said Nation, or in any part of the Indian Territory, until November 1898.

In the ninth paragraph of Section 21 of the Act of Congress approved June 28, 1898 (30 Stats. 495), it is provided that -

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

It is therefore the opinion of this Commission that the application of Volney Boon, Frank Boon, Earle Boon and Emma Boon, for enrollment as citizens by blood of the Cherokee Nation, should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this _____.

SUPPLEMENTAL BRIEF

FILED BY

APPLICANTS IN CASE

ENTITLED

CHEROKEE D. 984.

[illegible]

[illegible]

[illegible] rule [illegible] by the Honorable Commission, the applicants, [illegible], submit herewith the following brief.

The contention of the applicants in this case is; that the failure to acquire a residence within the Cherokee Nation, prior to June 28th 1898, defeats the right to citizenship in said nation, does not apply to them: that the rule laid down in paragraph Two Section 21, Act of Congress, approved June 28 1898, (30 Stats.495.) is to be construed according to the legal meaning and application of its terms.

The testimony taken in the case discloses the following state of facts.

1. All the applicants were recognized, at various times, by the properly constituted authorities of the Cherokee Nation, to have all the rights and privileges of other Cherokee by blood residing within the Cherokee Nation,- to-wit, [illegible] to citizenship May 30th 1894, readmitted May 31st 1897, [illegible] (Tahlequah Dockets [illegible] and [illegible], [illegible], "[illegible]"), recognized [illegible].

2. [illegible] the nation was not a choice of theirs, since it had [illegible].

3. Since their father's death in [illegible], they have had a legal guardian in the Cherokee Nation.

4. [illegible] legally appointed guardian, they acquired town property in the Cherokee Nation [illegible] still hold the same.

5. [illegible] came to the nation before reach[illegible] their majority March 4th 1894. [illegible] resided continuously in the nation since that date.- [illegible] about 4 years prior to the nation admitted in the United States [illegible]. The other applicants, [illegible] have been residing [illegible] years.

[illegible] applicant [illegible] [illegible] not [illegible] before [illegible] to [illegible] in which he claims citizenship.'

[illegible] legal domicile [illegible] [illegible] the [illegible] of law, [illegible]

[illegible] domicile [illegible], 'the place [illegible] his [illegible] establishment, [illegible].'

[illegible] domicile [illegible] of the children, even [illegible] illuminating [illegible]

[illegible] of the [illegible] state in [illegible] of the [illegible] the rule [illegible].

[illegible] of law, cannot be held re- [illegible] during their minority. [illegible] possibility of a change [illegible].

[illegible] above cited [illegible] united [illegible] in the [illegible], they [illegible] citizen of the [illegible] n.

The law of domicil, applied to the application of the rule under which applicants were rejected, suspends its operation during minority. They are not persons sui juris contemplated by the rule, they did not have the legal right to acquire a domicil different from that of the parents with the power to enforce that right, and their domicil remained the domicil of the parents until changed at the instance of their parents.

But the applicants case is even stronger than the law would make it. Specially is this so in the case of Volney Boon and Frank Boon. Both Volney and Frank Boon, by consent of parents, acquired a residence in the Cherokee Nation as contemplated by the rule under which they were rejected, before they reached their majority. Earl Boon and Emma Boon still reside in the state of Texas.

THEREFORE, in view of the premises in the case, your applicants, by their attorney, respectfully and earnestly request:

1. That Volney and Frank Boon be enrolled as citizens of the Cherokee Nation, because they acquired the residence contemplated by the rule before reaching their majority, in fact before the law contemplates a change of residence,- Volney still residing in the Nation and Frank serving as a lieutenant in the United States Army in the Phillippines.

2. That Earl Boon and Emma Boon be enrolled as citzens of the Cherokee Nation, because they are still minors and cannot change their residence, unless by consent of parents or guardian.

Respectfully submitted to your Honorable Commission by attorney for applicants.

Cherokee D-384.

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

Counsel

-:O:-

In the matter of the application for the enrollment of Volney R. Boon 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 December 15, 1900, Thomas J. Adair appeared before the Commission at Tahlequah, Indian Territory, and made application for the enrollment of Volney, Frank, Earl and Emma Boon as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 14, 1902, and June 17, 1902.

The record further shows that on July 29, 1902, this Commission rendered its decision denying said application. Thereafter, on October 4, 1903, Volney R. Boon filed his petition with the Secretary of the Interior requesting that the judgment, denying his right to enrollment as a citizen by blood of the Cherokee Nation, be set aside, and on January 8, 1904, the Department remanded said decision, affecting the application, only, of said Volney R. Boon, in order that his rights to enrollment as a Cherokee citizen might be readjudicated in accordance with the decision of the Department in the case of Ora M. Campt et al.

The evidence shows that Volney R. Boon was admitted to citizenship in the Cherokee Nation by the duly constituted authorities thereof, on May 21, 1887, and is identified on the Cherokee strip payment roll of 1894 and the census roll of 1896.

It further appears that the applicant was born in the State of Texas, on the 14th day of April, 1880, and continued to reside therein until March 8, 1901, at which time he removed to the Cherokee Nation, where he has since resided.

It is, therefore, the opinion of this Commission that, following the decision of the Department in the case of Ora M. Campt et al., (C. C. 8593-1903), Volney R. Boon 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.

C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,
DEC 1 1904

Copia

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] acion.

[illegible]

[illegible] Interior,

[illegible], [illegible] of [illegible],

[illegible])
[illegible])
[illegible])
[illegible])

[illegible] petitioner, and by his attorney, J. L. [illegible], [illegible] respectfully and [illegible] [illegible] the Secretary of the Interior as follows:

First: [illegible] is a citizen by blood of the Cherokee [illegible], and a brother of Velney Boone who has recently been admitted to citizenship, and one of the claimants in the case entitled as follows: "Cherokee R-711"; that his citizenship has never been questioned so far as his blood is concerned, but that it has been determined [illegible] is evidence,

Second: That his case has been ~~completed~~ decided with that of other [illegible] in "Cherokee R-711",

Third: [illegible] that in the United States [illegible],

Fourth: [illegible] Indian Territory, where he came from Texas and taken [illegible],

Fifth: That he still claims as his residence Tahlequah, Indian Territory, and has [illegible] resided in the United States [illegible],

[illegible], [illegible], J. L. [illegible] [illegible] Secretary of the Interior [illegible] the case entitled "Cherokee R-711, so far as the citizenship of Frank Boone is concerned; that the attorney, J. L. [illegible] [illegible] itself setting forth the reasons why Frank Boone should be admitted to citizenship of the Cherokee Nation, and lastly that the decision in this case, so far as the citizenship of Frank Boone is concerned, be reviewed and rewritten, and in duty bound your petitioner will ever pray.

11

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,) ss.
SOUTHERN DISTRICT.)

J. L. Harnage, of Tahlequah, Indian Territory, being first duly sworn on his oath, states that he is the duly authorized attorney of record in the case of "Cherokee R-711"; that he has been authorized to file a motion to reopen and review the decision of said cause relative to the citizenship of Frank Boone. Affiant further states that the matters and things set forth in the above and foregoing motion are true, as he verily believes.

\- - - - - - - - - - - - - - - - - -

Subscribed and sworn to before me this 5th day of January, 1905.

\- - - - - - - - - - - - - - - - - -

Notary Public.

My commission expires August 31, 1908.

Cherokee D 884 (I 711).

[illegible] OF THE [illegible],
[illegible] THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Frank Boon as a citizen by blood of the Cherokee Nation.

Motion for Review.

Comes now the Cherokee Nation and respectfully represents that the decision of the [illegible] to the Five Civilized Tribes dated [illegible], 1905, and the record [illegible] in this case shows that the applicant Frank Boon was a resident of Wil[illegible], Texas [illegible], when they were admitted to citizenship in the Cherokee Nation by the duly constituted authorities [illegible], 1896; that the said Frank Boon continued to reside in the State of Texas until [illegible] December of 1898 and never did remove to the Cherokee Nation prior to that time. He was [illegible], 1902, [illegible] of June 28, 1898, did not apply to minors. [illegible] the Assistant Attorney General Hon. [illegible], dated December [illegible], 1905 ([illegible]), clearly [illegible] is not entitled to be enrolled. In the opinion of the Assistant Attorney General [illegible] the following language is used:

> "As to the second class [illegible] distinction is to be made between adults and minors who failed to locate permanently in the Nation. While minors are excepted from operation of the act of the Cherokee National Council of December 4, 1894, no such exception [illegible] by any act of Congress. The act of June 28, 1898 (30 Stat., 495, [illegible]) [illegible] provided [illegible] not heretofore removed to and in good faith settled in the nation [illegible] the claims citizenship.' This provision [illegible] the nature of both a limitation and a condition precedent to the right claimed, [illegible] is similar in purpose and effect to the limitation considered by this office in the opinion of June [illegible], 1901, in cases of Nancy [illegible] Smith and [illegible] B. Adams. As nothing existed in the legislation of Congress exempting minors or insane persons from its operation the limitation was held to operate upon them. The provision under consideration is entirely analogous: It was held operative against adults by my opinions of December 30, 1903 in case of Allie Williams and of March 12, 1904 in case of Mary L. Strickland, and, as to minors that is the necessary implication and effect of my opinion of June 15, 1905 in the case of Alice L. Owens."

Further on the opinion concludes as follows:

"I am therefore of [illegible] established in the decision in the [illegible] Cherokee Nation v. Thomas as to adults and my necessary inference [illegible] applicable [illegible] claimed by the opinion of Alice T. [illegible] is [illegible] followed."

[illegible] the Assistant Attorney General in the above case holds that the act of June [illegible], 1906, applies to children as well as adults, and that no person, irrespective of age, should be enrolled who had not [illegible] prior to June [illegible], 1906, received [illegible] and resided in the [illegible].

So, [illegible] here in [illegible] or November [illegible] the decision [illegible] Assistant Attorney [illegible] respectfully move [illegible] Commissioner [illegible] to strike the application [illegible] Cherokee Nation [illegible].

Respectfully submitted,

Attorney for the Cherokee Nation.

Cherokee N 984 (R 711).

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

In the matter of the application for the enrollment of Frank Boon and Volney R. Boon as citizens by blood of the Cherokee Nation.

Reply to Motion for Review.

Comes now the plaintiffs, Frank Boon and Volney R. Boon, and in reply to Motion for Review, respectfully represent: First, that they have been enrolled as citizens of the Cherokee Nation under the decision of June 30, 1905, and under that enrollment have acquired rights in the Cherokee Nation. Second, that the rule sought to be applied by the Cherokee Nation in its Motion for Review does not apply to minors.

It is not disputed that the Assistant Attorney General rendered the decision referred to in the Motion of Review but it is contended that unless the law expressly names minors that it cannot be made to operate to their disadvantage so long as they are not responsible in law for their domicile. The cases under consideration are not altogether cases in which no domicile has been acquired within the Cherokee Nation. As a matter of fact, they had a legal guardian in the Cherokee Nation up to June 30, 1898 while their parents lived in Texas and kept the minors with them. The legal guardian had done everything to acquire a domicile, as required by law, that could be done. The legal guardian had taken every step to protect the rights of these minor children to properties in the Cherokee Nation. The law does not hold anyone responsible for his acts not will it charge a violation of the law to him to his injury unless in the legal contemplation, that person has reached an age where the law recognizes him as a person sui juris. The law does not exclude nor include minors and within its application as a law, it must be construed in the light of other laws and must not be construed strictly where such

construction would injure the rights of a minor in violation of the fundamental principles of law. In support of these considerations we submit: First, that the domicile of the parents is the domicile of the children even though the children remain in another State. Dressler vs. Edison Illuminating Company, 49 Fed. 257. This case lays down the law that the parents' domicile is the domicile of the minor although the minor may have resided in another State. Under the application of this rule, then it would have been impossible for these minors to have acquired a domicile in the Territory unless their parents removed to the Territory and acquired a domicile with them. It was not possible for the minors to protect their rights even though they knew of them and were desirous of so doing. In construing and applying law, the Honorable Commissioner is not charged with the duty of visiting unto the children of the third and fourth generations the sins of the parents but must be governed by the several fundamental principles of law and equity and jurisprudence. Under the application of these principles we cannot charge anything to these minors by reason of the fact that they did not acquire a domicile prior to June 30, 1898. The applicants, then in contemplation of law, cannot be held responsible for their residence in the State of Texas during their minority. The law contemplates that only persons sui juris may make a bona fide change of domicile. The application of the rule contended for by the Cherokee Nation would not only work a hardship where it is clearly not intended that the law should work, but would be in direct violation of the fundamental principles of all laws. The applicants came to the Territory just a few months after the time expired; it would have made no difference had they come seven months before the time expired for the reason that in contemplation of law they could not have acquired a domicile different from that of their parents. So that it is a harsh application of the rule without any foundation of justice or equity or

law that would reject these applicants for the reason that they had not acquired a domicile prior to the time of June 30, 1898.

Second, we are here also confronted with the question as to what should be the method employed in the interpretation of this law of June 30, 1898 It is a statutory law and as such must be construed liberally whenever strict construction would operate as an injury to parties effected by it. It is only in criminal cases that statutes are strictly considered and then only under certain limitations. In these cases the minors came to the Cherokee Nation in 1898 and there acquired a domicile so far as the law would permit. They did all they could do and hence it is their privilege now to share in the final distribution of the public funds and moneys of the Cherokee Nation or Tribe.

Third, the law contemplates that only persons sui juris may make a bona fide change of domicile. It is clear then, if Congress had intended to applicate this law there would have been no mistake about it. It is likewise clear that if Congress had intended to make it applicable to minors, it would certainly have been so stated. Considering this feature of this case besides the evidence submitted and the brief filed therewith we feel that the Commissioner to the Five Civilized Tribes is not entitled at this late date to cancel the allotments of either Frank or Volney R. Boon.

By referring to the brief filed in this case on May 24, 1904, it will be seen that the evidence in the case was thoroughly presented and the facts set forth under which the applicants were enrolled. It is respectfully submitted then that the Motion of the Cherokee Nation to Review in this case should be denied.

Respectfully submitted.

J. L. Hamage,
Attorneys for
Francis M. Boon and
Volney R. Boon

Cherokee D 984.

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 Thomas J. Adair for the enrollment of Volney, Frank, Earle and Emma Boon 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. 97.

A 711

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

August 1, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 30, 1906, transmitting the record of the application for enrollment as a citizen by blood of the Cherokee Nation by Frank Ross.

June 30, 1906, the Commission decided favorably to the applicant.

The record shows that on August 29, 1902, the Department approved the decision of the Commission adverse to this applicant; that thereafter on June 7, 1905 (I.T.D. 2080-1905) the Department remanded the case for readjudication.

[illegible] applicant was admitted a citizen in the Cherokee Nation, [illegible] thereof, on [illegible] 21, 1887, and identified upon the 1894 Cherokee Commission District payment roll and also upon the 1896 Cherokee Census roll; that he was born in Texas about 1868 and continued to reside there until 1898 when he removed to the Cherokee Nation where he lived about one year [illegible] enlisted in the United States Army and was in March 1902, a soldier in the Philippine Islands.

In view of the record the action of the Commission's decision of June 30, 1906, favorable to the applicant is recommended.

Very respectfully,

C. [illegible] Harrabee

Acting Commissioner.

[illegible]

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

[illegible] 212-1905. August 29, 19[illegible].

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

June 30, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application of Frank Toon for his enrollment as a citizen by blood of the Cherokee Nation, including its decision of the same date favorable to the applicant.

Reporting August 10, 1905, the Indian Office recommended that the Commission's decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation and the decision of the Commission to the Five Civilized Tribes favorable to the applicant is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan.

Acting Secretary.

1 inclosure.

REFER IN REPLY TO THE FOLLOWING

Cherokee
R-711.

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

Muskogee, Indian Territory, September 13, 1905.

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

Dear Sir:

You are hereby advised that this office is in receipt of Departmental letter of August 29, 1905 (I. T. D. 10212-1905), in which tht decision of the commission to the Five Civilized Tribes dated June 30, 1905, granting the application for the enrollment of Frank Boon as a citizen by blood of the Cherokee Nation, is affirmed.

A copy of said Departmental letter is herewith inclosed for your information.

Respectfully,

Acting Commissioner.

Incl. GL-300.
GHL

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 994.

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 Thomas J. Adair for the enrollment of Volney, Frank, Earle and Emma Boon 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.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee R-711.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 1, 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 1, 1904, granting the application for the enrollment of Volney R. Boon as a citizen by blood of the Cherokee Nation.

You are hereby 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,

Commissioner in Charge.

Incl. S-96.

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-711.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 9, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated December 1, 1904, granting the application for the enrollment of Volney R. Boon as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on January 9, 1905.

Respectfully,

Chairman.

(COPY) Y.P.

D.C.43595-1906. DEPARTMENT OF THE INTERIOR,
WASHINGTON. FWE.

I.T.D.10084,10694-1906.
12576,12710- "
12954- "

September 28, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In the Cherokee enrollment case of Frank and Volney R. Boon the Department, on January 31, 1905, affirmed the decision of the Commission to the Five Civilized Tribes in favor of Volney R. Boon, and in letter of August 29, 1905, it affirmed the decision of the Commission in favor of Frank Boon.

A motion by the attorney for the Cherokee Nation to reopen the case as to Frank Boon, was received with yourletter of May 22, 1906, and a similar motion relative to the case of Volney R. Boon was received with your letter of May 29, 1906. In both instances, in view of the rulings of the Department to which you refer, you recommend that the motion be granted.

In view of the approval of the opinions of the Assistant Attorney-General of December 26, 1905, in the case of Mary L. Strickland, et al., and of December 24, 1905, in the case of Ora M. Bond, and as neither of the applicants removed to the Cherokee Nation or the Indian Territory after readmission to citizenship in the nation until subsequent to June 28, 1898

(See section 21 of the act of Congress of that date, 30 Stat., 495), the decisions of the Department of January 31 and August 29, 1905, are rescinded and the applicants are denied enrollment in the Cherokee Nation. Their names have been stricken from the partial schedule of citizens of the nation approved by the Department, Volney R. Boon opposite No. 32421 and Frank Boon opposite No. 32759, and you are authorized to strike their names from such partial schedule in your possession. You are also authorized to cancel the allotment made to Frank Boon, mentioned in your letter of June 16, 1906. You will advise the Department whether any allotment has been made to Volney R. Boon and as to its status. You will request the U. S. Indian Agent, Union Agency, to inform you whether any application of any kind has been made affecting any allotment to Volney R. Boon.

Respectfully,

Thos Ryan

Acting Secretary.

REFER IN REPLY TO THE FOLLOWING
Cherokee-10937-
10856.

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

Muskogee, Indian Territory, October 15, 1906.

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

Dear Sir:

There is inclosed herewith a copy of Departmental letter of September 28, 1906, granting your motion for review of the Cherokee enrollment cases of Frank and Volney R. Boon; rescinding its decisions favorable to said applicants, and denying their applications for enrollment as citizens of the Cherokee Nation.

Respectfully,

Commissioner.

Incl. S-3
LS

Lt Department

IN THE MATTER OF THE APPLICATION

Volney Boone, et al

CHEROKEE CITIZENS

a Original letter asking fee 15/00

a Memo of application 1/00

Certificate [illegible]

[illegible]

Notice of final consideration 3/14/03

Letter to Guardianship

[illegible]

Transferred to R-711

Cher D 985

Trans to Cher 10989

Cher D 985

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

HENRY G. WOOD

as a citizen by intermarriage of the Cherokee Nation.

Cherokee D 985.

enrollment of said Henry T. Wood will be suspended, and his name will be placed upon a doubtful roll, awaiting the filing of the decree of or certified copy of the decree of divorce and proof of marriage to his second wife, and also proof that he did not abandon his wife, or that his wife had not satisfactory grounds for abandoning him.

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 December 18, 1900.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., December 15, 1900.

In the matter of the application of Henry T. Wood 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 Henry T. Wood.
Q What is your age. A 53
Q What is your post-office address? A Tahlequah.
Q What district do you live in? A Canadian.
Q Are you a recognized citizen of the Cherokee Nation by blood? Or adoption? A Adoption.
Q Do you desire to enroll? A Yes sir.
Q Anybody else? A No sir.
Q Have you a certificate of marriage? A Yes sir (Produces papers)
1880 roll page 823 #2627 Henry G. Wood Tahlequah adopted white
1896 roll page 1291 #290 Henry G. Woods Tahlequah
Q What was your wife's name? A Maria L. Hawkins.
Q Is she living? A Yes sir.
Q Are you living with her now? A No sir
Q Are you divorced from her. A Yes sir:
Q When? A About three years ago.
Q You lived with her continuously up until three years ago?
A Yes sir.
Q Have you married since? A Yes sir.
Q What is your present wife's name? A Josie A. Reed.
Q Is she a white woman? A No sir
Q Cherokee by blood? A Yes sir.
Q Have you a certificate of marriage to her? A No sir, not with me.
Q Do you desire to enroll her. A She has been enrolled.
Q What was her name on the roll of 1880? A Reed I suppose.
1880 roll page 43 #1176 Josephine Reed Canadian
Q You living with her now? A Yes sir.
Q Did you have a married license when you married her? A Yessir
Q Have you got your license? A No sir.
Q Have you a certificate of divorce from your first wife?
A Yes sir, not with me. I was divorced under the Cherokee court; or she was divorced rather from me; she applied for the divorce; Hastings was her attorney.
Q What year were you married to your last wife. A It has been about two years ago. This divorce case- we separated by agreement, she and I; my citizenship wasn't questioned in the case at all. She abandoned me; I didn't abandon her.
Q But you applied for the divorce? A No sir, she applied for the divorce.
Q What grounds did she alleged? A She set forth ill treatment and drunkenness and quite a number of allegations.
Q When were you divorced? A About three years ago.

Com'r Needles: The name of Henry T. Wood appears upon the authenticated roll of 1880 and the census roll of 1896 as an intermarried white; the name of his first wife, Mariah L. Hawkins appears upon the authenticated roll of 1880; he avers that he procured a divorce, or that a divorce was granted between him and his said wife, Mariah L., in the year 1897; he avers that since said divorce he was married to one Josie A. Reed, a Cherokee citizen by blood, and her name is found upon the authenticated roll of 1880, and that he was married to her according to the laws of the Cherokee Nation, about 2 years ago; applicant is duly identified on said roll and makes satisfactory proof as to residence, but by reason of his divorce and remarriage since the year 1896 final judgment as to the

enrollment of said Henry T. Wood will be suspended, and his name wil be placed upon a doubtful card, awaiting the filing of the decree of or certified copy of the decree of divorce and proof of marriage to his second wife, and also proof that he did not abandon his wife, or that his wife had not satisfactory grounds for abandoning him.

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

M D Green

Subscribed and sworn to before me this December 18, 1900.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 15 1900

ACTING CHAIRMAN.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

(53)

Date DEC 15 1900 1900.

Name Henry G. Hood Tahlequah Ind. T.

District TAHLEQUAH Year 1880 Page 822 No. 1027

Citizen by blood No Mother's citizenship

Intermarried citizen No

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children: DOUBTFUL

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

Marriage License and certificate between the applicant and his second and present wife Josie A. Wood, nee Reid to be supplied

License of divorce between Henry G. Hood and his former wife to be supplied

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES
TAHLEQUAH, I.T., DECEMBER 18th, 1900.

Supplemental testimony in the matter of the enrollment of Henry G. Wood, "B" Card 2335.
Mariah L. Hawkins, being sworn and examined by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A Mariah L. Hawkins.
Q What is your age? A Fifty one.
Q What is your Postoffice address? A Tahlequah.
Q Do you know Henry G. Wood? A Yes sir.
Q Was he your former husband? A Yes sir.
Q Were you and he ever divorced? A Yes sir, we was divorced.
Q You say you have proof of divorce? A Yes sir.
Q You will please present it? (Applicant hands paper to Commissioner)

Q You present, Mrs. Hawkins, a ~~[illegible]~~ stipulation signed by you and Mr. Wood as to your separation, the correctness of the same, being certified to by Arch Spears, Clerk of Tahlequah District, under the seal of the Court. This stipulates that certain things be performed by your husband before it shall become of any effect: Have all the stipulations in this act been complied with? A Yes sir.

Com'R. T. B. Needles: This is dated on the 1st day of February, 1897.
A Yes sir.
Q You say that Mr. Wood has complied with all the stipulations in this agreement? A Yes sir.
Q You and he have made a ~~[illegible]~~ final settlement under this? A Yes sir.
Q And you do not charge now that Mr. Wood deserted you, or that it was his fault. This separation is just mutual between you?
A Yes sir.
Q Satisfactory to both of you, is it? A Yes sir.

Com'r. T. B. Needles: The article of agreement presented reads, that "this article of agreement between Henry G. Wood, Party of the first part and M. L. Wood, party of the second part, in the Town of Tahlequah, Cherokee Nation, in the case of M. L. Wood versus Henry G. Wood" said agreement reciting the terms upon which their separat-

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES
TAHLEQUAH, I.T., DECEMBER 18th, 1900.

Supplemental testimony in the matter of the enrollment of Henry G. Wood, "D" Card #985.
Mariah L. Hawkins, being sworn and examined by Commissioner, T. B. Needles, testified as follo ws:

Q What is your name? A Mariah L. Hawkins.
Q What is your age? A Fifty one.
Q What is your Postoffice address? A Tahlequah.
Q Do you know Henry G. Wood? A Yes sir.
Q Was he your former husband? A Yes sir.
Q Were you and he ever divorced? A Yes sir, we was divorced.
Q You say you have proof of divorce? A Yes sir.
Q You will please present it? (Applicant hand s paper to Commissioner)

Q You present, Mrs. Hawkins, a ~~statement~~ stipulation signed by you and Mr. Wood as to your separation, the correctness of the same, being certified to by Arch Spears, Clerk of Tahlequah District, under the seal of the Court. This stipulates that certain things be performed by your husband before it shall become of any effect: Have all the stipulations in this act been complied with? A Yes sir.

Com'R. T. B. Needles: This is dated on the 1st day of Febuary, 1897.
A Yes sir.
Q You say that Mr. Wood has complied with all the stipulations in this agreement? A Yes sir.
Q You and he have made a ~~mutual agreement~~ final settlement under this? A Yes sir.
Q And you do not charge now that Mr. Wood deserted you, or that it was his fault. This separation is just mutual between you?
A Yes sir.
Q Satisfactory to both of you, is it? A Yes sir.

Com'r. T. B. Needles: The article of agreement presented reads, that "this article of agreement between Henry G. Wood, Party of the first part and M. L. Wood, party of the second part, in the Town of Tahlequah, Cherokee Nation, in the case of M. L. Wood versus Henry G. Wood" " said agreement reciting the terms upon which their separation shall be effected, to the effect that they mutually agree to separate as man and wife, and both mutually agree that a decree of absolute divorce be granted by the Cherokee Court of Tahlequah Districtmx, at the April term, and said M. L. Wood's maiden name be restored and that all claim in the stipulation depriving Henry G. Wood of citi enh ip is hereby withdrawn by the said M. L. Wood, she being the plaintiff in the suit for divorce., said agreement being signed by H. G. Wood and his wife, Mariah L. Wood, in the presence of William P. Thompson, S. F. Hawkins and Martha J. Starkwell.

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

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

COMMISSIONER.

1-786

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 18 1900

ACTING CHAIRMAN

1-786

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 18 1900

ACTING CHAIRMAN.

Cherokee Nation } By authority vested
Tahlequah C.N. } in me vested by Law
I, Crist H. G. Wood License of
Intermarriage, he having complied with
the laws of the Cherokee Nation "Regulating
Intermarriage with White men".
Therefore:—

Any of the Judges of the Courts
of this Nation, or Ordained Minister
of the Gospel, this will authorize
you to solemnize the rights of matrimony
between Wm H. G. Wood, a citizen of the
U.S. and Miss Mariah L. Hawkins of the Cherokee
Nation and return this Instrument with
your Certificate attached for Record
This March 19th 1871

W. P. Turner
Clk Dist Ct
Tahlequah Dist
C.N.

I certify that I executed & solemnized the
rites of matrimony between the above named
parties at the residence of the Bride's Mother
March 19th 1871 as directed by above authority
J. K. B. McSpadden N.G.

CERTIFICATE OF RECORD.

United States of America,
INDIAN TERRITORY,
NORTHERN DISTRICT.

ss.

I, JAMES A. WINSTON, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the ..... day of ..... 189 9, at ..... M., and duly recorded in Book ..... , Marriage Record, Page 330

WITNESS my hand and seal of said Court, at Muscogee, in said Territory, this 27 day of ..... A. D. 189 9

By ..... Deputy.

Jas. A. Winston Clerk.

DEC 18 1900
FILED
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

CERTIFICATE OF RECORD.

United States of America, }
INDIAN TERRITORY, } ss.
NORTHERN DISTRICT.

I, JAMES A. WINSTON, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 27 day of April, 1899, at M., and duly recorded in Book 14, Marriage Record, Page 30.

WITNESS my hand and seal of said Court at Muscogee, in said Territory, this 27 day of April, A. D. 1899.

Jas. A. Winston, Clerk.

By Deputy.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
DEC 18 1900
ACTING CHAIRMAN

FILED
APR 27 1899
James A. Winston
CLERK.

MARRIAGE LICENSE

United States of America,
INDIAN TERRITORY, } SS.
NORTHERN DISTRICT.

No. 229

To Any Person Authorized by Law to Solemnize Marriage--Greeting:

YOU ARE HEREBY COMMANDED to Solemnize the Rite and publish the Banns of Matrimony between Mr. H. G. Ward *of* Tahlequah *in the* Indian Territory *, aged* 51 *years, and* Mrs J. A. Reed *, of* Tahlequah *in the* Indian Territory *, aged* 39 *years, according to law, and do you officially sign and return this License to the parties therein named.*

WITNESS my hand and official seal at Tahlequah, this 24th *day of* October *A. D. 189*8.

James A. Winston
Clerk of the U. S. Court.

By H. W. C. Shelton *Deputy.*

CERTIFICATE OF MARRIAGE.

United States of America,
INDIAN TERRITORY, } SS.
NORTHERN DISTRICT.

I, Nicholas Billing *, a* Minister of the Gospel *DO HEREBY CERTIFY, that on the* 24th *day of* October *A. D. 189*8, *I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.*

WITNESS my hand this 24th *day of* October *A. D. 189*8.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book 7 *, Page* 145

Nicholas Billing
a Minister of the Gospel

NOTE.—This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court in the Northern District, Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars ($100.00).

W. J. Ward

vs.

Henry Gilman.

[illegible]

In the Circuit Court ... for subsequent in which the matter.

Ann T. ... Deppenplan, ...
T. J. ...

vs. } Suit for divorce
Hiram G. Lord } & alimony.

This cause coming on to be heard at the April Term of this Court upon a stipulation agreement between parties plaintiff and defendant, wherein it is stated that each should have entire charge and custody of their two minor children, children the property and agreeing that each party shall pay ... all legal costs accruing under and by virtue of this proceeding except attorney's fees which demand is recorded in office of the Circuit Clerk of ... and Dixon.

... Cause later ... ... stipulated ... herein filed, it is ordered, adjudged and decreed that the ... be ... divorce ... that plaintiff is awarded the ... custody ... of their two minor children, that the ... the ... and ... property ... as ... "Desig=

[illegible] to specify the agreement.

It is ordered that the party shall pay one half of the One Hundred and Eighty Dollars [illegible] their one-half of all legal costs in this proceeding [illegible] exceptions, fees, and all other things shall be performed as set forth in the stipulation agreement. Leave is hereby made upon of this decree for which let execution issue. Enter.

Given under my hand this the 6th day of April A.D. 1897.

T. M. Buffington
Judge.

Ed King - $600
Mark Fraser 50
Court costs 100
Dose fees - 290
Witnesses 200
$1500

The foregoing is a true copy of the order of decree in the case of N. L. Wood vs Thos. Ellis.

Witness my hand and seal of Office on this the 17th day of June A.D. 1895.

Ben Johnson
Clerk Supreme Court
Choctaw Nation

The divorce was grantedin the case, and judgment was entered up as to the property interests as per stipulation filed, signed by the two parties.

BY COMMISSIONER OF ER WOOD: Do you want to ak him any further questions? A No sir.
Q You submit the case to the Commission for final decision?
A Yes sir.
Q

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

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

R.

C. D-985.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 14, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in thematterof the application of Henry G. Woods for the enrollment of himself as a citizen of the Cherokee Nation.

The applicant was notifiedby registered letter February 26, 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 atits offices in Muskogee, I. T., on the 14th 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 his application. He was further notified that the representative of the Cherokee Nation would also at the same time be afforded an opportunity to introduce testimony tending to disprove his right to enrollment, but that the said representative would first be required to notify him of their intention to introduce such testimony before they would be permitted to do so.

The CherokeeNation by its representative makes satisfactory proof of service on the said Henry G. Woods thatit would introduce testimony tending to disprove his right to be enrolled as a citizen of the Cherokee Nation, at the offices of the Commission in the town of Muskogee, I. T., on the 14th day of March, 1902. The applicant this day, to-wit, the 14th day of March, 1902, appears in person.

HENRY G. WOOD, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Henry G. Wood.
Q What is your age? A Fifty-four.
Q Post office address? A Braggs, Station.
Q You are an applicant before the Commission for enrollment as a citizen of the Cherokee Nation? A Yes sir.
Q You were requested to file with the Commission a certified copy of the decree of divorce from your former wife Maria L. Wood. Have you that with you?
A I have not got it here. The record could not be found in the court house
Q You have caused the records to be examined in Tahlequah? A Yes sir

W. P. THOMPSON: being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A W. P. Thompson.
Q What is your post office address? A Vinita.
Q Are you acquainted with the applicant in this case? A I am.
Q Are you acquaintedwith his former wife, Maria L. Wood? A Yes sir
Q Do you know anything about the proceedings had in the divorce suit between the applicant and his former wife? A Yes sir.
Q State what you know
A My firm, the law firm I was connected with at the time, brought divorce proceedings against Mr. Wood for his former wife, Mrs. Maria L. Wood, and we succeeded in getting a settlement of all the property interests in the case, and a division of the property between the two, which was reduced to writing a stipulated judgment

The divorce was grntedin the case, and judgment was entered up as to the property interests as per stipulation filed, signed by the two parties.

BY COMMISSIONER OF MR WOOD: Do you want to ak him any further questions? A No sir.
Q You submit the case to the Commission for final decision?
A Yes sir.
Q

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

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

Wm Hutchinson

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

Subscribed and sworn to before me this November 28, 1902.

Notary Public.

Page 3.

Cher
Supp'l to D 985

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 21, 1902.

In the matter of the application of HENRY G. WOOD, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation:

HENRY G. WOOD, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Henry G. Wood.
Q What is your post office address ? A Braggs, I. T.
Q What is your age at this time ? A Fifty three.
Q Are you the same Henry G. Wood that applied for enrollment as an intermarried citizen in December, 1900 ? A Yes sir.
Q What is your wife's name ? A Josie A. Wood.
Q Is she living ? A Yes sir.
Q When were you married to her ? A I was married to her in 1898. That is my present wife.
Q Is she a Cherokee by blood ? A Yes sir.
Q Were you ever married prior to your marriage to this wife ?
A Yes sir.
Q How many times before ? A Once.
Q What was your first wife's name ? A Hawkins.
Q Was she a Cherokee citizen by blood ? A Yes sir.
Q When were you married to her ? A I was married to her in January, 1871.
Q You are on the 1880 roll with her ? A Yes sir.
Q When did she die ? A She is living.
Q How long did you and your first wife live together before you separated ? A We lived together about twenty five years.
Q Do you remember what year you separated ?
A It was in 1897 that we separated.
Q What was the cause of your separation Mr. Wood ?
A It was various causes, I suppose. We parted by mutual consent; we couldn't get along together.
Q Where were you living when you separated ? A At Tahlequah.
Q In the town ? A Yes sir, I was in business there.
Q Where did she go after you separated ?
A She lives there now.
Q Were you living in a house of your own or a rented house ?
A I was living in a house of my own.
Q Who remained in the house ? A I gave the house to her.
Q And you left the place ? A Yes sir. We divided our property. We had considerable property; I remained in town and she lived on the farm.
Q Well, did you afterwards get a divorce from her ?
A Yes sir.
Q In what court ? A In the Cherokee courts.
Q In what year ? A That was in 1897. I have got the decree of divorce right here in my pocket. (Witness produces document). It shows April, 1897.
Q Have you ever filed this with the Commission ?
A At the time I made application for enrollment that couldn't be found; it was in the clerk's office, and I have gotten it since.
Q You had better file it at this time ? A Alright.

The Commission: The applicant filed a duly certified copy of decree of divorce in the case of M. L. Wood against Henry G. Wood, rendered in the Circuit Court, Tahlequah District, Cherokee Nation, on the 6th day of April, 1897.

Q Now Mr. Wood, as I understand you, you and your wife separated by mutual consent ? Is that right ? A Yes sir, that's right.
Q You went off and left her with the house you were living in, did you ? A Well, at that time I gave her two houses; we were both living in town at that time, and I gave her the house in town.
Q The house you were living in in town you gave to her ?
A Yes sir.
Q And you went off and left her in the house ? A Yes sir.
Q And the house belongs to her ? A Yes sir, by agreement.
Q She didn't force you to leave or anything like that ?
A Well, she brought suit for divorce.
Q I mean at the time you separated, she didn't force you to leave her ? A Only by the suit.
Q She didn't bring suit before you separated ?
A She brought suit at the time we did separate.
Q Well, she didn't get up and go off and leave you ? A Yes, she went off and left me, and then brought suit, and we separated by agreement. I had considerable property at that time. It was all mine.
Q Had you and she separated before you divided the property and gave her this house ? A Yes sir.
Q Had she gone away before that ? A Yes sir.
Q Where did she go to ? A Illinois.
Q To her mother's ? A Yes sir.
Q How did you get together and divide the property ?
A She brought suit for divorce and the property, and the property was mine. I told her if she wanted a divorce I would give her a divorce and divide the property.
Q Then you didn't give her this house until suit had been brought ?
A Yes sir.
Q When she left here and went off to her mother's, what did she tell you ? A She showed she was going to quit me by bringing suit.
Q She never told you before ? A No sir.
Q Never had any conversation about it ?
A Not until then.
Q You didn't know anything of the separation until notice was served on you ? A That's the first I knew.
Q After the suit was filed you compromised the property interests by dividing ? A Yes sir.
Q And that was not done until after the suit was filed ?
A Yes sir, that's right.
Q Where was she staying when she brought suit ?
A With her mother.
Q Where were you staying ? A I was attending to my business.
Q Who was occupying the house where you and she had been living from the time you separated up to the time you divided with her, who had the house ? A It was in the hands of the Sheriff.
Q And the Sheriff took charge of it when this suit was brought against you ? A Yes sir.
Q Well now, after you and she were divorced you married again ?
A Yes sir.
Q When were you married again ? A In 1898.
Q What is your last wife's name ? A Josie A. Wood.
Q She is your second wife ? A Yes sir.
Q Had she ever been married before she married you ?
A Yes sir.
Q How many times ? A Once.
Q Was her first husband living or dead when you married her ?
A He was living.
Q Had she been divorced from him ? A Yes sir.
Q Have you and your present wife lived together 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 You and she have never separated ? A No sir.
Q Have you lived in the Cherokee Nation all the time since 1880 up to the present time ? A Yes sir.
Q Never have lived out of the Cherokee Nation during that time ?
A No 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 28, 1902.

B. O. Jones
Notary Public.

F.R. Cherokee 985.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JANUARY 5, 1907.

In the matter of the application for the enrollment of HENRY G. WOOD as a citizen by intermarriage of the Cherokee Nation.

APPEARANCES: The applicant appears in person.
Jas. L. Allen, Attorney, appears on behalf of applicant.

BY MR. ALLEN:

"This application has been heard twice before this time: first, on December 15, 1900, at Tahlequah, Indian Territory. Further proceedings were had at Muskogee, Indian Territory, in the matter of said application on March 14, and October 21, 1902. The testimony had all been takenand transcribed, and is of record, showing that Henry G. Wood was lawfully married, under authority of the Cherokee laws, by the issuance of a Cherokee marriage license on the 17th of March, 1871, to Mariah L. Hawkins, a citizen by blood of the Cherokee Nation; and that thereafter the said Henry G. Wood was identified on the authenticated Cherokee rolls of 1880, and of the Cherokee census roll of 1896. The evidence shows that Henry G. Wood and his wife lived together as husband and wife until 1897, when they were divorced, according to Cherokee laws. A copy of proceedings of such divorce is on file , and we desire at this time to offer testimony to show that the divorce, which was granted by the Cherokee Courts to these parties, was granted on the grounds of mutual consent between both parties, and that there was no abandonment on the part of the applicant, Henry G. Wood; that in fact there was no abandonment by either party, but the facts leading up to the divorce were that the parties were not congenial, and even at the time of the divorce the applicant insisted upon his wife living with him at that time; and we only seek at this time to offer testimony to show that there was no abandonment on the part of the applicant."

HENRY G. WOOD, being first duly sworn by Walter W. Chappell, Notary Public, testified as follows:

BY MR. ALLEN:

Q What is your name? A Henry G. Wood.
Q State your age. A 60; will be the 5th of March.
Q Where do you live? A I live at Braggs.
Q Where did you live December 15, 1900? A Tahelquah.

F.R.

Cherokee 985 - 2.

Q Are you a citizen of the Cherokee Nation by blood? A No sir.
Q Are you a citizen of the Cherokee Nation by adoption? A Yes sir.
Q To whom were you married first? A Mariah L. Hawkins.
Q When? A In March, 1871.
Q Were you married according to Cherokee laws? A Yes sir.
Q Did you have a marriage license? A Yes sir.
Q Did you furnish the Commission with a copy of the marriage license? A Yes sir.

ON BEHALF OF THE COMMISSIONER:

"The records of this office show that on December 18,1900, there was filed an instrument, purporting to be a marriage license, issued by W. H. Turner, Clerk District Court, Tahlequah, Indian Territory, on March 17, 1871, authorizing the marriage of William H. G. Wood to Mariah L. Hawkins. Said instrument further shows that the marriage ceremony was solemnized by T.K.B. McSpadden on March 19, 1871. An indorsement on the back of said instrument shows that said marriage license was filed for record in the office of W. H. Turner, Clerk of said Court, on March 17, 1871.

Attention is respectfully invited to said instrument."

BY MR. ALLEN:

Q Were you ever married prior to your marriage to Mariah L. Hawkins? A No sir.
Q Was Mariah L. Hawkins ever married prior to her marriage to you? A No sir.
Q Are you living with Mariah L. Hawkins at this time? A No sir.
Q Is she living? A Yes sir.
Q Are you divorced? A Yes sir.
Q When were you divorced? A Well, we were divorced at the time that agreement was made.
Q Well, what year, I mean? A I couldn't call to mind what year that was.
Q Was it in 1897? A It was at that time.
Q Where? A Tahlequah.
Q By what Court? A Circuit Court of the Cherokee Nation.
Q Prior to the time you secured this divorce, where did you and your wife live? A In the town of Tahlequah.
Q Just prior to the time of the filing of this suit for divorce, did you and your wife have any serious trouble or difficulty? A Not particularly.
Q Where were you living? A At the same place.
Q Where was your wife living? A She was living with me [illegible].
Q Where was she living at the time suit was brought for divorce? A She was living with her mother, 3 miles west of the town.
Q Did you leave her? A No sir, she left me.
Q Where did she go? A To her mother.
Q Was she living with her mother at the time the suit was instituted? A Yes sir.
Q After this suit was instituted, did you enter into any contract or agreement with her? A Yes sir.
Q Have you a copy of it? A No sir.

F.R.

Cherokee 985 - 3.

Q What became of the contract? A I suppose the only contract we had at the time was destroyed when it was burned by fire afterward.

ON BEHALF OF THE COMMISSIONER:

"The records of this office show that on December 18,1900, at Tahlequah, Indian Territory, there was presented an agreement , which reads as follows:- 'This article, or agreement, between Henry G. Wood, party of the first part, and Mariah L. Wood, party of the second part, in the town of Tahlequah, Cherokee Nation, in the case of Mariah L. Wood versus Henry G. Wood'. ..... said agreement reciting the terms upon which their separation shall be effected, to the effect that they mutually agree to separate as man and wife, and both mutually agree that a decree of absolute divorce be granted by the Cherokee Court of Tahlequah District at the April term, and said Mariah L. Wood's maiden name be restored, and that all claim in the stipulation depriving Henry G. Wood of citizenship is hereby withdrawn by the said Mariah L. Wood, she being the plaintiff in the suit, said agreement being signed by Henry G. Wood, and his wife, Mariah L. Wood, in the presence of William P. Thompson, S. F. Hawkins and Martha J. Starkwell.

Attention is respectfully invited to this record."

BY MR. ALLEN:

Q What were the terms of that contract? A They was, to give her half of my property.

Q Was there anything said in the cont ract relative to a divorce? A Yes sir, I told her if she wanted a divorce, I would give her half of my property, but that I would rather she would come home and remain.

Q And the divorce was then granted, upon the grounds of mutual consent? A Yes sir.

Q Was there any charge of desertion? A No sir.

ON BEHALF OF THE COMMISSIONER:

"The records of this office show that on January 2, 1905, there was filed a copy of the decree entered on April 6, 1897, in the Circuit Court of Tahlequah District, Cherokee Nation, in the case entitled 'Mariah L. Wood versus Henry G. Wood.'

Attention is respectfully invited to copy of said decree."

BY MR. ALLEN:

Q Mr. Wood, did you live with your wife from the time of your marriage in 1871 until April, 1897 continuously? A Yes sir.

Q Are you married at the present time? A Yes sir.

Q To whom? A I married Josephine Reed.

Q When? A About 6 or 7 years ago.

Q What is her blood? A She is a Cherokee.

Q By blood? A Yes sir.

Q Are you and she living together? A Yes sir.

F.R.

Cherokee 985 - 4.

Q Have you lived together continuously since your marriage? A Yes sir.
Q Was your marriage to Josephine Reed according to Cherokee laws? According to the U. S. laws, if I understand it right.
Q Where did you get your license? A At Tahlequah.
Q What became of the license? A That license was filed with these papers.

ON BEHALF OF THE COMMISSIONER:

"The records of this office show that on December 18, 1900, there was filed a marriage license, issued by James. A. Winston, Clerk United States Court, at Tahlequah, Indian Territory, October 24, 1898, authorizing the marriage of Henry G. Wood and Mrs. Josephine A. Reed; t hat said marriage was solemnized by Nicholas Biddings on October 24, 1898; and that said marriage license was returned to the Clerk of said Court, and filed for record on April 27, 1899.
Attention is respectfully invited to said license."

Q Have you ever been recognized on any roll of the Cherokee Nation? A Yes sir.
Q What roll? A The 1880 roll.

DAVID TIPTON, being first duly sworn by Charles E. Webster, Notary Public, testified as follows:

BY MR. ALLEN:

Q What is your name? A David Tipton.
Q What is your age? A 60.
Q What is your post office address? A Leach, Indian Territory.
Q Are you a Cherokee by blood? A No sir, by adoption.
Q You are an intermarried citizen? A Yes sir.
Q Are you acquainted with Henry G. Wood? A Yes sir.
Q How long have you known him? A Ever since '75.
Q Are you acquainted with Mariah L. Wood? A Yes sir.
Q Did you know Henry G. Wood and Mariah L. Wood when they were livin, together as man and wife? A Yes sir.
Q Where were you living on about April 18, 1897? A West of Tahlequah about 2 miles.
Q Are you acquainted with the facts in relation to the divorce of Mariah L. Wood from Henry G. Wood? A All I know about it is that she left him.
Q Do you know why they separated? A No sir.
Q Did she leave his house and go somewhere else? A Yes sir.
Q Where did she go? A To her mother's, about 3 miles west of Tahlequah.
Q Do you know when a decree of divorce was granted? A I know about the time.
Q Was it mutual between them? Did they effect a settlement, or was it settled by the Court? A All I know is what Mr. Wood told.
Q You know that she left him, and went from his house to her mother's? A Yes sir.
Q Do you know the reason why she did so? A No sir.

F.R.

Cherokee 985 - 5.

ANDY CARTER, being first duly sworn by Walter W. Chappell, Notary Public, testified as follows:

BY MR. ALLEN:

Q What is your name? A Andy Carter.
Q Where do you live? A Tahlequah.
Q What is your age? A 37.
Q Occupation? A Farming.
Q Are you on the Cherokee rolls? A Yes sir.
Q Blood or freedman? A Freedman.
Q Are you acquainted with Henry G. Wood? A Yes sir.
Q How long have you known him? A 25 years, I guess.
Q Are you acquainted with his wife? A Yes sir.
How long have you known her? A Well, about the same time.
Q Do you remember the circumstances of their separation? A Yes sir.
Q Where were you at that time? A I was working for Mr. Wood.
Q What was he doing? A Working in a livery stable.
Q State the circumstances of their separation. A Why, it was a a little trouble occurred between them some way, and I was about the place; I dont know the full conversation , but she left home after a little while.
Q She left her home? A Yes sir.
Q Where? A Tahlequah.
Q Where did she go? A To her brother's.
Q Where was that? A 2 or 3 miles west of Tahlequah.
Q Did she stay there? A Yes sir, quite a bit; then they went into this divorce case.
Q Did he abandon her? A No sir.
Q Were you at Tahlequah shortly after this divorce suit was commenced by Mariah L. Hawkins, and heard a conversation between Mr. Wood and his wife? A Yes sir, I heard him tell her to come back home and stay.
Q He invited her to come home? A Yes sir.
Q What was said relative to expenses and money? A He told her he would pay the lawyer's fee, and she could come back home and help to raise the children.
Q Did she come? A No sir.
Q After the divorce, who resided in the home? A Mr. Wood stayed there until they divided the property; she taken the home place, as well as I can remember.
Q But up to that time she remained away from home; she left the house, and he did not desert her? A No sir.

ON BEHALF OF THE COMMISSIONER:

Q Prior to the separation, did Mr. Wood mistreat this woman in any way? A In every way, I know, he was kind to her; I never heard him use a cross word toward her.

F.R.

Cherokee 985 - 6.

The undersigned, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, she correctly recorded the above and foregoing testimony, and that the same is a full, true and correct transcript of her stenographic notes thereof.

Sarah Waters

Subscribed and sworn to before me this 7th day of January, 1907.

John E. Tidwell
Notary Public.

Cherokee D. 985.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Henry G. Wood 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 December 15, 1900, Henry G. Wood appeared before the Commission at Tahlequah, 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 March 14, and October 21, 1902.

The evidence shows that Henry G. Wood was lawfully married under authority of a Cherokee marriage license, on March 17, 1871, to Mariah L. Hawkins, a citizen by blood of the Cherokee Nation. The said Henry G. Wood is identified on the Cherokee authenticated roll of 1880 and the Cherokee census roll of 1896. It appears that the said Henry G. Wood lived with his said wife until 1897; that they then separated and thereafter his said wife obtained a divorce from the applicant, but applicant testified that the decree of divorce was rendered in accordance with an agreement between him and his said wife.

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), is as follows:

> "Every person who shall lawfully marry under the provisions of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege as a citizen of this Nation."

The evidence further shows that subsequent to the applicant's divorce from his wife as hereinbefore shown, he married, on October 24, 1898, one Josephine Reed, a Cherokee citizen by blood. Said marriage was not under authority of a Cherokee marriage license or in

accordance with Cherokee law, and, even if so, being subsequent to December 16, 1895, applicant could not acquire intermarried rights.

It is, therefore, the opinion of this Commission that the said Henry G. Wood abandoned his wife, Mariah L., within the meaning of the section of 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.

_____
Chairman.

_____
Commissioner.

_____
Commissioner.

_____
Commissioner.

Dated at Muskogee, Indian Territory,

this_____

F.R. Cherokee D 985.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Henry G. Wood 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 Tahlequah, Indian Territory, December 15, 1900, application was received by the Commission to the Five Civilized Tribes, for the enrollment of Henry G. Wood as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Tahlequah, Indian Territory, December 18, 1900, and at Muskogee, Indian Territory, March 14, 1902, October 21, 1902, and January 5, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Henry G. Wood, a white man, was married in accordance with Cherokee law on March 19, 1871, to one Mariah L. Hawkins, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation and who is identified upon the Cherokee authenticated tribal roll of 1880, Tahlequah District, No. 2628 as a native Cherokee. It is further shown that from the time of said marriage in 1871 the said Henry G. Wood and Mariah L. Wood, nee Hawkins, resided together as husband and wife until 1897; that they then separated and thereafter the said Mariah L. Wood obtained a divorce from the applicant, which decree of divorce appears to have been rendered in accordance with an agreement entered into between said applicant and said Mariah L. Wood.

It is, therefore, considered that the evidence does not establish an abandonment on the part of the applicant of his Cherokee wife, Mariah L. Hawkins.

It is further shown that subsequent to the applicant's divorce from his said wife Mariah L. Wood, the said Henry G. Wood was married on October 24, 1898, to one Josephine Reed, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation, who is identified as Josephine Reed upon the Cherokee authenticated tribal roll of 1880, Canadian District, page 43, No. 1176, as a native Cherokee, and whose name is included on the approved partial roll of citizens by blood of the Cherokee Nation opposite No. 15045. Since said marriage on October 24, 1898, the said Henry G. Wood and Josephine Wood, nee Reed, have resided together as husband and wife. Said applicant, Henry G. Wood, since his said marriage to Mariah L. Hawkins in 1871, has continuously lived in the Cherokee Nation up to and including September 1, 1902.

The said Henry G. Wood is identified on the Cherokee authenticated tribal roll of 1880, and the Cherokee census roll of 1896, as an intermarried citizen of the Cherokee Nation.

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 Henry G. Wood, is entitled, under the provisions of Section 21 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 granted.

Commissioner.

Dated at Muskogee, Indian Territory,

this FEB 21 1907.

41 1895

COMMISSIONERS
HENRY L. DAWES
SAM. HIXBY
THOMAS B. NEEDLES
W. BRECKINRIDGE

ALFRESON C. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 26, 1902.

Mr. Henry G. Wood,

Tahlequah, Indian Territory,

Sir:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 14 day of March, 1902.

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

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

You are required to supply the Commission with a certified copy of your decree of divorce from your former wife Maria L.

Cherokee D-985
Register.

Yours truly,

xxxxxxxxxxxxx
Acting Chairman.
Commissioner in Charge.

CD

D. 985

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.

COMMISSION TO THE FIVE CIVILIZED TRIBES,
FILED
MAR 13 1902
ACTING CHAIRMAN.

NOTICE!

IN THE MATTER OF the application of ..... for enrollment as Cherokee citizens:

Case No. D .....

To .....

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on ..... 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 .....

M. M. Harlinger

.....

Attorneys for the Cherokee Nation.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT } ss

In the matter of the application of H. G. Woods for enrollment as a Cherokee Freedman.

No. F. D.

W. H. Martin, of lawful age, being duly sworn on oath states that on the 8" day of March, A. D., 1902, he registered to H. G. Woods whose postoffice is Braggs Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Muskogee Indian Territory; and that on the 8" day of March, 1902, he received the return card which is hereto attached, signed by the said H. G. Woods, showing that he had received said notice.

W. H. Martin

Subscribed and sworn to before me on this the 10 day of March A. D. 1902

J. C. Starr
Notary Public.

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. 985.

Muskogee, I. T., March 3rd, 1902.

Josie [illegible],
Muskogee, I. T.

Dear Madam:

Enclosed herewith we hand You a subpoena for Your attendance before the Dawes Commission at this place as a witness on the 11th day of March, 1902. Please accept service of this subpoena by signing Your name in the blank stamped in red ink at the bottom, and return to us in the enclosed envelope, and also advise us if You will be on hand promptly at that time.

Your's truly,

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D-985.

Muskogee, Indian Territory, June 3, 1902.

Henry G. Wood,

Tahlequah, Indian Territory.

Sir:

In the matter of your application for enrollment as a citizen of the Cherokee Nation, you are advised that it is necessary for the proper consideration of your case, that you furnish this Commission with a certified copy of the decree of divorce, alleged to have been granted between you and your former wife, Mariah L. Wood (nee Hawkins); or that you appear before this Commission on or before June 18th 1902, and submit other proper testimony as to the existence of such decree and the grounds on which the divorce was granted.

Yours truly,

Acting Chairman.

Cherokee
D-985

Muskogee, Indian Territory, December 29, 1906.

Henry G. Wood,

Braggs, Indian Territory.

Dear Sir:

November 6, 1906, the United States Supreme Court held that white persons who intermarried with Cherokee citizens according to Cherokee law prior to November 1, 1875, are entitled to enrollment and allotments of land as citizens of the Cherokee Nation.

You are advised that to properly determine your right to enrollment as a citizen by intermarriage of the Cherokee Nation, it will be necessary for you to appear before the Commissioner for the purpose of giving testimony as to the date of your marriage and whether or not your wife, by reason of your marriage to whom you claim the right to enrollment as a citizen of the Cherokee Nation, was a recognized citizen of the Cherokee Nation at the time of your marriage to her, and whether or not you were married to her in accordance with Cherokee laws.

You are, therefore, directed to appear before the Commissioner at Muskogee, Indian Territory, at 9 o'clock A. M., on Saturday, January 5, 1907, and give testimony as above indicated.

Respectfully,

JMH

Acting Commissioner.

Cherokee
D-985

Muskogee, Indian Territory, December 29,1906.

James L. Allen,

Attorney for Henry G. Wood,

Muskogee, Indian Territory.

Dear Sir:

November 6, 1906, the United States Supreme Court held that white persons who intermarried with Cherokee citizens according to Cherokee law prior to November 1, 1875, are entitled to enrollment and allotments of land as citizens of the Cherokee Nation.

Henry G. Wood has been advised that to properly determine his right to enrollment as a citizen by intermarriage of the Cherokee Nation, it will be necessary for him to appear before the Commissioner for the purpose of giving testimony as to the date of his marriage and whether or not his wife, by reason of his marriage to whom he claims the right to enrollment as a citizen of the Cherokee Nation, was a recognized citizen of the Cherokee Nation at the time of his marriage to her, and whether or not he was married to her in accordance with Cherokee laws.

Henry G. Wood has this day been directed to appear before the Commissioner at Muskogee,Indian Territory,at 9 o'clock A.M.,on Saturday, January 5, 1907, and give testimony as above indicated.

Respectfully,

JMH

Acting Commissioner.

Cherokee
D 985

Muskogee, Indian Territory, January 7, 1907

James L. Allen,
Attorney for Henry G. Wood,
Muskogee, Indian Territory.

Dear Sir:

This office is in receipt of your letter of December 20, 1906, in which you state that you have been employed by Henry G. Wood to represent him before this office in the matter of his application for enrollment as a citizen of the Cherokee Nation.

In reply you are advised that you have been entered as Attorney of record for Henry G. Wood.

Respectfully,

L M B

Commissioner

Cherokee D 985

Muskogee, Indian Territory, February 21, 1907.

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

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling Henry G. Wood as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived, and I consent that said person may be placed upon the schedule immediately.

Respectfully,

W. W. Hastings

Attorney for Cherokee Nation.

Cherokee D 985

Muskogee, Indian Territory, February 21, 1907.

James L. Allen,

Attorney for Henry G. Wood,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 21, 1907, granting the application for the enrollment of Henry G. Wood as a citizen by intermarriage of the Cherokee Nation. You have heretofore been furnished a copy of the record of proceedings had in this case.

Respectfully,

Encl.H-56 1/2
JMH

Commissioner.

Cherokee D 986

Muskogee, Indian Territory, February 21, 1907.

Henry G. Wood,

Braggs, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 21, 1907, granting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

Commissioner.

Encl.H-56
JMH

REFER IN REPLY TO THE FOLLOWING:
Cherokee D 985

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

Muskogee, Indian Territory, February 21, 1907.

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

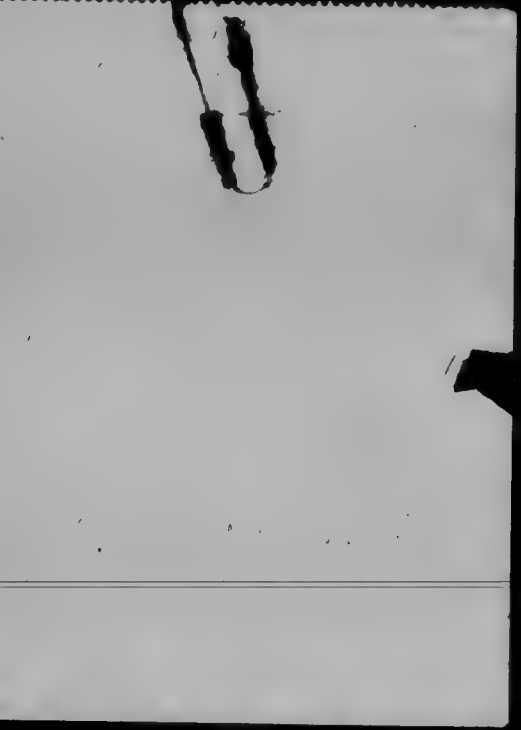
Dear Sir:

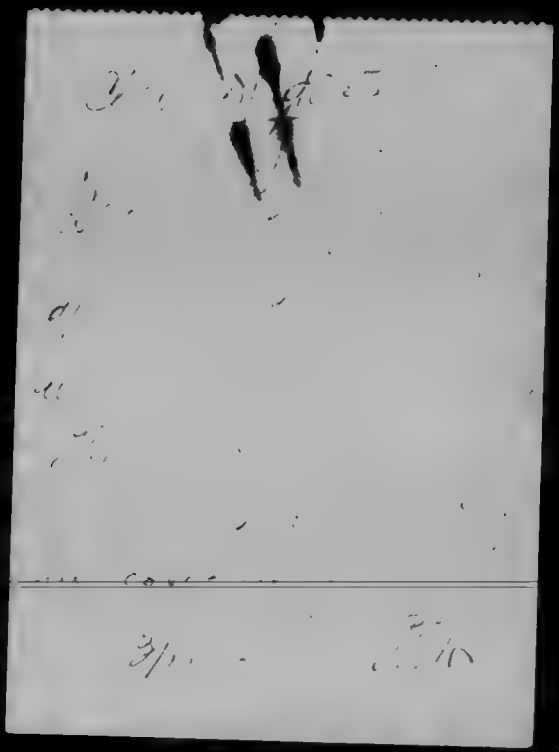
There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 21, 1907, granting the application for the enrollment of Henry G. Wood as a citizen by intermarriage of the Cherokee Nation.

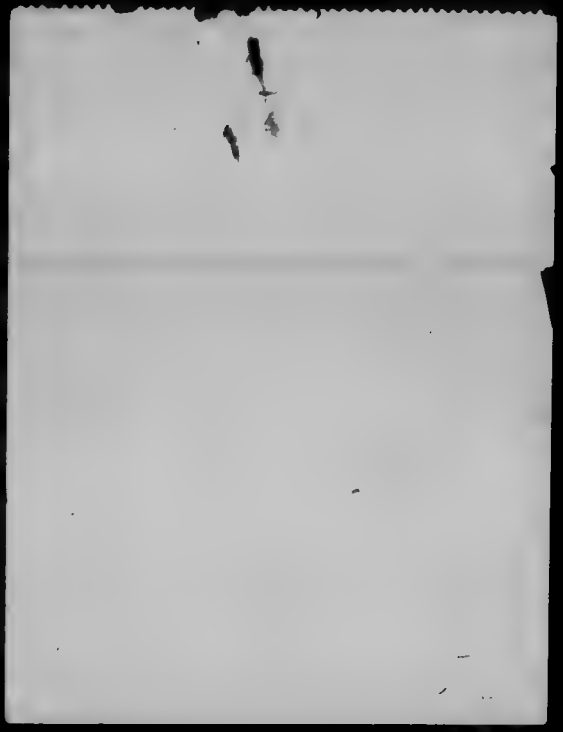
Respectfully,

Commissioner.

Encl.H-55
JMH







Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

RECEIVED
JUL 15 1902
TAHLEQUAH, IND. TER.
RECEIVED No.

Henry E. Reed

$151

IN THE MATTER OF THE APPLICATION OF

Henry G. Wood

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony Dec 15/00
B Memo of application Dec 15/00
C Supplemental testimony Dec 18/00
D Marriage license & cert of March 17/18
E " " " " Oct 24/98

Notice of final consideration, 3/14/0
Proof of service of no. 14112

Cher D 986

Cherokee D 986

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Edward Walkingstick for the enrollment of his son, Huey M. Walkingstick, as a citizen by blood of the Cherokee Nation.

D E C I S I O N .

-o-o-o-

The record in this case shows that on December 15, 1900, Edward Walkingstick appeared before the Commission at Tahlequah, Indian Territory, and then and there made personal application for the enrollment of his son, Huey M. Walkingstick, as a citizen by blood of the Cherokee Nation.

Huey M. Walkingstick is identified on the Cherokee Authenticated Tribal Roll of 1880 as "Hunt Walkingstick," he is also identified on the Cherokee Census roll of 1896 as "Montie Walkingstick."

At the time of this application the aforesaid Huey M. Walkingstick was confined in the Reform School at Boonville, Missouri, and unable to make application in person. His residence, prior to his incarceration, was in 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 the opinion of this Commission that Huey M. Walkingstick is entitled to be enrolled as a member by blood of the Cherokee Tribe of Indians in Indian Territory, and 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.

C. R. Breckinridge

Commissioner.

Muskogee, Indian Territory,

this 27 day of May 1902.

D986

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES
[illegible], I.T., [illegible] 15th, 1900.

IN THE MATTER OF THE APPLICATION OF [illegible] for the enrollment of [illegible], [illegible] as a citizen of [illegible], [illegible] the [illegible], [illegible] sworn [illegible], [illegible], [illegible], testified as follows:

Q [illegible] [illegible]? [illegible] Walkingstick.
Q [illegible] [illegible]?
Q [illegible] is [illegible]? A [illegible].
Q In [illegible] [illegible]? A [illegible].
Q [illegible] [illegible]?
A [illegible].
Q [illegible] [illegible]? Yes sir.
Q [illegible] [illegible]? A [illegible].
Q [illegible] in 1899, [illegible]; June 4th? A Yes sir.
Q [illegible] of age last June, [illegible]? A Yes sir.
Q [illegible] apply for himself? A He is in the "pen".
Q Where is he in prison? A Boonville, Missouri; reform school.
Q [illegible] convicted? A Last April.
Q [illegible] convicted? A At [illegible].
Q For how long was he convicted? A Five years.
Q [illegible] in the Cherokee Nation all his life? A Yes sir.
Q [illegible] Post Office; same as [illegible]? A Yes sir.

([illegible], Page [illegible], [illegible], [illegible] Walkingstick, Goingsnake District)
([illegible], Page [illegible], [illegible], [illegible] Walkingstick, Goingsnake District)

Q For what offence was this man put in prison? A Larceny.

Counsel [illegible] stipulations: The applicant applies for the enrollment of a son, who is in prison at Boonville, Missouri. This son is twenty one years of age, and under the circumstances the applicant is permitted to apply for him. He is said to have been convicted at Muskogee, Indian Territory, in present year, for five years imprisonment: he is identified on the rolls of 1880 and 1896 as a native Cherokee: he has lived in the Cherokee Nation all his life, and he will now be listed for enrollment as a Cherokee by blood upon a doubtful card, in order that the Commission may consult the Court records, if it desires to do so.

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 10th day of December, 1901.

[illegible]

COMMISSIONER.

JOR

Cherokee D-986.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
CHEROKEE LAND OFFICE.
Tahlequah, I. T., January 11, 1905.

In the matter of the application of James W. McCoy for the enrollment of himself, his children, William M., Lela F. and Sina A. McCoy as citizens by blood and his wife, Martha J. as a citizen by intermarriage of the Cherokee Nation.

SUPPLEMENTAL TESTIMONY.

James W. McCoy, being sworn and examined by the Commission, testified as follows:

Q What is your name? A James W. McCoy.
Q How old are you? A 38 years old.
Q What is your postoffice? A Ballard.
Q Are you a Cherokee by blood? A Yes sir.
Q Was your postoffice Siloam Springs, Arkansas, when you enrolled?
A Yes sir.
Q Was your wife named Martha J. McCoy? A Yes sir.
Q You have just executed an affidavit as to her death on August 1, 1901? A Yes sir.
Q Are you married now? A Yes sir.
Q Is your present wife a citizen? A No sir.
Q Have you children? William M., Lela F. and Sina A.? A Yes sir.
Q Are they living? A Yes sir.
Q You were admitted to citizenship in the Cherokee Nation, were you? A Yes sir.
Q Do you remember in what year? A No sir, I don't.
Q Were any of your children admitted with you? A Yes sir, the oldest, William M.

It is shown by a list of persons admitted and re-admitted to Cherokee citizenship by the National Council and Commissions on citizenship in the year 1880 and since that year that the names of James W. and William M. McCoy are embraced in said list as having "Been admitted by Com. June 1, '88".

Q Have you resided in the Cherokee Nation continuously since your
a admission in 1888? A I have been here since the year before the strip money was paid out. My citizenship was proved up and I came here.
Q Have you resided here continuously since that time? A Been here ever since; made it my home.
Q Were your children, Lela F. and Sina A. born since you were admitted? A Yes sir.
Q Are William M., Lela F. and Sina A. all your children by your

wife, Martha J. McCoy? A Yes sir.
Q Prior to the time you mention as having come to the Cherokee Nation, were you ever in the Cherokee Nation? A No sir. I came when my rights were proved.

- - - -

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

May Hudson.

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

Samuel Foreman
Notary Public.

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

ALLISON T. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

ADDRESS IN REPLY TO
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 27, 1902.

W. W. Hastings, Esq.,

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 May 27th, in the matter of the application of Edward Walkingstick for the enrollment of his son, Huey M. Walkingstick, as a citizen by blood 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 said 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,

Acting Chairman.

Encl. D-986.

Chickasaw D 986

IN THE MATTER OF THE APPLICATION OF

Henry M Walkingstick

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A original testimony Dec 15/00

B Memo of testimony Dec 15/00

1162

Cher D 987

2987

DEPARTMENT OF THE INTERIOR
MISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 18 1900

ACTING CHAIRMAN

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., December 15, 1900.

In the matter of the application of David T. Chatwood for the enrollment of NANCY GRITTS as a Cherokee citizen; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A David T. Chatwood.
Q How old are you? A 22.
Q What is your postoffice? A Rose.
Q In what district do you live? A Saline district.
Q This is it you want to enroll now, an orphan child? A Yes sir.
Q What is the name of that child? A Nancy Gritts.
Q How old is she? A 1.
Q She's living now is she? A Yes sir.
Q Living with you? A She's at the Mission.
Q Give me the name of the father of that child. A Bud Gritts.
Q When did he die? A Sometime before she was born.
Q Was he a Cherokee by blood? A I think he was.
Q Give me the name of the mother of that child? A Annie Gritts.
Q When did she die? A She died in 1893.
Q Was she a Cherokee by blood? A No sir.
Q She was a white woman, was she? A Yes sir.
Q What evidence have you that she and Bud Gritts were married? A No sir, they weren't married.
Q She's a white woman, and wasn't married to this man? A No sir.
Q The child's mother is a white woman and she wasn't married to a Cherokee husband? A No sir.
Q Did they live together as husband and wife? A Yes sir, they lived together as husband and wife.
Q How old was Bud Gritts when he died? A Somewhere about forty.
Q Did he have any more besides Bud Gritts? A That is all.
Q Give me the name of his father. A His father was Bud Gritts.
Q He's dead, is he? A Yes sir.
Q Give me the name of his mother. A I don't know that.
Q Did Bud Gritts ever marry before he lived with this woman, Annie? A No sir, not that I know of.
Q Did he have any children besides this one? A No sir.
Q You know that? A Yes, I know that that was all.
Q How long did he live with this woman? A I don't think they lived together two years hardly.
Q Were they living together at the time of his death? A Yes sir.
Q What was her maiden name? A I don't know.
Q What was her name when he married her? A I don't know.
Q Had she ever been married before? A She had two or three different men. I don't know who they were.
Q You know whether they were all dead before she lived with Bud Gritts? A I don't know.
1880 roll page 435, #777, Bud Gritts, Goingsnake district.
1896 roll page 1170, #1411, Nancy Gritts, Tahlequah district.
Q Was she given to one Carrie H. Montgomery? A Yes sir.
Q Given to her to bring up? A Yes sir.
Q Was she her to Carrie Montgomery? A Her mam.

Commissioner Breckinridge-

The applicant applies for the enrollment of an orphan child, who is identified on the roll of 1896 as a native Cherokee. This child's father is identified on the roll of 1880 as a native Cherokee. There is a discrepancy in the age of the child's father as given now, and in that given in 1880, but he is identified with his family and with certainty. The applicant states that the child's father was never married until he lived with this child's mother, but that she had lived with several men previous to her living with Gritts, and he does not know the character of the relationship between them, or whether they were dead when she married

lived with Gritts. He does not know that this child's mother and Gritts were ever married, and he states that the child's mother was a white woman. Under these conditions, the name of this child will now be placed upon a doubtful card as a Cherokee by blood for further consideration.

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

E. G. Rothenberger

Subscribed and sworn to beofre me this 18th day of December, 1900.

Commissioner.

2987

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 1 1902

R.

C. D-987.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 14, 1902.

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

The applicant was notified by registered letter February 26, 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, I. T., on the 14th day of March, 1902, and that on said date she might appear before the Commission, either in person or by attorney, when an opportunity would be given her to introduce any additional testimony affecting her application. The applicant having this day, to-wit: the 14th day of March, 1902, been called, and failing to respond, it is deemed that her case is completed, and same will be reported to the Commission for final decision based upon the evidence now of record .

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

Wm Hutchinson

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, August 8th, 1902.

In the matter of the application of Nannie Gritts for the Enrollment of herself as a citizen by blood of the Cherokee Nation.

Supplemental to D-987.

Applicant appears in person.
No appearance on the part of the Cherokee Nation.

NANNIE GRITTS, being duly sworn, testified as follows:
Examination by the Commission.

Q. What is your name? A. Nannie Gritts.
Q. How old are you? A. 16.
Q. Where do you live; that is what is your post office address?
A. Marble.
Q. What is the name of your father? A. Bud Gritts.
Q. Was your father a Cherokee. A. Yes, sir.
~~Q. What was your mother's name? A. Annie Gritts. Annie Gritts by~~ marriage.
Q. Was she a Cherokee or white woman? A. White woman.
Q. Is your father living now? A. No, sir.
Q. Is your mother living? A. No, sir.
Q. How long have your parents been dead. How long has your father been dead? A. Been dead about as long as I know.
Q. You don't remember your father? A. No, sir.
Q. How long has your mother been dead? A. Ever since I was about 5 years old.
Q. Who did you go to live with after your parents died?
A. With my uncle, Crapgrass Gritts.
Q. Your father's brother? A. Yes, sir.
Q. How long did you live with him? A. About 3 years.
Q. Have you always lived in the Cherokee Nation since you were born?
A. Yes, sir.
Q. Have you made your home outside of the Nation at all? A. No, sir.
Q. Ever lived in any other district since you were born? Where were you born, in what district? A. Tahlequah.
Q. Do you know whether you have been enrolled in any other district.
A. No, sir. I lived in Saline district and Goingsnake district.
Q. Did you draw the Cherokee strip money in 1894? A. Yes, sir.
Q. Do you know whether you drew the money paid to the Cherokees in 1890? A. I don't know that.
Q. What district were you living in in 1894, about 8 years ago?
A. In Tahlequah district.
Q. Who drew your money for you? A. My uncle Crapgrass Gritts.
Q. Were you living with him at that time? A. Yes, sir.

The applicant is identified on the Cherokee strip payment roll in the family of Crapgrass Gritts, page 1062, #1099, as Nancy Gritts.

Q. You don't know anything, of course, from hearsay, about the marriage of your parents; do you? A. No, sir; I don't know.
Q. You don't know anything from hearsay how long they lived together as man and wife? A. They lived together two years.
Q. You don't know anything about the cause of the separation?
A. No, sir.
Q. Is there anybody that would know about the marriage of your parents? A. No, sir; I don't know.
Q. You don't know who performed the ceremony of marriage, do you?
A. No, sir.

Q. Do you know anybody who knew of them living together?
A. Yes, sir; my aunt Peggy Thornton.
Q. Where does she live? A. Lives near Wauhillau.
Q. Is that her post office address? A. Yes, sir.
Q. Was she Bud Gritts' sister? A. Yes, sir.
Q. Did you ever attend any of the Cherokee schools? A. Dwight Mission and Elm Springs.
Q. Are they both Cherokee schools? A. Yes, sir.
Q. Do they let white people attend those schools? A. No, sir.
Q. Did you ever attend the Cherokee orphan school? A. No, sir.
Q. Did you ever have any brothers or sisters? A. I have one brother.
Q. Is he living? A. Yes, sir.
Q. By the same father and mother? A. No, sir; half brother.
Q. Different mothers? A. No, sir; same mother but different father.
Q. Who is his father? A. Catcher is his name. I don't remember his first name.

E. M. LANDIS, being duly sworn, testified as follows:--

Examination y the Commission.

Q. What is your name? A. Rev. E. M. Landis.
Q. What is your age? A. My age is 43.
Q. Post office address? A. Sallisaw.
Q. You are a minister of the gospel? A. Yes, sir; of the Presbyterian church.
Q. Are you connected in any way with the two mission that the applicant claims she has attended, the Dwight and Elm Spr ngs missions?
A. No, not only as a member of the presbytery; in the presbytery in which they are located. That is not any official connection at all. Elm Springs is a Cherokee School, boarding school. No one but citizens attend as boarders. At Dwight it is just the other way. Mr. Schwab has charge of the boarding school.
Q. Who pays the board of the Indian scholars at this school?
A. They pay it themselves.
Q. It is not paid by the nation? A. No, sir.

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

Jesse O Carr

Subscribed and sworn to before me this 10 day of September, 1902.

C H Rutter

Notary Public.

Cherokee [illegible].

[illegible]

[illegible]

[illegible]

[illegible] that [illegible],

[illegible], Tah-

[illegible] enrollment [illegible]

[illegible] Cherokee Nation. [illegible] proceed-

[illegible] application were had at [illegible], Indian

[illegible], 1902, [illegible] Gritts appeared [illegible] person

[illegible] been made.

[illegible] Gritts is a [illegible] citizen

[illegible] daughter of [illegible] Gritts, [illegible] on the

[illegible] roll of 1880. Said Nannie Gritts [illegible] young

[illegible] identified on the Cherokee strip

[illegible] roll of 1896.

[illegible] said Nannie Gritts has

[illegible] life.

[illegible] that Nannie

[illegible] of the Cherokee Nation,

[illegible] twenty-one of the Act of

[illegible] Stats., [illegible]), and it is so order-

[illegible] TRIBES.

SIGNED Tams Bixby.

T. B. Needles.

[illegible]ridge.

W. E. Stanley

[illegible], T., [illegible]

MAR 20 1903

ATTORNEYS:
W. W HASTINGS, Tahlequah, I T
J L BAUGH, Chouteau, I T
STENOGRAPHER:
J C STARR, Vinita, I T
MARSHALS:
JOHN PARKS, Vinita, I T
W B WYLY, Tahlequah, I T

OFFICE OF

Attorneys for the Cherokee Nation

BEFORE THE DAWES COMMISSION, CHEROKEE ENROLLMENT.

Please return this letter with your reply or mention this Number D. . . .

Vinita, I. T., October 4, 1901.

D. H. Snallwood, Esq.,

Marble, I. T.

Dear Sir:-

We are informed by the Dawes Commission that you gave information that Bud Gritts and a white woman took up together and were never married. Will you please ascertain what is the right name of Bud Gritts? As his name does not appear upon the rolls as Bud Gritts; and it may be that his first name is William or Thomas or some name like that, and that Bud is only a nick-name. Also give us the name of the white woman that you refer to, and we will be glad to take the matter up and see if she has been enrolled.

Yours very truly,

Attorneys for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D-987

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 24, 1903, granting the application of David E. Smallwood for the enrollment of Nannie Gritts 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-463

IN THE MATTER OF THE APPLICATION OF

Hannie Betts

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony Dec 15/00

B. Memo of application Nov 15/

C. Letter [illegible]

D. Notice of final consideration, 3/14/0

Cherokee Docket 6792

Cher D 988

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ACTING CHAIRMAN

2488

DOUBTFUL AS TO APPLICANT'S WIFE.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
TAHLEQUAH, I.T., DECEMBER 15th, 1900.

IN THE MATTER OF THE APPLICATION OF Oscar Cannon 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 Give me your full name? A Oscar Cannon.
Q How old are you? A Thirty five.
Q What is your Postoffice? A Siloam Springs, Arkansas.
Q In what district do you live? A Goingsnake.
Q Do you want to enroll yourself and family? A Yes sir.
Q Have you a wife? A Yes sir.
Q How many children have you? A Two.
Q Are you a Cherokee by blood? A Yes sir.
Q Is your wife a white woman? A Yes sir.
Q Have you lived in the Cherokee Nation all your life?
Q No sir; I have lived here twenty nine years.
Q Give me the name of your father? A Irby Cannon.
Q Ishe dead? A Yes sir.
Q Give me the name of your mother? A Elisabeth Cannon.
Q Is she dead? A Yes sir.
Q Give me the name of your wife? A Annie Cannon.
Q How old is she? A Twenty six.
Q When did you marry her? A I do not remember.
Q What was her name when you married her? A Annie Parker.
Q Was that her maiden name? A Yes sir.
Q Did you not get a certificate of your marriage? A No sir, I did not get any.
Q Who married you? A Parson Lacey.
Q Why did he not give you a certificate? A He said he would the next day, but he did not.
Q About how long have you been married to her? A I was married on the Febuary 13th, 1890.
Q Has she lived with you ever since you married her? A Yes sir.
Q Were you ever married except to her? A No sir.
Q Was she ever married except to you? A No sir.
Q Give me the names of your children?
A Bertha is the oldest.
Q How old is that child? A Born in 1891.
Q Nine years old, is she? A Yes sir.
Q Give me the name of the next child? A Wirt; he is four years old.
Q Are these children both living at this time? A Yes sir.
Q Have you some one here who knows you and your wife are married; have been living together? A I can get some one I guess.

(1880 Roll, Page 420, #402, Osker Cannon, G-snake District)
(1896 Roll, Page 734, #442, Oscar Cannon, G-snake District)
(1896 Roll, Page 819, #44, Annie Cannon, G-snake District)
(1896 Roll, Page 734, #443, Bertha Cannon, G-snake District)

Com'r. C. R. Breckinridge: The applicant applies for the enrollment of himself, his wife and two children: He is identified on the rolls of 1880 and 1896 as a native Cherokee: He has lived in the Cherokee Nation for twenty nine years, and he will now be listed for enrollment as a Cherokee by blood.

He states that he married his wife Febuary 13th, 1890: She is a white woman: Neither was previously married. They have lived together ever since their marriage. She is identified with him on the roll of 1896: He is not able to present at this time a certificate of his marriage, and it is desired that he present some additional proof. At this time, therefore, his wife will be listed for enrollment as a Cherokee by adoption upon a doubtful card.

The child, Bertha Cannon is duly identified on the roll of 1896. In accordance with the testimony, this child is living, and will now

be listed for enrollment upon a doubtful card as a Cherokee by blood, to await the evidence of marriage just alluded to.

When a proper certificate of the birth of the younger child, Wirt Cannon, is filed with the Commission, this child also will be listed for enrollment as a Cherokee by blood under the conditions previously stated.

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

Subscribed and sworn to before me this 10th day of January, 1901.

COMMISSIONER.

DEPARTMENT OF THE INTER
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
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ACTING CHAIRMAN.

8868

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., December 15, 1900.

In the matter of the application of Oscar Cannon for enrollment; [illegible] sworn and examined by Commissioner C. R. Breckinridge.

SUPPLEMENTARY TESTIMONY.

Q Give us your full name. A Oscar Cannon.
Q Mr. Cannon, you applied in the course of the present date, for the enrollment of yourself and your wife and two children, did you? A Yes sir.
Q Your wife's name is Annie? A Yes sir.
Q One child, Bertha, and the other, Wirt? A Yes sir.

Commissioner- The applicant now appears and presents an official copy of the records of Coingsnake district, showing that on the 13th of February, 1900, he was united in marriage to Miss Anna Parker by A. H. Lacey.

Q Mr. Lacey was a minister of the Gospel, was he? A Yes sir.

Commissioner- This copy of the official record is filed herewith.

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

E. G. Rothenberger

Subscribed and sworn to before me this 18th day of December, 1900.

Commissioner.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] 1901, [illegible]

[illegible] FIRST [illegible]

[illegible] SANDOW [illegible]

[illegible], 1901, [illegible] of Great Britain.

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On [illegible] December, 1901, [illegible] "[illegible]

[illegible] "[illegible] of [illegible]", [illegible]

[illegible] "[illegible] of [illegible]".

1901 [illegible], [illegible] of [illegible]. [illegible]

so [illegible] [illegible] of small

[illegible].

[illegible]

[illegible]

[illegible]

[illegible]

Commissioner.

[illegible] Unknown, [illegible].

C D 988

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Annie Cannon, and her children Bertha, Wirt and Annie M. Cannon, as citizens of the Cherokee Nation.

SUPPLEMENTAL STATEMENT.

---oOo---

On the 15th day of December, 1900, there was filed with the Commission to the Five Civilized Tribes an "Affidavit of Mother", wherein it is shown that Wirt Cannon was born on the 22nd day of November, 1896 to Annie Cannon, the lawful wife of Oscar Cannon. There was also an "Affidavit of Midwife" in attendance at time of said birth.

On the 16th day of December, 1901, there was also filed with the Commission an "Affidavit of Mother", wherein it is shown that Maggie Mertle Cannon, was born on the 31st day of September, 1901 to Annie Cannon, the lawful wife of Oscar Cannon. There was also an "Affidavit of Midwife" who was in attendance at time of said birth.

Said affidavits are on file in the office of the Commission.

Copies of this statement are ordered to be filed with the testimony in this case.

Commissioner.

Dated at Muskogee, I. T.
this 17 day of March, 1902.

Cherokee D 928

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Oscar Cannon for the enrollment of his wife Annie Cannon as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of their two minor children, Bertha, and Wirt Cannon, as citizens by blood of the Cherokee Nation.

D E C I S I O N.

--oOo--

The application of the applicant-in-chief, Oscar Cannon, is not passed upon at this time, as he is listed for enrollment as a citizen by blood of the Cherokee Nation on Cherokee Field Card No. 6791.

The Record in this case shows that on December 15, 1900, Oscar Cannon appeared before the Commission at Tahlequah, Indian Territory, and then and there made personal application for the enrollment of his wife, Annie Cannon, as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of their two minor children, Bertha Cannon and Wirt Cannon, as citizens by blood of the Cherokee Nation. Again on the 15th day of December 1900, at Tahlequah, Indian Territory, Oscar Cannon appeared in person before the Commission and then and there gave additional testimony in the matter of the application for the enrollment of his wife and children.

It is shown from the evidence in support of this application that Oscar Cannon is identified on the Cherokee tribal roll of 1880. That he was married to Annie Cannon, nee Parker, on the 13th day of February 1890, as evidenced by a certified copy of marriage certificate hereto attached.

Annie Cannon and Bertha Cannon are identified upon the

Cherokee census roll of 1896. Wirt Cannon is identified by a certificate of birth on file with this Commission.

It also appears that subsequent to the date of this application there was born to Oscar Cannon and his wife Annie Cannon, on the 31st day of September 1900, a female child which has been named Maggie Myrtle Cannon. The said birth being proved by a certificate now on file with this Commission, and in consequence thereof, the said Maggie Myrtle Cannon is listed as one of the applicants in this case.

Oscar Cannon and his wife Annie Cannon have lived continuously in the Cherokee Nation since the date of their marriage herein before shown.

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 Bertha Cannon, Wirt Cannon, and Maggie Myrtle Cannon are entitled to be enrolled as members by blood of the Cherokee Tribe of Indians in Indian Territory, and that Annie Cannon is 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 granted and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this MAY 20 1902

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

D. 988.

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 Oscar Cannon for the enrollment of his wife, Annie Cannon, as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of their two minor children, Bertha and Wirt Cannon, 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,

Acting Chairman.

Encl. C-988.

IN THE MATTER OF THE APPLICATION OF

Annie Cannon, et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony fee 15/00

B Memo of applicant fee 15/00

C Supplemental testimony fee 15/00

D ~~Certified copy of marriage record~~

E Birth certificate Hirt Cannon,

F Birth certificate marriage license

G Supplementary statement

Cher D 989

COMMISSIONER.

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HAMMAH PARSON.

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
TAHLEQUAH, I.T., DECEMBER 15th, 1900.

IN THE MATTER OF THE APPLICATION OF Hannah Parson for enrollment as a citizen of the Cherokee Nation, and she being sworn and examined by Commissioner, T. B. Needles/ testified as follows:

Q What is your name? A Hannah Parson.
Q What is your age? A About sixty seven.
Q What is your Postoffice address? A Tahlequah.
Q What district do you live in? A Tahlequah.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A No sir.
Q By intermarriage? A Yes sir.
Q Whom do you want to enroll? A Here's my license.
Q Are you married? A Have been; my husband is dead.

Com'r. T. B. Needles: The applicant presents a marriage license and certificate of marriage, certifying that she was married to one, Peter Parson, according to the laws of the United States, under a license issued from the Clerk of the United States Court for the Indian Territory, on the 22nd day of April, 1893.

Q Your husband's name was Peter Parson? A Yes sir.
Q Is he living? A No sir, he is dead.
Q When did he die? A Along in the Spring.
Q Last Spring? A Yes sir.
Q You were married to him in 1893: Did you live with him until the time of his death? A Yes sir.
Q Continuously? A Yes sir.
Q You and he did not separate? A No sir.
Q Have you married since his death? A No sir.
Q You are still his widow? A Yes sir.

By Mr. W. W. Hastings, Cherokee Represenative:
Q Peter Parson was married before he married you? A Yes sir.
Q What was his first wife's name? A I do not know/
Q Where is she now? A Down on Grand River.
Q He never was divorced from her? A They was not lawfully married; they was just living together.
Q He held her out as his wife, and had four, five or six children by her? A Yes sir.
Q She is living yet? A Yes sir, she is.
Q How do you know they were not lawfully married: Did you know him thirty years ago? A No sir.

Com'r. T. B. Needles:
Q His first wife was living when you married him? A Yes sir. They were separated: She took another man .
Q Did they ever have a legal divorce that you know of?
A I do not know: She took another man.

(1880 Roll, Page 568, #1450, Peter Passon, Illinois D'st)
(1896 Roll, Page 1286, #197, Hannah Passon, Tahlequah D'st)

Com'r. T. B. Needles:
The name of the applicant appears upon the census roll of 1896., and she presents satisfactory proof of marriage to one, Peter Parson, a Cherokee citizen by blood in the year 1893, and the name of her husband, now deceased, is found upon the authenticated roll of 1880. She avers that she lived with him continuously to the day of his death, she being a non citizen. The testimony shows that Peter Parson had another wife, named Margaret Parson, and her name appears upon the roll of 1880 as the wife of Peter Parson. Applicant avers that the said Peter Parson and his wife were separated at the time of her marriage, but presents no satisfactory proof of divorce.

HANNAH PARSON.

Applicant also avers that Peter Parson and Margaret Parson were never lawfully married: On account of the discrepancy in the testimony, final judgment as to the enrollment of the said Hannah Parsonx as a Cherokee citizen by intermarriage will be suspended, and her name will be placed upon a doubtful card, awaiting satisfactory evidence as to the divorce of said Peter Parson from his former wife, Margaret, or proof as to their non marriage.

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

Subscribed and sworn to before me this 10th day of January, 1901.

COMMISSIONER.

8070

"B"

D.
COMMIS

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 15 1900 1900.

Name Jahlequah [illegible]

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

(6) Wife's name Hannah Parson

District TAHLEQUAH. Year 1896 Page 1256 No. [illegible]

Citizen by blood no Mother's citizenship

Intermarried citizen [illegible]

Married under what law Date of marriage April 22 [illegible]

License Certificate

Names of Children:

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

Son also all as Hannah Parson

Copy of divorce between Peter Parson and his first wife to be supplied or proof of non marriage between said parties to be supplied

FILED

APR 26 1893

Joseph W. Phillips

CLERK

"C"

FILED
APR 26 1893
George W. Ramsey
CLERK

Phœnix Printing Co., Muskogee, Ind. Ter.

CERTIFICATE OF RECORD.

United States of America,
INDIAN TERRITORY, } ss
First Judicial Division.

I, ~~WILLIAM NELSON~~, Clerk of the United States Court in the Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 26th day of April A. D. 189 3, at ——— o'clock — M., and duly recorded in Book "O" Marriage Record, Page [illegible]

Witness my hand and seal of said Court at Muskogee in said Territory this 27 day of April A. D. 189 3

Joseph W. Phillips Clerk.

By H. Young Deputy.

No. 1309

Marriage License.

United States of America,
INDIAN TERRITORY,
First Judicial Division. } *ss.*

To Any Person Authorized by Law to Solemnize Marriage—Greeting:

YOU ARE HEREBY COMMANDED to solemnize the Rite and publish the Banns of Matrimony between Mr. Peter Carson *of* Tahlequah *in the* Indian Territory *aged* 69 *years, and Mr.* Hannah Wyrick *of* Tahlequah *in the* Indian Territory *aged* 42 *years, according to law, and do you officially sign and return this License to the parties therein named.*

WITNESS my hand and Official Seal, this 31 *day of* March *A. D. 189*3

Marshall L. Bagdon
CLERK OF THE U. S. COURT.

BY _____ DEPUTY.

Certificate of Marriage.

United States of America,
INDIAN TERRITORY,
First Judicial Division. } *ss.*

I, W. D. Thompson *a* Minister of the Gospel

DO HEREBY CERTIFY, that on the 22 *day of* April *A. D. 189*3 *I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.*

WITNESS my hand this 22 *day of* April *A. D. 189*3

My credentials are recorded in the Office of the Clerk of the United States Court, Indian Territory, First Judicial Division, Book a *, Page* 80

W. D. Thompson

a D. A. Thomas
S. S. Spencer

NOTE. This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court in the Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars ($100.)

N.

C. . D-989.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee. I. T., March 14, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application f Hannah Parsons for the enrollment of herself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 15, 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 office in Muskogee, I. T., on the 14th day of March, 1902, and that on said date she might appear before the Commission, either in person or by attorney, when an opportunity would be given her to introduce any additional testimony affecting her application. The applicant, having this day, to-wit: the 14th day of March, 1902, been called, and failing to respond, it is deemed that her case is completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

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

R.

C. D-989.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 14, 1902.

SUPPLEMENTAL PROCEEDINGS in thematter of the application of Hannah Parsons for the enrollmentof herslef as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 26, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation wouldbe taken up for final consideration by the Commission at its office in Muskogee, I. T., on the 14th day of March, 1902, and that on said date she might appear before the Commission, either in person or by attorney, when an opportunity would be given her to introduce any additional testimony affecting her application. The applicant, having this day, to-wit: the 14th day of March, 1902, been called, and failing to respond, it is deemed that her case is completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

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

Wm Hutchinson

Cher. [illegible]-989.

[illegible]
Commission to [illegible] Five Civilized Tribes
Tahlequah, I. T., [illegible] 11, 19[illegible].

UPON [illegible] of the application for the enrollment of [illegible] as a citizen by intermarriage of the Cherokee Nation.

HANNAH PARSON, being first duly sworn, [illegible] examined, testified as follows:

EXAMINATION: What is your name? A Hannah Parson.
Q What is your present age? A I can't tell you my age.
Q Are you about sixty-nine? A Yes sir.
Q What is your present post office address? A Gideon.
Q Are you the identical Hannah Parson who made application to the Commission December 16, 1900, for enrollment as a citizen by intermarriage of the Cherokee Nation? A Yes sir.
Q What is the name of the man through whom you claim citizenship? A Peter Parson.
Q Is he living? A No sir, he is dead.
Q Was he a Cherokee by blood? A Yes sir, he was a full blood Cherokee.
Q When were you and he married? A We were married, I believe, we have been married about ten years.
Q Were you married to him by a minister? A Yes sir.
Q At the time you made your application for enrollment, did you file with the Commission your marriage certificate? A Yes sir.
Q Did you and Peter Parson live together continuously until the time of his death? A Yes sir.
Q How long has he been dead? A About three years. He died right here in Tahlequah.
Q Were you living together when he died? A Yes sir.
Q You have never been separated from him at all? A No sir.
Q He had been married formerly? A Yes sir.
Q What is the name of his first wife? A Margaret Boyles.
Q Is she living? A Yes sir, that is the one I sent for to come here.
Q You say you have sent for her to appear and give testimony in your case? A Yes sir.
Q Do you want to establish the fact by her that she was divorced from Peter Parson? A Yes sir.
Q Were they lawfully married? A I expect they were, some said they were, and some said not.
Q What did Peter say about it? A He said they were divorced.
Q Did he say they were lawfully married? A Yes sir, that is what he said.
Q How many children did Peter have? A Five or six.
Q How long did Peter and Margaret live together? A They lived together about eleven years.
Q They were recognized as husband and wife? A Yes sir.
Q Do you know Margaret well? A Yes sir, I was well acquainted with her.
Q Does she say that they were lawfully married? A I never did hear her say.
Q Pater and Margaret separated, you say? A Yes sir.
Q What do you know about a divorce having been obtained between them? A I can't tell you? He said they did. I just [illegible] this word for it. He went down there before me and him married and asked for a divorce. She was sick in bed, and she got up and wrote him that she was free from him.
Q Do you know in what court that divorce was granted? A No sir, I don't.

Q Was it married by the law? A Yes sir, I reckon.
Q Where does Margaret live now? A Go to Tahlequah.
Q What is her present name? A Margaret Boyles.
Q What is her postoffice address? A Cookson.
Q You don't know anything yourself about Peter Parson being divorced from Margaret, do you? A No sir. He went down to her, and he told her he came to get free from her. She sat up in bed and she wrote him that she was never going to have anything to do with him any more.
Q How long had they been separated when you married Peter Parson?
A Over a year.
Q Was Peter ever married before he married Margaret?
A Yes sir. His wife is dead.
Q What was the name of his first wife? A I don't tell, you, only she was named Dorcas.
Q Was she living when you and Peter married? A No sir, she was dead. She died during the time of the war.
Q She was not living when Peter and Margaret married? A No sir.
Q Was that the only time he was ever married before he married Margaret? A Yes sir.
Q He has just been married three times? A Yes sir.
Q Were you ever married before you married Peter? A Yes sir, married once.
Q What is the name of your husband? A Buckley Myrick.
Q Is he living? A No sir, he is dead.
Q Was he living when you and Peter were married? A No sir.
Q How long have you resided in the Cherokee Nation? A I don't know how long we have been here. It is something over twenty years. About twenty-one or -two years.
Q Have you lived here continuously during that time? A Yes sir.
Q You have never been out of the Cherokee Nation since you moved here twenty-one or two years ago? A No sir.
Q How about Peter? Did he reside here continuously until the time of his death? A Yes sir.
Q He never lived out of the Cherokee Nation at all? A No sir.
Q You say he was a full blood Cherokee? A Yes sir.
Q Do you want to introduce the testimony of Margaret Boyles before the Commission? A Yes sir.

This testimony will be filed with and made a part of the record in the matter of the application for the enrollment of Hannah Parson as a citizen by intermarriage of the Cherokee Nation, Cherokee ~~xxxxxxxxxx~~ doubtful card field No. 989.

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

Wm Hutchinson

Subscribed and sworn to before me this 2 day of October, 1902.

John O Rosson
Notary Public.

Q You have lived with that man ever since, have you? A Yes, we separated. He left me. I live alone now.
Q He has left you? A Yes sir, he left me. I just live [illegible] now
Q So if there was any divorce obtained but e n you and your [illegible] husband, you don't know anything about it? A No sir, I don't know anything about it. I never did ask him, but I suppose it was granted by him marrying again.

ALTAH PARSON, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Hannah Parson.
Q You are the applicant for [illegible], are you?
A Yes sir.
Q Have you any further testimony you desire to introduce relative to the divorce of your husband, Peter Parson, from his former wife Margaret? (no response.)
Q Do you know whether your husband was divorced from his former wife Margaret? A That is what he said he was.
Q In what court did he say he was divorced? A He never said.
Q Do you know anything further about a divorce having been obtained
A After she gave it to him he went to Muskogee, and I expect he fixed it up there.
Q About when was that? A It was before we and him married, about ten years.
Q How long have you and he been married? A About nine or ten years

This testimony will be filed with and made a part of the record in the matter of the application for the enrollment of Hannah Parson as a citizen by intermarriage of the Cherokee Nation, Cherokee ~~[illegible]~~ card field No. D-989.
doubtful

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

[illegible]

Subscribed and sworn to before me this 25th day of October, 1902.

Notary Public.

JOR.
Cher. D-989.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., October 17, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of HANNAH PARSON as a citizen by intermarriage of the Cherokee Nation.

MARGARET BOYLES, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Margaret Boyles.
Q How old are you? A I could not tell you exactly. Fifty-six or fifty-seven, I don't know which.
Q What is your post office address? A Cookson.
Q Are you a white woman? A No sir.
Q Cherokee by blood? A Yes sir.
Q Do you know Hannah Parson? A I have heard of her, not so well acquainted, I have seen her several times.
Q This is she, ismit (referring to applicant) A Yes sir.
Q ~~Do you know her deceased husband, Peter Parson? A Yes sir.~~
Q Was he a Cherokee by blood? A Yes sir.
Q He is dead? A Yes sir, he is dead.
Q Were you at one time his wife? A Yes sir.
Q Were you married to him? A Yes sir.
Q When were you and he married? A It was during the war, the Civil War they had.
Q You were married to him then? A Yes sir.
Q Were you married by a preacher? A Yes sir, call him Crabgrass, a Cherokee.
Q Was he a preacher? A Yes sir, a Baptist preacher.
Q He married you to Peter Parson? A Yes sir.
Q Did he give you a certificate of marriage? A No sir.
Q How long did you and Peter Parson live together?
A We lived together eighteen or nineteen years, I reckon. We had five children.
Q Lived together eighteen or nineteen years? A Yes sir. I am not certain how long, I don't remember.
Q Then did you and he separate, A Yes sir.
Q Were you divorced from him? A I was sick at the time when he came there in bed, I was, and he came there and told me that he had come for a divorce, and I told him all right, but I was not able to get up, and my daughter just wrote for me that I was willing for him to have a divorce, and that's all I know about it. I never did ask him--but he married directly afterwards .
Q You don't know whether he sued you in a court for divorce, do you
A No sir, I don't. He came to me and asked me for a divorce, and I was sick in bed, and I said to him all right, I was willing for him to get a divorce
Q Did you ever hear whether that divorce was granted? A No sir, I never.
Q You have no reason to believe, have you, that a divorce was granted? A No sir, no more than by him marrying again. I suppose it was granted, I don't know.
Q Did you hear who he had married? A Yes sir, he married this woman.
Q This applicatn? A Yes sir, he married her.
Q About how long was it after you and he separated that she married him? A About two years, pretty near three, it was going on three years.
Q Then you married again, did you?? A Yes sir. I didn't lawfully marry, I just lived with a man, an Indian.

Q You have lived with that man ever since, have you? A No sir, we separated. He left me. I live alone now.
Q He has left you? A Yes sir, he left me. I just live a widow now
Q So if there was any divorce obtained between you and your former husband, you don't know anything about it? A No sir, I don't know anything about it. I never did ask him, but I suppose it was granted by him marrying again.

HANNAH PARSON, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Hannah Parson.
Q You are the application for enrollment in this case, are you?
A Yes sir.
Q Have you any further testimony you desire to introduce relative to the divorce of your husband, Peter Parson, from his former wife Margaret? (no response.)
Q Do you know whether your husband was divorced from his former wife Margaret? A That is what he said he was.
Q In what court did he say he was divorced? A He never said.
Q Do you know anything further about a divorce having been obtained?
A After she gave it to him he went to Muskogee, and I expect he fixed it up there.
Q About when was that? A It was before me and him married, about ten years.
Q How long have you and he been married? A About nine or ten years

This testimony will be filed with and made a part of the record in the matter of the application for the enrollment of Hannah Parson as a citizen by intermarriage of the Cherokee Nation, Cherokee ~~straight~~ doubtful card field No. D-989.

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

Wm Hutchinson

Subscribed and sworn to before me this 25th day of October, 1902.

John Parson
Notary Public.

Cherokee D-989.

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

In the matter of the application for the enrollment of Hannah Parson as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on December 15, 1900, Hannah Parson appeared before the Commission at Tahlequah, Indian Territory, and made application for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, on October 11, 1902, and again on October 17, 1902.

The evidence shows that Hannah Parson, a white woman, was married on March 31, 1893, to one Peter Parson, a citizen by blood of the Cherokee Nation and identified on the Cherokee authenticated roll of 1880. It is further shown that the said Peter Parson died in 1897. It further appears that at the time of the said marriage between Hannah Parson and said Peter Parson, he had a living wife from whom he was not divorced.

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

"All marriages which are herein prohibited on account of consanguinity between the parties, or on account of either of them having a former husband or wife then living, shall be absolutely void in this nation, without any judgment of divorce or other legal proceeding."

It is, therefore, the opinion of this Commission that the application for the enrollment of Hannah Parson 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.

Dated at Muskogee, Indian Territory,

this _____

EXECUTIVE DEPARTMENT

CHEROKEE NATION.
TAHLEQUAH, INDIAN TERRITORY.

I, A.B.Cunningham, Assistant Executive Secretary of the Cherokee Nation, hereby certify that I have examined the Circuit Court Records of Tahlequah, and Illinois District, for the years of 1887, to 1893, inc, and failed to find any record of Divorce of Peter Parsons from Margaret Parsons.

Above mentioned records now being a part of the records of this Department.

In testimony whereof, I hereunto set my hand and affix the seal of the Cherokee Nation, this the 27th, day of November, A.D.1903.

A. B. Cunningham
Assistant Secretary
Cherokee Nation.

Department of the Interior,
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lena Severs	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	388
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Largen	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	598
Samuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A. Patton	679
William H. Ford	173	Benjamin G. Holland	763
Thomas N. Wilson	185	William Gordon	798
Ulsie Ann Smith	206	Maggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	229	Susie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	253	William H. Burrow	967

Mary Pettit	977	Millie Morton	1554
Bettie Mitchell	985	Andrew Walters	1573
John J. Harrison	993	John H. Holder	1610
Jasper N. Bateman	1029	Mary M. Burr	1612
Susan Ballard	1065	Thomas E. Bonham	1644
Lucy Eva Simmons	1073	Florence Headrick	1663
Ellen Thornton	1089	Daisy B. Brewer	1709
Sarah E. Hair	1090	Annie Cordrey	1717
Norman S. Drake	1092	Adam Eckert	1722
Susan Hogg	1094	Isaac Timmons	1726
David L. Scott	1099	Gent Gibson	1727
James C. Taylor	1111	Amos Anderson	1731
Roxie Shepard	1128	William J. Mounts	1734
Robert G. Elgin	1136	James D. Alexander	1745
William Hall	1137	Willis E. Miles	1769
Mary Ella Lattimore	1141	Lora Adair	1781
Maggie J. Keys	1149	John Yarborough	1796
Joseph M. Correll	1177	Lillie M. Dassler	1802
Jane Ratley	1225	Bryant C. Redington	1804
George E. Norton	1234	Malisa A. Maxwell	1808
Mahala D. Thompson	1247	Richard Dukes	1811
Charles M. Trammel	1264	Fannie Pettit	1816
Flora Carlile	1265	Genevia Pool	1817
William H. Norrid	1275	Mollie Crossland	1822
~~Olivia Benge~~	~~1276~~	~~Lizzie Benge~~	~~1828~~
Dollie Wilson	1278	John H. Welty	1847
Moses Bell	1279	Edward P. White	1884
Sarah Fleetwood	1290	Lauren P. Green	1887
Rosa E. Fargo	1299	Charles Rosser	1898
William M. Oliver	1333	Fay Adair	1913
Andrew J. Couch	1340	Henrietta Irving	1920
Lina Hyles	1347	Bird Trippard	1925
Mary M. Miller	1350	John C. Carlile	1937
Mary E. Taylor	1368	John W. Gilstrap	1954
Polly Ann Benge	1369	Sarah Young	2018
Margaret Moton	1385	Nancy A. Coleman	2049
Minnie McKinney	1390	James N. Whisenhunt	2118
Nettie Seabolt	1418	Hiram Stephens	2157
Lawrence G. Faulkner	1433	Asa L. Guinn	2159
Sarah A. Holt	1449	Rebecca J. Flying	2172
Jennette Polecat	1492	Thomas J. Measles	2192
Ellen Seabolt	1508	Julia Coody	2215
Charles W. Nettles	1509	Sarah Crutchfield	2224
Lena Sittingdown	1511	Henry E. Lee	2251
Tim Creeden	1513	Sarah Gritts	2256
Odie Pidcock	1517	John A. Madden	2261
Silas A. Saterfield	1529	Henry C. Pennel	2271
Laura J. Jeremiah	1530	Matilda S. Cleland	2302
Etta Hicks	1540	Dora A. Frazier	2312
Mary A. B. McKinney	1550	Laura B. Cordrey	2320

Lafayett D. Kindred	2328	William A. J. Trotter	3257
Pearl V. Sisson	2339	Albert P. Goforth	3298
Nancy J. Sevier	2380	Anna B. Martin	3307
Mollie Hair	2385	William Brown	3344
Dora Sayers	2474	Jennie B. Bluejacket	3345
William T. Jones	2501	William Little	3377
Sarah L. Martin	2502	Julia M. A. Russell	3386
William J. Shoemaker	2506	Andrew J. Smith	3393
Maud Baldridge	2511	William N. Blakemore	3396
James L. Townsend	2513	Lizzie Denton	3417
George L. Morgan	2568	Belle Hudson	3435
Andrew A. Brown	2575	Thomas S. Heady	3437
Louis K. Fair	2623	William M. Roseborough	3444
James L. Mitchell	2644	Madison G. Hawkins	3467
Martha E. McNair	2659	Japhat F. Ellis	3491
Millard F. Eggleson	2668	Emma McAffrey	3543
Elisha M. Gray	2686	William T. Huitt	3570
Jessie M. Ballard	2694	Myra F. Chouteau	3580
Annie Mayes	2798	Phillip Donohoo	3581
Belle Sixkiller	2809	Fred L. Kelley	3593
James P. Riley	2825	Annie Herod	3594
William Broaddus	2854	Maggie V. Fields	3615
William A. Martin	2865	Lou Payne	3616
Joseph Q. Buchanan	2888	Frederick W. Strout	3692
Marcellus L. Baker	2905	Andrew L. McCamish	3713
Etta M. Hill	2915	Sarah Dirtthrower	3731
John R. Smith	2922	William P. Coble	3758
Ira W. Wallen	2926	Robert L. Madison	3761
John B. Laurence	2959	Mariah McDowell	3795
Lula O. Hitchcock	2961	Elizabeth R. Thornton	3811
Bell L. Muskrat	2975	Donithan A. Wilson	3841
Eliza O'Field	2977	Charles F. Covey	3868
Margaret Suagee	2993	Tamsey M. Williams	3886
Winfield S. Nance	3007	Mary J. Wolfe	3889
Benjamin F. Kelley	3010	Lathan Lumbard	3891
Mollie Daugherty	3039	Micajah P. Haynes	3897
Charles H. Leatherman	3043	Annie L. Wingfield	3903
Alice A. Edwards	3100	Mary Fields	3907
Dorinda Adair	3106	William W. Dudley	3944
William R. Gray	3118	Minnie M. McLaughlin	3950
Dora B. Caulk	3143	Henry B. Lindsey	3978
Jesse M. Gallman	3161	Wilbert H. Parkison	3999
Martha E. Garrett	3162	Seth R. Hall	4011
Artie E. Large	3164	Wiley Hanna	4016
Andrew A. Kelley	3191	Martha M. Woods	4093
Anna B. Ryne	3193	Lizzie Gray	4117
Eliza Henderson	3198	Nancy C. Carey	4131
David E. Jenkins	3212	Annie E. Kenney	4165
Lizzie Falling	3233	William H. Ward	4169
Robert L. Payne	3252	Nannie Brewer	4189

Nancy J. Kinney	4225
Sydney E. Bell	4232
Isaac H. Jordan	4235
Charles Parks	4244
Dora Frenchman	4262
James R. Fugate	4275
Maud Adams	4277
Elizabeth Black	4281
Anna Thornton	4291
Robert T. Morrison	4294
Perley Israel	4295
William A. Long	4304
Mollie Swannock	4319
Frances Guess	4324
Allen H. Gibson	4327
John McFall Jr.	4343
Albert W. Fitzsimmons	4360
George S. Ford	4386
Quinn Carr	4387
William A. Powell	4390
Austin Hasley	4400
Anna Bible	4414
Elizabeth Riley	4428
John P. Sudderth	4449
Anderson Keen	4450
Ida M. Adams	4451
Martha J. Randall	4457
Mollie Conner	4477
Jane McGhee	4491
Jennie Riley	4525
Hannah Randall	4528
Charles W. Childers	4542
Nannie B. Riley	4543
John W. McDaniel	4544
Minnie Armstrong	4548
Ada Chouteau	4549
Mary Thompson	4571
Ota Armstrong	4593
Mary Spencer	4594
Clarkson F. Woody	4603
James M. McConnell	4604
Annie E. Coker	4605
Jennie Long	4606
Julia Gilstrap	4607
Laura E. Smith	4608
Annie Nicholas	4609
Minnie R. Taylor	4611
Mary E. Rogers	4614
Emma Downing	4615
William Steere	4619

Rosie J. Ketchum	4623
Lizzie Love	4626
Robert K. Wann	4632
Frederick Metzner	4633
John C. Bratcher	4634
Pigrow L. Jone	4641
Ada Bertholl	4642
Alice Robbins	4644
Jane Doucherty	4649
Samuel Frazer	4650
Clemon C. Peek	4652
Mont C. Frazier	4653
Frank J. Mayberry	4656
Charles W. Moore	4660
Jefferson D. Edmondson	4661
Alonzo H. Boone	4662
Thomas C. Mock	4668
Sallie Allison	4669
Elizabeth E. Burgess	4671
LaFayette Breeden	4673
James M. Boling	4676
Francis A. Neilson	4681
John F. Smith	4689
Rufus S. Steward	4691
John I. Haddock	4694
Maggie O. Walkley	4695
George W. Talbert	4698
Mary Miller	4700
Henry C. White	4707
Mattie E. Hill	4760
Alice A. Bible	4772
Katie Coker	4785
John Creek	4801
Ruby R. Bean	4804
William J. Dodson	4836
Blackburn Reed	4882
Viola Lowther	4891
William B. Ritchson	4910
Henry D. McDonald	4950
Della McDaniel	4956
Dorothy Rattlinggourd	4991
Ida McCay	5093
Henry M. Lyon	5100
Alice J. Wofford	5101
Nancy Morris	5137
Ella Sullivan	5140
Winfield Williams	5144
Bessie M. Smith	5145
May Humphrey	5207
Donnie Burgess	5235

Nora B. Burgess	5236
John E Etter	5239
Harriette Rogers	5240
Amanda Foreman	5244
William H Wells	5261
John T. Gaylor	5266
Annie Sweeten	5269
Rosalee Hendricks	5278
Emma Chambers	5328
James H Thomas	5329
Melville B Baird	5332
James R. Goodall	5356
Charles Horton	5390
James W. Goddard	5417
Dora Cox	5425
Nannie G. Alberty	5438
Sallie Ward	5455
William H. Sutherlin	5484
Lizzie Hall	5487
Cyrus B. Essex	5489
Eda Taylor	5493
Laura Taylor	5494
Elector D. Miller	5496
Emberson M. Arnold	5498
Stella Henry	5499
William E. Oneal	5506
John M. Sharp	5509
John L. Davis	5514
Sarah E. Downing	5518
Samantha P. Glass	5524
Harry Jones	5525
Aggie Paris	5532
James W. Hallford	5535
Phoebe Coker	5537
Anthony K. Douglas	5538
Joseph H. Johnson	5541
Harvey O Riggs	5547
Alice Glass	5553
Addison Reeves	5566
Alice Coats	5572
Julia Kidd	5575
William R Greer	5576
Rosa M Sixkiller	5581
Nancy Inlow	5587
Daisey H Owen	5599
Annie R C Owen	5600
Jesse McKnight	5602
Cicero J Strange	5610
Henry Westenhaver	5611
Emma H Roach	5612
William A. Polson	5613
Pauhna P Pitcher	5614
Charley Headrick	5615
William N Stinson	5616
Lenora A Henry	5621
Ethe M Adams	5622
John H Shump	5624
Thomas B Dickson	5625
Minnie Henry	5628
Thomas J. Simpson	5629
Cap L Lane	5630
Reuben E. DeLozier	5631
John Heape	5640
Perry G. Brock	5645
Mary J. Newcomb	5650
George W. Seigel	5660
Martha A Parks	5666
Zelda C. Mills	5674
Lizzie Rogers	5675
Emma Pigeon	5676
Nellie Bluejacket	5677
Lucy Bacon	5679
Thomas B. Wood	5681
Asa W. Simerson	5683
William J. Kuhn	5686
Elsie Couch	5688
William H. Robinson	5692
Rachel Washington	5693
Isaiah B. Blackwood	5700
John R. Johnson	5701
Dennis W Smith	5702
William H. Chesnut	5705
William H. Durham	5707
Albert B Bucknaster	5710
Maud Crutchfield	5730
Joseph S. Layne	5731
Lena Bell	5737
Juan N. Corn	5748
Robert N. Crafton	5750
Benjamin F. Coffee	5756
Frank McSpadden	5760
Charles D. Pendleton	5775
Harden H. Green	5776
Emma J Ward	5778
Robert C. Fuller	5781
Henry F. Extine	5796
Ida Wyly	5802
Richard L Fite	5815
Edward Lutz	5816
John F Woodworth	5829

Horace H. Huddleston	5832	George C. Duffield	6031
William R. Sartain	5837	Amelia Reese	6033
Joseph A. Lawrence	5843	Alexander West	6036
William H. Hinton	5846	John Tootle	6037
Joseph Lehr	5851	Florence G. Langley	6038
Euin M. Young	5852	John T. Ham	6042
Mary C. Barnes	5853	Mary L. Jordan	6048
Matilda Thompson	5861	John W. Bradshaw	6076
William W. Young	5872	James L. Dean	6079
Earley F. Ellis	5874	Amanda J. Thompson	6082
Rosa B. Alberty	5877	Malissa Hubbard	6089
Sarah Cannon	5879	Jane Benge	6111
Mamie Beck	5887	John D. Ryals	6113
Jack H. Merchant	5888	John C. DeLozier	6117
John D. Merchant	5889	Jessie Willis	6118
Sarah E. Ghormley	5894	Mary A. Clark	6124
Jerry Young	5906	Mary J. Tipton	6126
James H. Brickey	5916	Leander Newton	6136
Mary Hicks	5919	William A. Qualls	6138
George W. Weems	5922	Henderson B. Thomas	6144
Albert Crain	5923	Hugh T. Watkins	6163
James M. Jones	5932	Nancy Keys	6172
Alfred W. Shelly	5935	Berry Hutchins	6186
John M. Stratton	5936	Eli Parker	6189
Waddie Hudson	5937	Sarah E. Shaw	6194
Robert C. Johnson	5939	Julia Keys	6211
Mary T. Thompson	5941	Boon J. Grey	6214
Edith A. Parris	5943	John Grubb	6216
Addie Hubbard	5949	William M. Costephens	6230
John A. Lowry	5962	Jane Bean	6232
John R. W. Brantley	5963	Lillie I. Taylor	6236
James T. Carroll	5964	Abbie B. Adair	6239
Christopher F. Jordan	5965	Mack C. Watkins	6246
Minerva E. Stover	5966	Robert W. Murray	6261
John W. Twilley	5967	John G. Petty	6269
Joseph W. Mounce	5970	Lucinda Poorboy	6279
Cornelius P. Potter	5971	Sarah Mayes	6286
Amanda C. Thompson	5972	Henry W. Pycatt	6300
John M. Rusk	5976	Isaac A. Wilson	6308
Harrison L. Hughes	5978	John T. Hall	6310
Silas B. Dildine	5983	Edward L. King	6315
Lewis M. Payne	5985	Katie Still	6325
Nancy Beamer	5988	Emmer Carlile	6338
Sarah F. Selvidge	6002	Bird Webster	6347
Posy F. Buckner	6005	Fannie Morris	6353
John A. Moreland	6010	Leonard Lee	6357
Alice Welch	6015	James R. Miller	6362
Mary C. Thompson	6022	James Brackett	6370
Ida Beck	6029	Nora Allen	6371
William R. Tittle	6030	John T. Washington	6373

James J. Snider	6375	James L. Lee	6717
William H. Winget	6376	Rosa Phillips	6723
Ida R. Wilkerson	6383	Kate Brown	6735
George A. McBride	6385	Laura B. Barnett	6743
Matilda Cookson	6387	Elizabeth Sander	6745
William A. Fisk	6392	William T. Neff	6747
William O. Ames	6394	William R. Scott	6751
Thomas Wilkerson	6396	Laura Fish	6770
Alice C. Springston	6407	Maggie Ketcher	6779
Fanny N. Witt	6413	Dora A. McDonald	6783
Lillie M. Adair	6424	Rosia B. Willis	6785
Mark F. Matheson	6428	Daniel Hubbard	6787
Ida L. Wilson	6431	Mary R. Tadpole	6801
George E. Marrs	6441	Magnus A. McSpadden	6811
Ulysses S. Reeves	6443	Sarah F. Pathkiller	6824
Daniel A. Smith	6447	Clora Twist	6845
Henry J. Dawson	6450	Mattie M. Welch	6846
Sarah Adair	6452	Cora Griffin	6850
Ida F. Wilson	6455	John S. Hyatt	6853
Mary E. Taylor	6459	Jefferson K. Tyner	6855
Catherine Henson	6468	Flora R. Miller	6859
Charles C. Fitzsimmons	6471	Lizzie Craig	6872
Mary E. Campbell	6476	Jacob C. Johnson	6876
Columbus N. Long	6478	George W. Ware	6897
Mary Wilkerson	6480	James B. Deatherage	6901
Myrtle Ward	6484	Lucinda F. Hartness	6943
Belle Manus	6499	Frances E. Tehee	6961
Martha E. McLain	6508	James M. Burt	6965
Mary A. Brown	6517	Rady Tipton	6975
Marion M. Ballew	6530	Laura Hendricks	6976
Mellie Mayfield	6540	Laura V. Smith	6979
Sarah Blevins	6541	Lorenzo C. Darnell	6988
Frank Powell	6542	Robert M. Mitchell	7004
Georgia Jackson	6546	William Henry Reeve	7005
Leonard S. Simpson	6549	James Pyle	7009
Almira Ussrey	6560	Willie Hilderbrand	7015
James McInerney	6561	Alice M. Roberson	7031
Fannie Carlile	6578	Charles Morris	7043
Sadie A. Mayfield	6580	Minerva J. Trent	7051
Silas A. Bryan	6581	John H. Keith	7078
William S. Martin	6585	Katie E. Ratley	7080
Emma J. Thompson	6589	Etta Patrick	7081
Lydia McDaniel	6593	Nannie Martin	7090
David W. Lamb	6595	Rosa B. Harris	7094
Gus R. Hart	6603	Samuel Brown	7100
Poca Phillips	6632	William H. Turner	7101
Lois E. Daniel	6678	Florence Maves	7104
William W. Turner	6689	Maggie McCoy	7112
Lillie B. Blackstone	6714	Mary Belle Cordry	7113
Mary Lillard	6715	Benjamin Haner	7119

James Maher	7128
Terry A. Parkinson	7146
Cora L. Hank	7147
Otto J. Zotall	7149
Rufus M. Norman	7155
Mary E. Foreman	7158
Alma West	7159
James M. Connally	7161
Francis M. Crowell	7163
Fannie E. McClure	7171
Benjamin B. Graham	7176
Ada Phariss	7180
William L. Whisenhunt	7184
Frances B. Perry	7191
Philip Shultz	7210
Hester A. Miller	7212
Minnie B. Edmonds	7213
Eliza Jordan	7217
William T. Ross	7218
Thomas M. Price	7225
James G. Wilson	7231
Frank Rhomar	7263
John W. Thompson	7267
Melissa Booth	7271
Solon L. Jackson	7273
Henry W. Coughran	7282
Sarah Ross	7291
Mary S. Smith	7322
John A. Martin	7323
Myrtle Robinson	7330
Allen L. Buckner	7331
James L. Goad	7350
Elijah Johnson	7351
Mary E. Kimbrough	7360
Jennie Burr	7367
Kiasay Sapsucker	7378
Sarah J. Johnson	7394
William I. Branan	7409
Wyatte T. Brady	7412
Lena O. Holderman	7413
Mary F. Hummingbird	7420
Bertha A. Allen	7425
Robert J. Tyner	7426
Fannie B. Martin	7434
Myrtle Wolfe	7435
Mary Blevins	7479
Sarah Ketcher	7488
Charles D. England	7512
May Cochran	7544
Rebecca Oglesby	7549

Robert B. Collin	7556
Nancy I. Brown	7579
Mary B. Walkingstick	7642
Robert T. Kelleam	7653
Mollie Motton	7797
Mattie Gritty	8006
Mack Alfred	8015
Ida Harmon	8016
Ida McCoy	8417
Rosie Foreman	8903
Anne Jackson	9034
Margaret T. Langley	9092
Ida M. Davis	9266
Nora Crapo	9289
Margaret Harmon	9378
Mary B. Langley	9438
Ella Gravitt	9439
William M. Wilson	9444
David O. Scott	9446
Harriett Forbes	9447
John Carver	9449
Thomas J. Davis	9451
Clara M. Boudinot	9453
Mary E. Keys	9454
John G. Ainsworth	9456
Mary J. Christy	9460
Malinda Seabolt	9462
Mary Cumpton	9464
Mollie P. Mulkey	9465
Andrew Brimmer	9467
James F. Flippin	9471
William Bird	9473
Mollie C. Forbes	9476
William H. Thomason	9478
Mollie Devine	9481
Mary P. Guthrie	9482
Detlev N. Leerskov	9484
Nannie Cowart	9485
Leona Catcher	9489
Alexander B. Clapp	9502
Tennie Sanders	9503
Virgil A. Wiltshire	9505
Joshua K. Carr	9510
Herbert Kneeland	9518
Hugh E. Hope	9519
Thomas J. Ritter	9522
Martha Baldridge	9529
James R. Poindexter	9535
Maud Foreman	9539
Belle Bryant	9542

Joseph P. Smith	9550
George E. Watkins	9552
Florence Henry	9553
Jesse H. Johnson	9560
Lydia B. Barger	9561
Mary Jane Thomas	9562
James F. Petty	9563
Laura McCrary	9566
Joel D. Smith	9568
William T. Cave	9572
William Bugher	9577
James M. Smith	9582
John E. Nazworthy	9583
Beverly L. Lafon	9587
Robert L. Gentry	9590
John C. Barker	9591
John P. Greenwood	9593
Henry Hayes	9596
Ella Cornwell	9598
Asa A. Hedrick	9599
William C. M. Robinson	9600
Woodrow Hadley	9612
William T. Gregory	9613
Charles M. Keys	9616
Bate O. Reed	9618
Joseph E. Feland	9623
Florence C. Smith	9625
Charles M. Cox	9630
Otis S. Skidmore	9634
William H. Hundley	9635
Thomas A. McDonald	9636
Annie Sanders	9638
Mack H. Martin	9640
Mary Ward	9653
George Givens	9658
Pheney Poorboy	9660
Charley Kiper	9671
Andrew J. Snider	9672
William T. Barton	9684
Daniel Crail	9770
Mary M. Motte	9771
Lecia E. Herrin	9854
Gailen E. Carrick	9855
Rosa B. Barger	9857
Rachel Foreman	9858
Serepta C. Willis	9861
Virgie Seabolt	9864
Annie Cannon	9867
Isabella McCoy	9874
Robert E. Dry	9875

William G. Brown	9879
John B. Delay	9881
Pairlee Thompson	9882
Guenther W. Weither	9883
Margaret Crittenden	9884
Moses L. Morris	9889
Sarah L. Rogers	9891
Stephen Duncan	9892
Gideon D. Sleeper	9895
William A. Maddin	9896
John H. Horton	9904
Howe L. Rogers	9905
William Rush	9912
George W. Edens	9916
William H. Hall	9920
Edith B. Pheasant	9935
Carrie A. Collins	9936
Lucinda Spriggs	9937
Ella F. Hail	9939
John W. Harris	9949
Hannah Raper	9942
John J. Coughran	9945
Youra F. Waybourn	9946
Louisa J. Taylor	9947
William M. Evans	9948
William F. Pierce	9940
May F. Chambers	9950
Albert Stevenson	9954
Henry Kiefer	9955
Sarah Bean	9956
Zeno M. Cox	9964
Jerusha E. Blair	9965
Elias Kyle	9991
Ida Cushman	9992
James W. Fleming	9994
Samuel Holmes	9995
Walter H. Talley	9997
Hannah J. Miller	9998
Clara V. Ward	10002
Stephen W. Pittsenberger	10005
Mary E. Palmour	10008
William T. Partin	10011
Nellie Fields	10013
Sarah A. Dawes	10015
Willard E. Hutchins	10016
Jesse Talbert	10020
Julia E. Setser	10021
Amanda E. Howell	10022
Mamie J. Rogers	10023
Nannie Rogers	10024

James B. Bradshaw	10025	Millie A. Carnes	10113
Ida L. White	10026	Lucy E. Robards	10114
Addie B. Miller	10027	Edward H. Fitzgerald	10115
William R. Condry	10028	John T. Pickard	10117
James D. Canary	10029	Charles Rains	10118
John Kelley	10031	Nancy Mayfield	10123
Kate Craig	10033	Anna B. Tittle	10124
John A. Butts	10034	Richard A. Clark	10126
John J. Dameron	10035	Emma B. Martin	10128
William Warner	10036	Walter L. Bates	10129
George A. Allen	10037	Nellie Brewer	10130
Watie Shetley	10038	William Heffernan	10131
John E. Carter	10039	Levi Ackley	10132
John M. Boyd	10043	Bessie Davis	10133
William Fister	10047	Eva Brackett	10135
Darius B. Troth	10049	Caleba Carnes	10136
Harry A. Kelley	10050	Jacksie M. Waybourn	10138
Mary E. Purcell	10051	Minnie Shutt	10139
Myron L. Bronson	10052	Charles L. McClure	10140
George W. Taylor	10053	William W. Russell	10141
Josie Lowther	10054	Delia Jenkins	10142
Fannie D. Perry	10055	John A. Hood	10143
Minnie B. Williams	10056	Oba Maxfield	10145
Solomon Copeland	10058	Mary L. Cloud	10146
Etha B. Wood	10059	Callie Inlow	10147
James Pace	10060	Everett M. Lowrence	10148
Wiley B. McElhaney	10062	Dora E. Hays	10150
Nancy Patrick	10063	Julia M. Schrimsher	10151
James R. Stout	10072	Parmelia E. Lyman	10153
George Parker	10073	Charles F. Trickey	10161
Laura Morton	10074	Louisa J. Palmour	10169
John D. Kelly	10075	George L. Walker	10170
Nettie Swift	10078	Annie Taylor	10171
Maggie Baldridge	10079	Josie Winters Hall	10174
David R. Stubblefield	10080	Alice Nichols	10181
Thomas J. C. Thompson	10081	Lizzie Dry	10182
Cora P. Harlan	10082	Emma Murray	10183
William L. Singleton	10083	Annie Winton	10187
Lester Evans	10084	Marian Evans	10188
Ellen Mayfield	10085	Elizabeth J. McClain	10192
Ella Bray	10087	Eliza J. Price	10199
David J. Matthews	10094	Rissie Still	10200
Thomas Brown	10100	Hannah E. Langley	10201
Houston J. Payne	10103	Alma Keith	10203
Malinda E. Scudder	10104	Flora A. Terrill	10204
Henry Odell	10105	Talesphora A. Paradee	10205
Fred Macy	10107	Samuel Shadix	10206
Mary Russell	10108	Mary E. Childers	10207
Thomas B. Brown	10109	Robert M. Hamilton	10208
Samuel L. Milligan	10111	Julia Billingslea	10209

Nannie Martin		10210
Sarah A. Fields		10214
Susie Henderson		10216
Charles H. Rienhardt		10218
William H. Watkins		10221
Frank M. Rucker		10222
Henry C. Reed		10224
Laura B. Timberlake		10226
George A. Brown		10228
Drucilla Lowrey		10232
Almira Mouse	D	9
Lenora Prather	D	16
Andrew M. Cooter	D	17
Martin L. Stokes	D	28
Peter Walters	D	44
Columbus M. Reeves	D	58
Sarah Barnes	D	103
George T. Kiddy	D	108
Henry C. Agent	D	139
Joseph Phipps	D	147
Henry Hilton	D	149
David A. McGlamery	D	161
Maggie Doublehead	D	169
Annie Lovett	D	180
Nora Hood	D	184
John A. Johnson	D	232
Nathaniel G. Simpson	D	242
Oncico W. Head	D	244
Etta Taylor	D	245
Susan V. Sullivan	D	262
Levi H. Tackett	D	263
William H. Connelley	D	264
Julia A. Sullivan	D	284
May Fields	D	297
Katie Hummingbird	D	308
William F. Sager	D	320
Lovick P. Garrison	D	334
Henry Grubb	D	338
Lucy F. Lacey	D	340
Callie Blevins	D	341
James S. Alfrey	D	355
Shadrack C. Wallen	D	368
Ada Hall	D	376
Jane M. Hicks	D	396
Fannie L. Dupree	D	403
Willis Battles, Jr.	D	404
Joshua W. Ellis	D	413
Nina B. Owen	D	450
John M. Ridenour	D	458
Emery S. Thompson	D	464

Joseph Reed	D	468
Adolphus J. Hallum	D	483
Alexander Walker	D	490
Albert J. High	D	491
America Matoy	D	501
Mose L. Grazier	D	503
Myrtle Hall	D	509
Wallace Thursday	D	544
Thomas W. Baker	D	546
Mattie E. Keys	D	550
William S. Edwards	D	560
Susan L. Reed	D	572
William H. Lyman	D	574
Gracia Davis	D	577
Edward C. Bolen	D	582
Dora Guthrie	D	585
Samuel H. Hawkins	D	594
Lula M. Purcell	D	600
Ben Estes	D	603
Thomas M. Reynolds	D	621
Arthur Dodge	D	622
Carrie L. McNair	D	624
Constantine N. Walker	D	641
Joseph Davis	D	648
Leander A. Keys	D	650
James J. Barndollar	D	655
Nathan J. Brink	D	682
William S. Miles	D	688
Emma Waybourn	D	698
Dora E. Rogers	D	708
James W. Turley	D	709
Lizzie Ward	D	711
Robert J. Holly	D	713
Belle I. Quinton	D	728
Francis M. Boothe	D	734
Amos W. Lord	D	746
Agnes N. Childers	D	749
John E. Renfrow	D	752
William Coon	D	759
Louis Bruere	D	779
Georgia A. Waybourn	D	786
Eliza Fields	D	787
William H. Brown	D	788
William A. Cox	D	793
Charles A. Robison	D	799
Artha Williams	D	800
Adam Gearhart	D	806
Cicero F. Rogers	D	855
Annie Garrett	D	856
George S. Yarborough	D	875

Rhoda A. Sanders	D	878	Ella Vann	D	1320
Manuel Spencer	D	884	Lunie Wofford	D	1330
Benjamin H. Hulbert	D	891	Minnie Downing	D	1332
Mary Brassfield	D	935	Katie Ruler	D	1334
James L. Tindle	D	944	Samuel G. Mill	D	1337
Silas G. Reneckar	D	966	Alfred H. Wood	D	1342
Eliza Wofford	D	967	Cynthia Whitekiller	D	1352
Jasper L. Newton	D	971	Susie McSpadden	D	1361
John N. Guinn	D	974	Martha J. Houston	D	1363
Hannah Parson	D	989	Samuel M. Colbert	D	1367
Nellie C. Helterbrand	D	1003	Katy Payne	D	1369
Thomas J. Welch, Jr.	D	1006	Joseph H. Warren	D	1375
Lizzie Christian	D	1010	Mattie Miller	D	1433
George Hazlewood	D	1013	S. F. Moore	D	1434
James M. Jones	D	1022	Addie Schrimsher	D	1448
Reuben A. Evans	D	1032	Fannie Vann	D	1458
Carrie H. Cobb	D	1049	Marcella Blakeney	D	1474
John M. Burns	D	1069	G. W. Williamson	D	1555
Sarah E. Henson	D	1083	C. E. Walker	D	1558
Laura D. Henson	D	1086	Louisa Blevins	D	1567
Hettie E. Downing	D	1090	Frank Cowles	D	1581
Benjamin F. Crain	D	1099	Mary Francis Madding	D	1637
Benjamin Strickler	D	1129	Thomas Rodman	D	1661
Nancy Spaniard	D	1130	Katie Still	D	1866
Annie Wilson	D	1131	Ira Creach	D	1913
Ora H. Maxwell	D	1135	D. A. Mounts	D	1967
Reuben W. Moore	D	1136	J. C. Sefton	D	1991
Cora Childs	D	1146	Jennie Holland	D	2024
Janie Hughes	D	1179	Lou Sanders	D	2216
Francis B. Reid	D	1180	Caroline Barnes	D	2591
Martha Carey	D	1195	Lacey Crane	D	2592
Christina Johnson	D	1199	Daisy Cash	D	2595
Louvenia Ironside	D	1208	Hiram A. Landers	D	2599
Martha J. Henson	D	1218	Charles Neel	D	2603
David A. Martin	D	1228	Mattie Robinson	D	2605
Fred D. McEnery	D	1235	Jennie Rich	D	2606
Nathaniel R. Martin	D	1261	Alexander C. Russell	D	2607
James H. Requa	D	1266	Pricilla Ross	D	2608
Frank Carver	D	1267	Tom W. Reeves	D	2609
Etta B. Payne	D	1270	Mary Smart	D	2612
Mary Garrett	D	1271	Rufus Tidmore	D	2613
Joe W. Goodman	D	1272	Jasper Turquitt	D	2614
Mathew J. Flanigan	D	1274	Mabel West	D	2618
Lizzie C. Holland	D	1285	Ophelia West	D	2619
Etta Downing	D	1291	Cora Whisenhunt	D	2620
William Caywood	D	1296	Katy Martin	D	2667
Clarence W. Turner	D	1307	Willis Butler	D	2686
Alfred Chaney	D	1313	Claud Barger	D	2687
Euphemia Sweetwater	D	1314	Dixie Conner	D	2698
Etta Russell	D	1319	John Culwell	D	2699

Herbert E Couch	D	2700
Albert C Dyke	D	2703
Delora Drew	D	2704
Frank F Danderson	D	2705
James Gafford	D	2708
Anna L Harlin	D	2715
William R Lipsey	D	2717
Bertha Landrum	D	2718
Lila More	D	2722
John D. Mathews	D	2723
Mary McIntosh	D	2725
Bertha Nidiffer	D	2730
Richard Nichols	D	2731
William S. Ross	D	2738
Irene Riley	D	2739
William H. Rowley	D	2740
Colombus C. Scroggins	D	2741
Della Summers	D	2743
William S. Sage	D	2744
Eliza Thomas	D	2748
John P. Thurman	D	2749
Mary E. Davis	D	2770
Jessie Frick	D	2774
Emma Buffington	D	2788
Will Black	D	2789
Maggie E Davis	D	2792
Thomas Dotts	D	2793
William Daws	D	2794
Nancy Dawson	D	2796
Lena Fields	D	2797
Effie Grayham	D	2798
Alice C. Hill	D	2799
Bertha H. Harlin	D	2800
Margrett C. Hudson	D	2801
Joseph A. Kelley	D	2803
Andrew O. Kepler	D	2804
Josephine King	D	2805
Sarah Jane Birdsong	D	2806
Marion Maddox	D	2807
John A McKenzie	D	2808
Ione McGee	D	2809
Ollie Miller	D	2810
William A. Martin	D	2811
Jesse P. Morrow	D	2812
Oliver Mason	D	2813
Edna Whitehead	D	2814
Charley Nuckolls	D	2815
Etta M. Nidiffer	D	2817
Louizer Ossowee	D	2818
William H Patterson	D	2820
Samuel A Parkhurst	D	2821
Ellen Rogers	D	2822
Elijah Rolland	D	2827
Endora Steele	D	2828
William M. Stucker	D	2829
Sallie Taumeacie	D	2831
Mary Tassle	D	2832
John F. Wolf	D	2835
Ruth A Ward	D	2840
Winnie Daugherty	D	2884
Mary Guthrie	D	2885
Lydia Long	D	2886
Edda Roberts	D	2887
Manda Ward	D	2889
Elmira J. Alberty	D	2905
Thomas C. Cordray	D	2906
Edward Fowler	D	2907
Dora Foreman	D	2908
Parker Holt	D	2909
John Haston	D	2910
Georgie Harlin	D	2911
Percillia Johnson	D	2913
Bettie Morton	D	2915
Samantha Spade	D	2917
Mariah Ward	D	2918
Ellen Watt	D	2919
Nora Morten	D	2920
Lizzie Anderson	D	2981
Francis Duval	D	2984
Wade S. Hayes	D	2987
James A. Hankins	D	2988
Joseph Hardee	D	2991
Tennie Horn	D	2992
Eveline Hall	D	2993
John E. Leftwich	D	2995
Mattie Henson	D	2994
John D. Colvard	D	2998
Charles W. Phillips	D	2999
Sarah Shanks	D	3000
Nettie Young	D	3009
Jerry P. Ables	D	3048
Almedie Ross	D	3052
John S. J. Fowler	D	3055
Leaner Hood	D	3056
James D. Jackson	D	3057
Emma G. Nelson	D	3058
Alice Simco	D	3059
George O. Wallace	D	3060
Fannie Clay	D	3078
Ellen Drew	D	3079

Luc Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Lelia C. Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R Mizer	R	266
Martha Spade	D	3092	Belle A Powell	R	352
Julian Wyrick	D	3093	Austin L. Hill	R	420
Samuel Harlan	D	3157	Mary L. Dudley	R	439
Lizzie Phariss	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A. Payne	R	484
Sarah E. Davis	D	3176	Rebecca Benge	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E. Thornton	D	3183	Dora Crane	R	628
Mamie Thompson	R	4	Andrew Sitrell	R	642
Jimmie G. Thompson	R	5	John Sitrell	R	642
William T. Kelly	R	10	Lillie May Wilson	R	643
Alice Tidwell	R	19	Ollie A. Barger	R	656
Rosenna McLaughlin	R	41	Ida Hawkins	R	671
Martha A. Perdue	R	45	Lizzie Davis	R	761
Gabriel L. Payne	R	61	Clara M. Emmons	R	803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated 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, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

.....

Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

1 4959

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
ALFRED L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 26, 1902

Mrs. Hannah Parson,

Tahlequah, Indian Territory,

Madam:-

You are hereby notified that the application of yourself

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

the 14 day of March, 1902.

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

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

You are requiredto supply the Commission with a certified copy of decree of divorce of Peter Parson from his former wife.

Cherokee D-989
Register.

Yours truly,

~~Acting Chairman~~.

Commissioner in Charge.

FPT

Cherokee D-989.

Muskogee, Indian Territory, June 3rd, 1902.

Hannah Parson,

Tahlequah, Indian Territory.

Madam:

In the matter of your application for enrollment as a citizen of the Cherokee Nation, you are directed to funish this Commission with a certified copy of the decree of divorce, if there be any, separating Peter Parson from his former wife; or if no such decree exists, to appear before this Commission on or before June 18th 1902, and submit proper testimony, showing whether or not said Peter Parson was ever lawfully married to his first wife.

Yours truly,

Acting Chairman.

Cherokee D 989.

Muskogee, Indian Territory, September 11, 1902.

John O. Rosson,

Tahlequah, Indian Territory.

Dear Sir:

On December 15, 1900, Hannah Parson, aged at that time about sixty-seven years, appeared before the Commission and made personal application for the enrollment of herself as a citizen by intermarriage, and was listed for enrollment as such on Cherokee roll card, field No. D 989.

The applicant stated that her postoffice address was Tahlequah, Indian Territory, but letters addressed to her at that place have been returned unclaimed.

It appears that she claims her right to enrollment by reason of her marriage to one Peter Parson, who is duly identified on the roll of 1880, Illinois District.

The Commission desires evidence of divorce between the applicant's husband, Peter Parson, and his former wife, Margaret, or, in lieu thereof, evidence that he was never lawfully married to his said wife, Margaret; also, evidence as to the residence of Peter Parson and the applicant on June 28, 1898, and prior thereto.

If you succeed in procuring the testimony requested,

please forward the same to the Commission as soon as possible.

Yours truly,

Acting Chairman.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 989

Vinita, Indian Territory, January 26, 1903.

Hannah Parson,

Gideon, Indian Territory.

Dear Madam:

You are hereby notified that before your application for enrollment as a citizen by intermarriage of the Cherokee Nation will be complete, it will be necessary for you to file with the Commission a certified copy of the decree of divorce alleged to have been granted to your husband, Peter Parson, from his former wife, Margaret.

If you are unable to obtain such a certificate, it will be necessary to introduce testimony showing that said Peter Parson was legally divorced from his wife Margaret prior to his marriage to you.

This testimony can be introduced at the Cherokee Land Office of this Commission at Vinita, Indian Territory, and should be presented not later than February 17, 1903.

Respectfully,

Commissioner in Charge.
Acting Chairman.

GRS

Cherokee D-989

Tahlequah, Indian Territory, November 30, 1903.

Rachel Lovett,

Care of Dick Lovett,

Cookson, Indian Territory.

Dear Madam:

You are hereby requested to appear at the Cherokee Land Office of this Commission at Tahlequah, at the earliest possible date, for the purpose of giving testimony in the matter of the application of Sarah Parson for enrollment as a citizen by intermarriage of the Cherokee Nation.

You are also particularly required as to whether or not your father, Peter Lovett, has ever divorced from your mother, Margaret.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

MFM

Cher. D 989

Muskogee, Indian Territory, January 10, 1907.

Hannah Parson,

Tahlequah, Indian Territory.

Dear Madam:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. D

Commissioner.

Cherokee D~~990~~ 181

Muskogee, Indian Territory, March 14, 1907.

Hannah Parson,

Tahlequah, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 26, 1907.

Respectfully,

Commissioner.

RPI

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

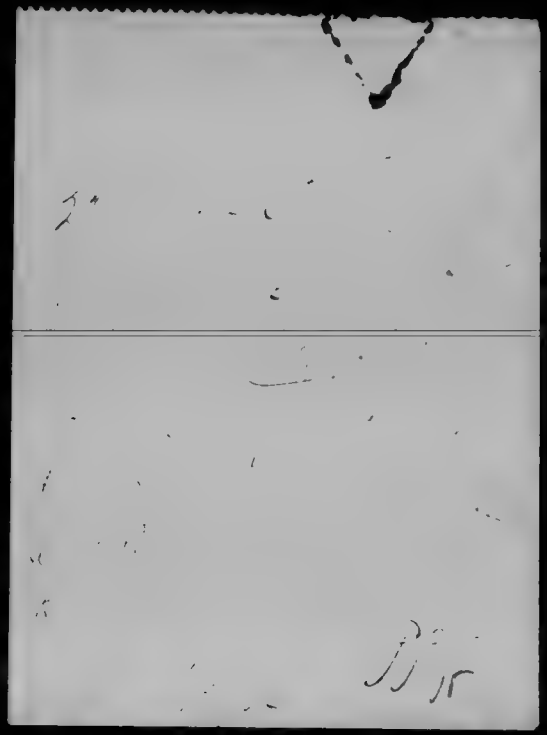
You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

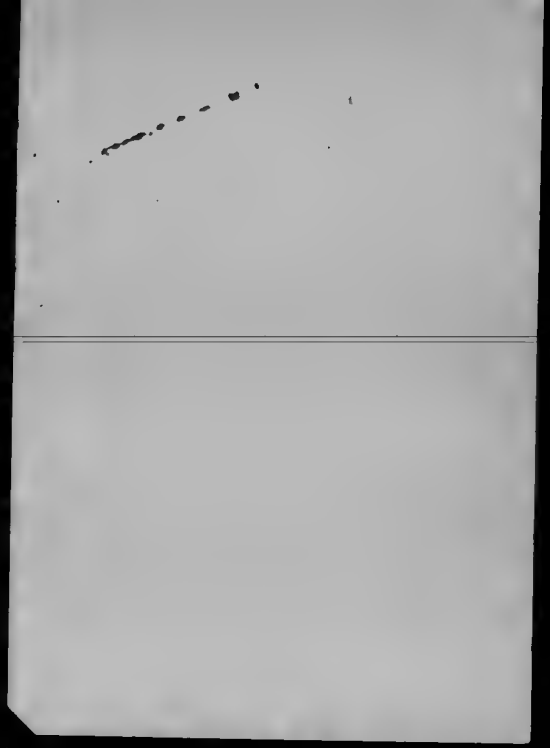
For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-100
LMC





6

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

2715

Mrs. Hannah Parson,

Tallequah, Indian Territory.

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

REGISTERED
JUL 15 1902
TAHLEQUAH, IND.
REGISTERED No. 24

REGISTERED
JUN 5 1902
MUSKOGEE, IND. TER.

8453

Hannah Parson
Tahlequah
I.T.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, $300.

Hannah Parson,

Gideon, Indian Territory.

Cher D 990

8440

[illegible] of the [illegible]
Commission to the Five Civilized Tribes.
Tahlequah, I. T., December 1[illegible], 1[illegible].

[illegible] the application of Andy [illegible] Nave for the [illegible] of Julia, [illegible] Cherokee citizen; [illegible] examined by Commissioner C. R. [illegible], testified as follows:

Q [illegible] A Andy R. Nave.
Q [illegible] A 45 years old.
Q [illegible] A Tahlequah.
Q [illegible] A Yes sir.
Q [illegible] A Yes sir.
Q [illegible] A Yes, myself, [illegible].
Q [illegible] A Yes sir.
Q [illegible] A Seven children.
Q [illegible] A Yes sir.
Q [illegible] A Yes sir, quarter Indian.
Q Is your wife [illegible] A Yes sir.
Q [illegible] Yes sir.
Q [illegible] A Andy [illegible].
Q [illegible] A Yes, he's dead.
Q [illegible] A [illegible].
Q [illegible] A [illegible], she's dead.
Q [illegible] A Julia.
Q [illegible] She's 4[illegible] years old.
Q [illegible] Yes sir, [illegible].
Q She has been married to you for over twenty years? A Yes [illegible].
Q Give me the name of her [illegible]. A Washington Eagle.
Q Is he dead? A Yes sir.
Q Give me the name of her mother. A I don't know. I heard her [illegible] was Pauline.
Q Is she dead or living? A I [illegible] she is living.
Q Give me the names of them here children. A [illegible].
Q How old is that child? A She's two [illegible].
Q [illegible] A Andy [illegible], Jr., 18.
Q [illegible] A [illegible].
Q [illegible] child? A 16.
Q [illegible] A Joshua G.
Q [illegible] A [illegible].
Q [illegible] A [illegible].
Q [illegible] A 11.
Q The next child? A Lida [illegible].
Q [illegible] A 7.
Q The next child? A [illegible].
Q How old is she? A Born the 23rd of April, [illegible], two years old.
Q Those children are living with you are they? A Yes sir.
1880 roll; page 78[illegible], [illegible]1473, A. J. Nave, Tahlequah, [illegible]
1880 roll; page 78[illegible], [illegible]72, Julia Eagle, " (Adopted colored)
1880 roll; page 78[illegible], [illegible]73, Pauline Eagle, " " "
1880 roll; page 1[illegible]6, [illegible], Andy [illegible], " Native Cherokee.
Q Your wife, Julia living with you now? A Yes sir.
1880 roll; page 1[illegible], [illegible], Lida Nave, Tahlequah, Native Cherokee.
1[illegible], [illegible]310, Andrew R. Nave, Jr., " "
1[illegible], [illegible]51, [illegible] " " " "
1[illegible], [illegible], Joshua " " " "
1[illegible], [illegible], [illegible] " " " "
1[illegible], [illegible], [illegible] " " " "
Q You and your wife have never been married, have you? A No sir.
Q Have you any document here about her? A Yes sir, here is a document; he gave her strip money and put her name on our rolls.
Q Did your wife draw Cherokee strip money? A Yes sir.
1894 roll; page 1114, (No number given) Julia Nave, Tahlequah.
Note: Appears upon authenticated roll of 1880 as Julia Eagle,

2- A.R. .

adopted colored.)

Q Did your wife draw strip money? A Yes sir.

Q Have you got more evidence of it? A Yes sir, I gave it to you. 1896 roll; page 1214, [illegible] 2328, Julia Hayes, [illegible], Native Cherokee. The applic at presents an official copy of an act approved Nov. 7, 1884, appropriating $[illegible].70 to be paid respectively to certain persons from funds having accrued from the sale of lands west of the Arkansas River, or any other money in the treasury, etc. The same persons being referred to as persons entitled in the payment of the strip funds, and found to be entitled by the revising Committee of Tahlequah district. This is filed herewith.

Q When were you married? A In 1875.

Q You and your wife have lived together ever since you were married? A [illegible].

Q [illegible]

The applicant applies for the enrollment of himself, his wife, and seven children. He is identified on the roll of 1880 and 1890 as a native Cherokee. He has lived in the Cherokee Nation all his life, and he will be listed for enrollment as a Cherokee by blood. His wife is identified with him on the roll of 1880 as his wife. He states that they have lived together ever since their marriage, and she is identified with reasonable certainty on the roll of 1880. Her status will be referred to further on in this decision. She is said to have lived in the Cherokee Nation all her life. Of the children of this marriage applied for at this time, and enumerated in the testimony, seven in number, the first six are duly identified on the roll of 1880 as native Cherokees. They are all living, are minors, and they will be listed now for enrollment as Cherokees by blood. The certificate of birth of the youngest child, Susie N., is filed with the Commissioner, then child will also be listed for enrollment as a Cherokee by blood. The applicant's wife is identified on the roll of 1880 as an adopted colored. She is identified on the roll of 1880 as a native Cherokee. She is shown to have been placed on the roll of 1884, a Cherokee blood roll, and the red mark drawn through her name is said in connection with the note given in the testimony to be evidence of her having been rejected from that roll as a Cherokee by blood. This view is expressed by the Cherokee representative present in connection with the Commissioner. Her identification on the roll of 1880 is apart from that of her family, and her age is there given as 34, but no serious doubt is entertained about that being the enrollment of this woman, which may have been attended with some discussion at the time. There is filed herewith an official copy of an act of the Cherokee Legislature placing the name of the applicant upon a list of persons found by the revising Committee of Tahlequah district to be entitled to Cherokee strip money, said act of the Cherokee Council being approved Nov. 27, 1884. For the further consideration of the Department, she will not be listed upon a doubtful record, but will be enrolled at present as a Cherokee by blood. The final decision will be reported to the applicant at its consideration hereafter.

I, [illegible], do solemnly swear, that I am the stenographer who took the testimony in the above entitled matter, that I reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of said stenographic notes in said case.

[illegible] Notary Public.

Subscribed and sworn to before me this 14th day of December, 1900.

[illegible] Commissioner.

0220

R.

C. D-990.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 14, 1902.

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

The applicant was notified by registered letter February 26, 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 office in Muskogee, I. T., on the 14th day of March, 1902, and that on said date she might appear before the Commission, either in person or by attorney, when an opportunity would be given her to introduce any additional testimony affecting her application. Receipt has been acknowledged of the Commission's letter and the applicant having this day, to-wit: the 14th day of March, 1902, been called, and failing to respond, it is deemed that her case is completed, and same will be reported to the Commission for final decision basedupon the evidence now of record.

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

Wm Hutchinson

Cherokee D-990.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.
--oooOooo--

In the matter of the application for the enrollment of Julia Nave 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 December 15th 1900 Andy R. Nave appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment, among others, of his wife, Julia Nave, 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 14th 1902. The other parties to this application are differently classified, and are not embraced in this decision.

The evidance shows that the applicant is identified on the 1880 authenticated roll of the Cherokee Nation as Julia Eagle (adopted colored), that being her name prior to marriage; that she is identified on the 1896 Census Roll of said Nation as a native Cherokee; and that in 1875 she was lawfully married to Andy R. Nave, a Cherokee by blood, who has resided in the Cherokee Nation all his life and who is identified on the said 1880 roll. That the applicant has resided in said Nation all her life, and has lived with her said husband continuously since their marriage; and that she was still residing in the said Nation at the date of this application.

The evidence further shows that the applicant drew money as a Native Cherokee under the Cherokee strip payment of 1894, as appears from a duly certified copy of the first section of an Act of the National Council of the Cherokee Nation, making appropriation for the benefit of the persons omitted in the payment of the strip funds, and found to be entitled by the Reversing Committee of Tahlequah District, which copy is on file with this Commission. It is further established by the evidance that the applicant is a Cherokee by blood and not colored.

It is therefore the opinion of this Commission that Julia Nave 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 28th, 1898 (30 Stats.495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

C. R. Breckinridge.
Commissioner.

Dated at Muskogee, Indian Territory/
this AUG 11

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 990.

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 Julia Nave 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 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. 34.

990

Dewey Ind

IN THE MATTER OF THE APPLICATION OF

Celia Mann

FOR ENROLLMENT

CHEROKEE CITIZENS

Original testimony filed 5/00

Memo of supplemental filed 5/00

Certificate showing that an act of Congress was passed granting applicant payment of ship money, office to regulate payment

Notice of final consideration 3/14/02

Denied

Not agreed

Cher D 991

10991

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory,
May 11th, 1900.

In the matter of the application of Claud A. Thompson for enrollment as a citizen of the Cherokee Nation; being sworn and examined by Commissioner McKennon he testifies as follows:

Q What is your name? A Claud A. Thompson. C. T. Thompson is my uncle.
Q Were you enrolled in 1880? A No sir.
Q What is your age now? A Twenty-six the 22nd day of next November.
Q When did you come to the Territory? A We came here in the spring of 1883, I think it was.
Q From where? A From Texas.
Q How long did you live here? A Ever since.
Q You have lived here in the Cherokee Nation? A Yes sir, except what time I have been at school; I just got back about two months ago. I was in the army seven months, and was in school part of the time, and vacation I spent here as a rule, and staid over there; I was a resident in the Cherokee Nation; I had a home there all the while and have got it there now.
Q Have you any family? A No sir. I am guardian for a minor brother.
Q What is his name? A Gilbert S. Thompson. He is teaching school at Afton. He lives at Tahlequah.
Q How long has he lived here? A He has been here ever since we came here in the spring of 1883.
Q How old is your brother? A He is about eighteen I think.
Q Was your mother a Cherokee? A She was a white woman.
Q Have you any proof of the marriage of your father and mother?
A No sir, my father was a citizen.
Q Is there anyone here that knows that they lived together as husband and wife? A Yes sir, Mr. Hastings knows it.

W. W. Hastings being sworn and examined by Commissioner McKennon testifies as follows:

Q What is your name? A W. W. Hastings.
Q How old are you? A Thirty three.
Q Did you know James A. Thompson? A Yes sir.
Q Did you knowhis wife, Frances? A Yes sir.
Q She was a white woman? A Yes sir.
Q He was a Cherokee citizen? A Yes sir.
Q Do you know that they lived together as husband and wife, and were so recognized where they lived in the Cherokee Nation?
A Yes sir.

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

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

W. D. Green

Retta Chick, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above copy, and that the same is a true and complete copy of the original.

Retta Chick

Subscribed and sworn to before me this 8th day of August, 1902.

Bruce E. Jones
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I T. December, 17th 1900.

In the matter of the application of Gilbert S. Thompson for enrollment as a Cherokee citizen, he being sworn before Commissioner Breckinridge testified as follows-

Q What is your name? A. Gilbert S. Thompson.
Q How old are you? A. 20.
Q What is your post office address? A. Tahlequah.
What district do you live in? A. Tahlequah
Q Who is it that you wish to have enrolled, just yourself? A. Yes sir.
Q Are you a Cherokee by blood? A. Yes sir.
Q Have you lived in the Cherokee Nation all your life? A. No sir.
Q How long have you lived in the Cherokee Nation? A. About 18 years I think.
Q Were you admitted to citizenship by the Cherokee Commission or Council
Q Yes sir My father was re-admitted.
Q About when was he re-admitted? A. My brother enrolled himself some days ago and the papers are in his case——James P. Thompson.
Q Give me the name of your father? A. James A. Thompson
Q Is he dead? A. Yes sir.
Q Give me the name of your mother? A. Frances E.
Q Is she dead? A. Yes sir.
Q Did your father bring you here some 18 years ago? A. Yes sir.
Q Was your mother living then? A. Yes sir.
Q Did she come with you? A. Yes sir.
Q Have you lived here ever since you came? A. Yes sir.
Q When was it that you came to the Cherokee Nation? A. I don't exactly remember the date.
Q Your brother ~~[illegible]~~ James P. Thompson says he came here in 1898, did he come here later than you did? A. We came here the same time.

By By the Commission-

The testimony in the case of your brother [illegible] shows that he exhibited a certificate of citizenship, but it does not show that he filed it.

1896 roll, page 1257 No. 3463, Gilbert L. Thompson, Tahlequah dist.

The applicant states that he was admitted to citizenship by the Cherokee Commission on citizenship some 18 years ago as well as he can recollect and that he has lived in the Cherokee Nation for the past 18 years. He is not able at the present time to supply his certificate of admission. He is identified on the roll of 1896 and he will now be listed for enrollment as a Cherokee by blood on a doubtful card to await official evidence of his admission to citizenship.'

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

Chas von Weise

Subscribed and sworn to before me this the 17th of December, 1900.

Commissioner.

[illegible]

[illegible] A. Thompson [illegible] before the [illegible] licant [illegible] Cherokee Nation. The record taken [illegible] was found to be incomplete [illegible] on. [illegible] his application. [illegible] Commission [illegible] Philadelphia [illegible] application [illegible] of the Cherokee Nation, [illegible] be considered in connection [illegible] the [illegible] Commission. It appears [illegible] the applicant's [illegible] January, [illegible] Cherokee Nation [illegible] on the census roll of 1896, and [illegible] of 1904, and [illegible] Cherokee [illegible] blood. He is also requested [illegible] the marriage of [illegible]

[illegible] being [illegible] correct [illegible] the [illegible] testimony and proceed [illegible] proof. [illegible] complete [illegible]

[illegible] 1902.

[illegible]

[illegible] sworn, [illegible] that as a member [illegible] the above [illegible] original.

Rillie Chick

[illegible] day of [illegible]

[illegible]
Notary Public.

"R"
Cherokee case No. 18.

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

SUPPLEMENTAL TESTIMONY in the matter of the application of Claude A. Thompson for enrollment of himself and brother as Cherokee citizens by blood.

Appearances:
Applicant in person;
Mr. Baugh, for the Cherokee Nation.

CLAUDE A. THOMPSON, being sworn and examined testified as follows:
BY COMMISSION:
Q What is your name? A Claude A. Thompson.
Q How old are you? A I am 27,-November 22, 1901.
Q What is your post-office address? A Muskogee.
Q You appeared before the Commission in May 1900 and made application for the enrollment of yourself and brother, Gilbert S. Thompson?
A Yes sir.
Q What is the name of your father? A James Allen Thompson.
Q Is he living or dead? A Dead.
~~Q Was he a Cherokee or a white man? A He was a Cherokee.~~
Q What is the name of your mother? A Frances Treadwell Thompson.
Q Is she living? A Dead.
Q Was she a Cherokee? A No sir, she was not.
Q Are you and your brother Gilbert S. full brothers? A Yes sir.
Q Same father and mother? A Yes sir.
Q Have you always resided in the Cherokee Nation? A No not always.
Q Where were you born? A In Angelina County, Texas.
Q When did you first come to the Cherokee Nation? A I think it was in the spring of '82.
Q Are you admitted to citizenship in the Cherokee Nation? A By an act of the National Council? A Not that I know of; we never found any record of admission; my father was admitted in '83; but the record don't show that the children were admitted, so far as I know.
Q Was your grandfather living at that time? A No sir.
Q What was your grand-father's name, that is, your father's father?
A I think his name was Mathew Thompson.
Q Was your father sometimes known as James Allen Thompson Jr?
A Not that I know of, no.
Q Did you ever have a brother by that name? A No, no James Allen Jr. brother of mine. I think it was in '83 that my father was re-admitted.

BY COMMISSION: Applicant states that he was admitted to citizenship by the Cherokee Commission on citizenship some 19 years ago. It appears from the records of the Cherokee Nation on citizenship docket from 1880 to 1884, inclusive, page 160, that the applicant's father, James Allen Thompson, was admitted to citizenship on the 19th day of January, 1883, by the Cherokee Commission on Citizenship.
Q Were you a minor when your father was admitted to citizenship?
A Yes sir.
Q Were you living in the Cherokee Nation at that time? A Yes sir.
Q Have you resided here continuously since that time? A Yes sir.
Q Have you always been recognized as a citizen since then?
A Yes sir.
Q Do you own any property in the Cherokee Nation? A Yes sir.
Q Has your brother, Gilbert S. Thompson, always resided here since that time? A Yes sir.

Q What is his post-office address at present? A Kansas City, Missouri. Tahlequah is his home; he is in school in Kansas City now.
Q He is still a minor? A I believe he will be of age in October I am nor certian about that; I am not positive, but I think his birthday is in October.
Q Now you have not any evidence as to the marriage of your father and mother have you, any record evidence? A No sir, I have not; the court records of Angelina County, Texas show that now.

1896 census roll of citizens of the Cherokee Nation examined and applicant identified on
page 1257 No. 3460 Claude E. Thompson, Tahlequah District;
1894 pay roll of citizens of the Cherokee Nation examined and applicant identified on
page 1162 No. 3264 Claude Thompson, Tahlequah District.

BY COMMISSION: Claude A. Thompson appeared before the Commission on the 11th day of May, 1900, and made application for the enrollment of himself and brother, Gilbert S. Thompson, as citizens by blood of the Cherokee Nation. The record taken at that time was found to be incomplete, and said Claude A. Thompson was requested to again appear before the Commission, which he does this day, to give further testimony as regards his application. It appears from the records that his brother Gilbert S. Thompson appeared before the Commission again at Tahlequah, Indian Territory, on the 17th day of December, 1900, and made application for the enrollment of himself as a citizen by blood of the Cherokee Nation, hence his application will not be considered in connection with the application of Claude A. Thompson. It appears from the records of the Cherokee Nation that the applicant's father was admitted to citizenship on the 19th day of January, 1883, by an act of the Cherokee Commission on Citizenship. The applicant avers that he has resided in the Cherokee Nation continuously since that time. He is duly identified on the census roll of 1896 and on the Strip payment roll of 1894, and he will be listed for enrollment as a Cherokee by blood. He is also requested to file with the Commission proof as to the marriage of his parents.

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 15, 1902.

T. B. Needles, Commissioner.

Retta Chick, being sworn, states that as stenographer to the commission to the Five Civilized Tribes, she made the above copy, and that the same is a true and complete copy of the original.

Retta Chick

Subscribed and sworn to before me this 8th day of August, 1902.

Bruce B. Jones
Notary Public.

It [illegible] 19, 1969, [illegible] D-821, [illegible] made by [illegible] 11, 1969, [illegible] No. 14, 11 [illegible] ered the [illegible] C. Thomas [illegible] from the [illegible] on May 17, 20[illegible], [illegible] Docket No. 7-291.

It is further ordered that a copy of [illegible] 19, 196[illegible] be filed [illegible] made a part of [illegible] of December 17, 1969, [illegible] Thomas.

Cherokee D-991.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T. August 8, 1902.

In the matter of the application for the enrollment of Gilbert S. Thompson as a citizen by blood of the Cherokee Nation.

O R D E R.

It appearing that Gilbert S. Thompson listed December 17, 1900, upon Cherokee Doubtful Card, D-991, was also listed on roll by this Commission as a citizen by blood of the Cherokee Nation on May 11, 1900, upon Cherokee card no. 18, it isordered that the said Gilbert S. Thompson be stricken from the applipation made for his enrollment on May 11, 1900, and that his name be transferred to Cherokee card, Field No. D-991.

It is further ordered that a copy of the testimony taken on May 11, 1900, be filed with and made a part of thereecord in the application of December 17, 1900, for the enrollment of said Gilbert S. Thompson.

Commissioner.

Cherokee D-991.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Gilbert S. Thompson 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 December 17, 1900, Gilbert S. Thompson appeared before the Commission at Tahlequah, Indian Territory, and made personal application for enrollment as a citizen by blood of the Cherokee Nation.

From an examination of the following records of the Cherokee Nation in possession of the Commission, it appears that the name of Gilbert Thompson is found thereon, viz:- The 1890 pay roll (Tahlequah District, page 983) and the orphan roll of the 1894 strip payment (Tahlequah District, page 6 #90).

The evidence shows that the applicant is identified as a native Cherokee on the 1896 Census Roll of the Cherokee Nation; that his father, a Cherokee by blood, was duly admitted to citizenship by the tribal authorities of said Nation in January 1883, as appears from a certified copy of said certificate of admission on file with this Commission; and that Gilbert S. Thompson was a minor at the time his father was admitted to citizenship.

It further appears from the evidence that the applicant removed to the Cherokee Nation in 1882, and has resided in said Nation continuously up to and including the date of the application herein.

It is therefore the opinion of this Commission that Gilbert S. Thompson 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.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this _____.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 991.

Muskogee, Indian Territory, September 30, 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 Gilbert S. Thompson 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. 89.

D 991

IN THE MATTER OF THE APPLICATIO

Gilbert S Thompson

FOR

CHERO

D 99

"Decision"

IN THE MATTER OF THE APPLICATION OF

Albert A. Thompson

FOR ENROLLMENT

AS

CHEROKEE CITIZENS.

a. Original testimony Dec 17/00

B. Minutes of application Dec 17/00

c. Certified copy certificate of adjudication.

Cher D 992

10-1012

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 17 1901

ACTING CHAIRMAN

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

IN THE MATTER OF THE APPLICATION OF Carrie Smith for the enrollment of herself ~~husband~~ and children as citizens of the Cherokee Nation, and she being sworn and examined by Commissioner, T. B. Needles, testified as follows:

Q What is you r name? A Carrie Smith.
Q How old are you? A Twenty seven.
Q What is your Postoffice address? A Lenapah.
Q What district do you live in? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A Adopted.
Q Whom do you desire to enroll? A Myself and children.
Q Is your husband living? A Yes sir.
Q What is his name? A Sylvester Smith.
Q Is he a Cherokee citizen by blood? A Yes sir.
Q Have you any proof of marriage to him? A Yes sir, I have my certificate.
Q Have you a marriage license? A No sir, not with me.

Com'r. T. B. Needles: The applicant presents a certificate of marriage, certifying that she was married under the name of Carrie Davis to one, Sylvester Smith, on the 13th day of May, 1890.

Q What is the name of your child? A Lydia.
Q How old is she? A Four years old.

By Mr. W. W. Hastings, Cherokee Represenative:
Q Did your husband ever have any other name besides Sylvester?
A Sherman.
Q Was he some times known as General? A Yes sir, that was his nick name.

Commission:
(1880 Roll, Page 171, #2553, S. F. Smith, Cooweescoowee D'st)
(1896 Roll, Page 255, #4394, Sylvester S. Smith, Coo. D'st)
(1896 Roll, Page 323, #889, Carrie Smith, Coo. District)

Q Are you living with your husband now? A No sir.
Q Are you divorced from him? A Yes sir.

By Mr. W. W. Hastings, Cherokee Represenative:
Q Your husband sued you for divorce? A Yes sir.
Q Did you answer the suit? A No sir.
Q When did he secure the divorce? A Last Febuary one year ago.
Q Febuary of 1898? A Yes sir.
Q Have you married since? A No sir.
Q With whom do you live: Make your home? A I live around: I am okkong for some hands on a farm: I live by myself.
Q On what farm? A One of Mr. Shuefelt's.
Q Near Lenapah? A Yes sir.
Q Why did you not appear at Claremore for enrollment?
A I could not.
Q Why did you not appear at Nowata? A Things was arranged so I just was not able to go then: This is the first opportunity I have had.
Q What were the grounds alleged against you for divorce?
A Abandonment.
Q You did not answer the charge? A No sir.
Q And he secured the divorce? A Yes sir.

Com'r. T. B. Needles:
Q You acknowledge that you did abandon him? A No sir, I never.
Q You virtually acknowledged it by not making any answer?
A I was not able to answer: He sued me in the Cherokee Court, and

then went to war, and when he came back, he sued me again, and I was not able to fight the case.
Q Did you fight him in the Cherokee Court? A Yes sir.
Q Did he get it in the Cherokee Court? A No sir.

By Mr. W. W. Hastings, Cherokee Representative:
Q Was it not pending when the jurisdiction of the Cherokee Court went out of existence? A No sir.

Com'r. T. B. Needles:
Q Have you the decree of divorce with you? A Yes sir.
Q You had a lawyer in the case? A Yes sir; I had Mr. Stanfield see after it for me.

Com'r. T. B. Needles: The name of Carrie Smith appears upon the census roll of 1896: She avers and takes satisfactory proof of her marriage to one, Sylvester Smith, a Cherokee citizen by blood, on the 13th day of May, 1890. She also files a certified copy of a decree of divorce, certifying that she was divorced from said Sylvester Smith on the 12th day of January, 1899, and the name of her husband is found upon the authenticated roll of 1880 as a Cherokee citizen by blood, according to the page and number of the roll, as indicated in the testimony.

By reason of the separation, final judgment as to the enrollment of the said Carrie Smith will be suspended, and her name will be placed on a doubtful card. She also applies for the enrollment of her child, Lydia Smith, four years of age, the custody of whom was awarded to her by the decree of divorce. It is found that her former husband, the father of said child, Sylvester Smith enrolled said child on the 10th day of September, 1900, on Straight Card, #2445

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

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

COMMISSIONER.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 11, 1901.

Supplementary testimony in the case of Carrie Smith.

Campbell H. Taylor, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q What is your full name? A Campbell H. Taylor.
Q How old are you? A 38 years old.
Q What is your postoffice? A Coffeyville, Kansas.
Q In what district do you live? A Cherokee nation district.
Q You want to give some testimony in the case of Carrie Smith? A Yes sir.
Q Who was divorced from Sylvester S. Smith? A Yes sir.
Q Are you acquainted with both of the parties? A Yes sir.
Q What was Carrie Smith's name when she married this husband? A I wasn't acquainted with her before she married him.
Q You don't know what her name was? A No sir.
Q You don't know whether she was married before? A No sir, I don't.
Q Was he married before? A I don't know that; they used to live near me.
Q You know anything about the circumstances of their separation? A Only what I have heard; I understand she went off and left him.
Q Were they living by you at the time? A Yes sir.
Q Were you not in a position to know whether she stayed with him or not? A She went away and left him, and he brought part of the household goods to my house.
Q You saw her occasionally did you before that time? A Yes sir.
Q You never saw anything of her after that time? A No sir.
Q Did you know as a neighbor that she had gone? A It was generally understood that she had gone. They were living close by me.
Q You never saw her when she left? A No sir.
Q But you missed her? A Yes sir, missed her. I saw him and his children there alone without her.
Q You knew any occasion for her leaving? A No sir, I do not.
Q You know whether he was ever cruel or unkind to her? A No sir, I never heard of any disturbance.
Q Never heard of any complaints? A No sir.
Q How long had they lived near you? A For a couple of years.
Q Where did she go after she left her husband? A I don't know where she went.
Q You know anything of her since she left her husband? A I have seen her frequently.
Q You know whether she has ever married since she left this husband? A No sir, I don't know whether she ever married.

By W. W. Hastings, representative of the Cherokee Nation-
Q Have you seen her within the past two years? A Yes sir.
Q Where did you see her? A I saw her at Vinita, last April a year ago.
Q That is the first time you have seen her since she left Smith's home? A No, I have seen her occasionally passing, but last April a year ago she was at Vinita in company with Jake Staats.
Q He's a white man? A Yes sir, a white man. They were arm in arm on the streets going up and down the Court House stairway.
Q Have you seen them together since? A Yes sir.
Q Where? A In Coffeyville, together, and night at the close of the Commission at Tahlequah I saw them together when she came there to apply to this Commission.
Q That was in December last? A Yes sir, then I called on them at the Fuller House; they were together there at Tahlequah. He stated that he had had good luck in his cattle business, and had

made $3000.00, and that he would spend it to get Carrie Smith's and her children's rights established.
Q This man's a white man? A Yes sir.
Q What is there for him to have any particular interest in this woman? A I can't tell you, sir; he seems to be very much interested in her.
Q Where does this man Staat live? A At Lenapa, in Coweescoowee district.
Q Is this woman understood to be living in that neighborhood with him? A I suppose she is living with him.
Q How do you know she is living there with him? A He said himself she is living there.
Q What does she pretend to be doing there? A I can't tell you; she is there with him. I saw them in Coffeyville.
Q Does she pretend to be employed as house-keeper, or anything like that? A I don't know. She made a statement before the Commission that she was keeping house, as well as I remember, for Mr. Shufeldt.
Q Where does Mr. Shufeldt live? A He lives at Lenapa.
Q How far from Mr. Staat? A I don't know.
Q In the same neighborhood? A It is in the same town.

Sylvester S. Smith, being sworn and examined by Commissioner C.R. Breckinridge, testified as follows:
Q How old are you? A 41, this month, April.
Q What is your postoffice? A Coffeyville, at the present time.
Q Do you live in the Cherokee Nation? A Yes sir.
Q In what district do you live? A Coweescoowee.
Q Were you formerly married to a wife named Carrie? A Yes sir.
Q She seems to have made application for enrollment at Tahlequah last December? A Yes sir.
Q What is her present age? A She's 36 or 37.
Q You and she were divorced? A Yes sir.
Q Where was the divorce granted to you? A At Vinita by the United States Court.
Q On what ground? A Abandonment without cause of myself and two children.
Q Were you ever married before you married this woman? A Once before.
Q Was that wife dead when you married this wife, Carrie? A No sir.
Q Who was your first wife? A Catherine Armes, but we were divorced. I let her get a divorce in the Cherokee Court.
Q Have you a copy of the decree of that divorce from Catherine Armes? A No sir, she got it from the Cherokee Court.
Q What district? A Coweescoowee.
Q In what year? A I believe in 1890.
Q So you were divorced from your wife, Catherine, before you married your wife Carrie? A Yes sir.
Q You know anything about this wife Carrie taking up with another man since she married you? A Yes sir, I have seen them together.
Q Are they living near you? A No sir, they live at Lenapa, a mile north of Lenapa.
Q How far from you? A Twelve or fifteen miles.
Q Does she live in the same house with this man? A I have never been in the house; that is the general report to me. She said she was living on a farm with Mr. Shufeldt. The place belongs to Shufeldt. He is a merchant there and a Cherokee citizen.
Q Who is this man she is said to be living with? A Jacob Staat.
Q He's a cattle man is he? A He claims to be. I never spoke to the man in my life.
Q Has she been guilty of any misconduct while she lived with you? A No.
Q Did she tell you that she was going to leave you before she went away? A No sir.
Q Were you at home when she left? A No sir, I was ten miles from home; I was moving my things to another place.
Q Moving your household goods? A Yes sir.

Q Expected to move your family over there? A Yes sir.
Q I was taking a lot of farming tools, and she wanted to know when I will be back, and I said at sun down, and she said she would have supper; and when I came back she and the children were gone. I unhitched the team and just before dark she drove up in a buggy and put the two boys out, and went away to her mothers. I never saw her anymore after that.
Q Did you see her when she drove up to the house? A Yes sir.
Q Did you ask her where she was going? A She told the boys to go in the house. I didn't say anything. She had taken all the girls things.
Q You made no effort to persuade her to stay? A I never got a chance to see her at all. The only chance I had to talk with her was at Vinita in Don Carlos' office. I went to see if she wanted anything. I wanted to compromise and Don Carlos wouldn't let her.

By W. W. Hastings, representative of the Cherokee Nation-
Q Have you made inquiry of the neighbors around Lenapa as to who this woman is living with? A Yes sir.
Q What is the information that you gather from them? A That she was staying and was keeping house and living with Jake Staats; they have been living together a year. Jake Staats had his throat cut last winter and she went down there and ~~[illegible]~~ nursed him.
Q You have seen the two in company with each other? A Yes sir, and I was told by some parties that this man Staats had said, he was not going to marry the woman until after she got her allotment, and then he would marry her.
Q You know whether they are living in a house together? A No sir, that is the report I hear.
Q What kind of a family has Staats? A He was a widower and has one boy.
Q You know how old this boy is reported to be? A No sir, I don't.
Q Is he a grown boy or a small boy? A No sir, he's a small boy.
Q Anything else you desire to state in this matter? A I don't know of anything else.

Commissioner-
Q How long since you got a divorce from your wife? A I think the 15th day of February, 1899.
Q How long is she said to have been associating with this man Staats? A She was keeping company with him before we got the divorce; that is my information.
Q How far did he live from you? A I was living at Vinita and they were living at Coffeyville.
Q She made up with him after she left you? A Yes sir.
Q You know no reason why she left you? A No sir, I have never been able to find out. I got a law suit over a place that he is taking a part in. He is trying to control it; A place that she claims. The place that we were living on when she left. I got the case in Court now.
Q What has that got to do with that, how that interest you in that suit? A Yes sir.

By W. W. Hastings-
Q He has been taking a partizan part in. You law suit there? A Yes sir.

Commissioner-
Q How many children have you by this woman, Carrie? A Three.
Q Who are they living with? A They two of them, and she has the little girl.
Q Who living with her? A I have the two boys, and she has the girl. She has no temporary rights; she left me and the children on this place.

The applicant presents a letter from the United States Indian Agent, dated Muskogee, July 11, 1900, enclosing vellum copies of the affidavits of Jacob Thornbrough and Jacob Staats, and the alleged copy represents that Jacob Staats, being duly sworn according to law, on his oath, states that he is acquainted with Mrs. Carrie Smith, formerly the wife of Sylvester Smith, but now divorced, that he, as her agent, bought a certain crop, etc. from one Bush, and that said Bush agreed to deed the land to Mrs. Smith in consideration of the articles referred to.

Q This refers to the suit you spoke of? A Yes sir.
Q And in this matter Staats seems to be acting as the agent of your former wife? A Yes sir.

These documents are returned to the applicant.

Commissioner Breckinridge-

This evidence will be filed in Case D - 992.

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

E G Rothenberger

Subscribed and sworn to before me this 12th day of February, 1901.

C A Meritt
Commissioner.

K. #

0992

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

FILED
MAR 29 1901

ACTING CHAIRMAN

SERIAL: D 9[illegible]2.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 26, 1901.

In the matter of the application of Carrie Smith for enrollment as a Creek citizen;
being duly examined by Commissioner Dawes, she testified as follows:

Q What is your name? A Carrie Smith.
Q What is your age? A Twenty-seven.
Q What is your post-office address? A Lenapah, Indian Territory

QUESTIONS BY APPLICANT'S ATTORNEY, MR. FLORSHEIM.

Q Mrs. Smith, I will ask you in what capacity you are living at the ranch of Jacob Stats and John Shufeldt? A I am hired by the month; him and Mr. Shufeldt give me ten dollars a month for staying there and looking for his hands.
Q What position does Jacob Stats occupy with regard to that ranch?
A Him and his hands has the south room and I have the north room.
Q I mean in what capacity is he engaged on that ranch? A Him and Mr. Shufeldt is partners, and he has the place rented.
Q What business? A Business of them.
Q After you had your trial and S.S. Smith separated did you take up with Jacob Stats and live with him as his wife? A No sir.
Q Have any relations as his wife? A No sir, I did not.
Q Have you ever occupied that relation to him in any capacity?
A No sir, I have not.
Q I will ask you to relate the circumstances of the separation of you and Sylvester S. Smith? A He was a drunkard; he drank so bad and abused me so, and didn't make any living for me; I had to almost support myself, and worked and raised chickens and sold butter and did washing as I could get them to do to make a living to support myself and children, and I couldn't stand it no longer. He was going to move from the place where we was living; he moved about eight or nine miles west and was going to move into an old school house, and he made a contract with an old couple there unbeknowndst to me for me to go to their house and do their washing and ironing and scrubbing, and I had my own work to do and my children, and I couldn't do it, and I didn't hope so to live any such a life; he wouldn't even have anything; he said if I didn't sell my cows that my father gave me and give him the money that I should have anything in the house, that he would throw it out and break it up, and my mother told me that I could come there to her house and stay for protection; I was afraid to stay there then, and I went and stayed with my mothers; he had done now a one load.
Q Then it is not a fact that you deserted him? A No sir, it is not; I went to my mother's for protection.
Q I will ask you, at this ranch what arrangement have you with regard to your own apartments? A I have my room and him and the hands has theirs.
He would go to town and drink and come home in the dead hours of the night and abuse me; get up in the night and get his old revolver and fool with it, and scared the house from top to bottom, and I didn't know what he would do.
Q Was he in this condition at the time you separated?
A Yes sir,- do you mean was he drunk?
Q Well, I say about the time,- I mean right up to the time you separated? A Yes sir, right up to the time; never was sober times I don't guess.
Q How did you regard your condition as to your safety in living with him at that time? A Well, my sister lived with me, andI wasn't afraid to stay there when she was there, but she went to her

mother-in-law's on a visit and I was afraid to stay there with him alone, and as he was moving during this time she was gone I staid one night after she went away and then I went and staid with my mother.
Q Was there any comforts that he intended to move you to? A I never saw the place; he said it was an old school house; that's what the people told me there that owned it.
Q Did that house belong to him? A No sir.
Q Was he living in a house that belonged to him? A Wll, the place was in mine and his name, and I think he sold his interest out since.
Q Have you any children living with you? A Yes sir, I have my little girl.
Q Has Smith any children? A Yes sir, he has a little boy; I take care of him.
Q Aint there something now pend ing about a law suit in which you are interested and your husband is interested in too? A That's over this place.

Examined by Commissioner Meadlas:

Q Where you live now? A No sir, the place where we separated.

Examined by attorney Thompson.

Q I will ask you what interest Sylvester S. Smith has in seeing that you are not enrolled, with regard to that suit? A Well, he thinks if I don't get enrolled that will knock me out and he will get the place.
Q Is the case now pending in the United States Court at Vinita?
A Yes sir, it is; come up next court.
Q What was the general character of Smith at the time you left him? A He was pretty rough.

Examined by Commissioner Meadlas:

Q How long did you live with Smith as his wife? A About ten years.
Q How many children did you have? A Three.
Q Only one living? A He has two boys, and I have the girl.
Q When you left him did he ever try to get you to return to him afterwards? A No sir.

Examined by attorney Thompson:

Q You know anything about S.S.Smith having been convicted at Fort Smith for criminal offence? A Yes sir.
Q When? A It was in 1890.
Q You know what he was charged with? A Bigamy.
Q Do you know Campbell H. Taylor? A Yes sir.
Q How far does he live from you? A About twelve miles I guess.
Q You know what his general reputation in the neighborhood in which he lives is for truth and veracity? A Yes sir.
Q Is it good or bad? A It is bad.
Q You know anything about his having been convicted at Ft Smith also? A No sir, only just what I heard.
Q You know what charge? A Using the mail for false pretenses I believe.

Examined by Cherokee Representative, J.T.Baugh:

Q When Mr. Smith was convicted for bigamy was that the time he was living with you? A Yes sir.

Q It was on account of your marriage with him that he was convicted? A Yes sir, he married me without a divorce from his other wife, unbeknownedst to me; he told me he was divorced, and I thought he was telling the truth.

Examined by Attorney Thompson:

Q Did he afterwards get that divorce? A Yes sir, he got a divorce, and afterwards we married over, about three months after we first married.

Examined by Commissioner Noodles:

Q He married you over after he was divorced from his first wife?
A Yes sir.
Q I understand you to say that his first wife, he got a divorce from her? A She got a divorce from him.
Q And then you married again? A Yes sir.

Examined by Cherokee Representative Hough:

Q That was after he served his time for bigamy? A No sir, he thought that by marrying me over it would save him, but it didn't.

Comr. Noodles: Attorney for Mrs. Smith presents certified copy of record, marked exhibit "A".

Examination continued by Mr. Hough:

Q Was you acquainted with Mr. Smith's former wife before you married him? A No sir, I was slightly acquainted with her afterwards.
Q How far did she live from where she lived at the time you married Mr. Smith? A I guess probably twenty miles or more.
Q You didn't know that he had a wife? A No sir, could I know he had a wife, but she told me he was divorced from her, and I supposed he told the truth.

Examined by Cherokee Nation Attorney Caleb Starr:

Q Mrs. Smith, how do you know the general reputation of Campbell Taylor for truth and veracity in the community in which he resided is bad? A That's what I have heard; there ain't no one hardly says he's good of him.
Q Who did you hear say so? A I heard Mr. Thornbrough say so, I have heard Mr. Elder say so; I don't know as I could speak all of their names; I have heard Mr. Nix say so.
Q When did they say that? A I can't remember the time, but I have been acquainted with those parties a long time, and I have not only heard them say so once but lots of times.

J.W.STATS, being sworn and examined by Commissioner Noodles, testified as follows: Examined by Attorney Thompson:

Q What is your name? A J.W.Stats.
Q What is your age? A Thirty-seven years old.
Q What is your age? A Jenpah, Indian Territory.
Q You know Mrs. Smith, the applicant for citizenship in this cause?
A I do.
Q I will ask you where she lives? A She lives on a farm - a

ranch about a mile north of Lenapah, Indian Territory.
Q Who is that ranch owned by? A It is owned by J.H.Thufeldt at the present time.
Q I will ask you in what capacity she is staying on that place? A She is cooking there for the partners J.H.Thufeldt and myself; we are running a cattle ranch there, and she is also taking care of a child of mine for me individually.
Q Do you and Mr. Thufeldt as partners pay her a salary? A Yes sir.
Q What does she do for you for that salary? A She cooks, keeps house and does general housekeeping.
Q I will ask you if you employ any hands on that place, and if so, where they take their meals, and who does the cooking? A They take their meals there, she does the cooking.
Q I will ask you if she has separate apartments there in the ranch house? A Yes sir.
Q Is she living with you, having taken up with you, and performing any of the rights of a wife towards you? A No sir.
Q Is she your mistress? A No sir.
Q Do you know Campbell L. Taylor? A Yes sir.
Q Do you know what his general reputation is in the community in which he lives for truth and veracity? A Yes sir.
Q Is it good or bad? A It is awful bad.
Q Do you know Sylvester C. Smith? A Yes sir.
Q Do you know what his general reputation is for truth and veracity? A Yes sir, I do.
Q What is his reputation? A It is bad.
Q Is there any further statement you desire to make at this time? A Not that I know of.

Examined by Caleb Starr, on behalf of the defendant:

Q Who did you ever hear say the reputation of Campbell L. Taylor is bad? A Well, I could just start and name the neighborhood all over, partners that I am acquainted with that I ever had with, and if you like I will start and name the neighborhood; Mr. Thornburgh, Mr. John Ham and the gate another man right there by, I can't call him by name now; Mr. Beatty, and Mr. Singleton; Mr. Bryden, and Mr. Tider.
Q When did you hear them talking about his reputation? A For the last twelve years.
Q Does Campbell L. Taylor live in that neighborhood? A He lives there in about five miles of where I have run cattle about fifteen years.

J.H.THUFELDT, being sworn by Commissioner Needles and examined by attorney Thompson, testified as follows:

Q What is your name? A J.H.Thufeldt.
Q What is your age? A 30 years.
Q Post-office? A Lenapah, Indian Territory.
Q You know Mrs. Carrie Smith, the applicant in this case? A Yes sir.
Q Where does she live? A Just a mile north of Lenapah.
Q On whose place or farm? A On a ranch of mine.
Q In what capacity is she there on that ranch, Mr. Thufeldt? A We have her employed there as housekeeper to cook for the cow men and the hands.
Q Do you pay her a salary? A Yes sir,
Q You say we, are you partners? A Me and Mr. Stats together, we are partners in the cattle business.

Q And you say you are a regular salary in that capacity? A Yes sir.
Q Do you know Campbell H. Taylor? A Yes sir, I am acquainted with him.
Q Is you now in good reputation in the neighborhood of his for truth and veracity? A Yes sir, in the neighborhood around Longwalk I do I do.
Q Is it good or bad? A Its bad.
Q Would you believe him on oath? A I would rather not swear that,- I don't know whether I would or not.
Q Well, I ask you the question, would you or not? A I don't know.

Examined by Caleb Starr, on behalf of Contestee Nation:

Q How do you know the reputation of Campbell H. Taylor in that vicinity is bad? A By hearing the neighbors in that neighborhood talking about it.
Q Who did you hear talking about it? A Mr. Jim Elliott, Mr. Randolph Wells; I don't know what other's anybody else I could recall now.
Q Where did you hear the speak of it? A I can't just recollect the time now, but it is within the last seven or eight years though.
Q These people live in the vicinity in which Campbell Taylor lives? A I suppose it is six or seven miles from where he lives; Mr. Taylor is pretty well known around through there.

GEORGE PARSONS, being sworn by Commissioner Needles, and examined by Attorney Thompson, testified as follows:

Q What is your name? A George Parsons.
Q How old are you? A [illegible]
Q What is your post-office? A Genoah
Q [illegible] Mr. Fitzpatrick's? A It is in the cattle business near Genoah, on their ranch? A Yes sir.
Q Do you live in this ranch house where Mr. Smith is employed and stay there? A Yes sir.
Q How long have you lived there, stated there? A It will be five months the 17th of next March.
Q What capacity is Mrs. Smith living in at that ranch? A She is keeping house for Mr. Fitzpatrick and Jacob Stats, cooking and [illegible].
Q Do they have separate apartments there at that house? A Yes sir.
Q Does anybody occupy that apartment except her and the children? A No sir.
Q [illegible] A Yes sir.
Q [illegible] Mrs. Stats' bed? A Yes sir.
Q I will ask, during these five months that you have been living there if you have seen anything suspicious in the actions of Jacob Stats and this woman? A No sir.
Q Have they shown to be living there in any other relation other than as employer and employee? A No sir.
Q If there had been any conduct of that kind during these five months you would have had plenty of opportunity to discover it, haven't you? A Yes sir.

W.M.STORY, being sworn by Commissioner Needles and examined by attorney Thompson, testified as follows:

Q What is your name? A W. . Story.
A Age? A fifty-[illegible] r.
Q Post-office? A [illegible].
Q How long have you known Jacob Stats and Carrie Smith, the applicant in this case.
A I have known Jacob Stats eight [illegible] rs, probably, I have known Carrie Smith about [illegible]teen [illegible] ths.
Q How far do you live fr[illegible] them? A Our [illegible]ces is about half a mil[illegible] apart, [illegible] ses probably a mile.
Q Is there any [illegible] ers than you to the A WAitsIneighbors I know? A No sir, not on the [illegible]tt, [illegible] probably a little [illegible] r towards t[illegible]n.
Q Have you been to the [illegible] that's occupied by Jacob Stats and Shuf[illegible]lt as a ranch house out there? A Yes sir, frequently.
Q In what capacity is [illegible]rs. Smith employed to go at that place?
A To is keeping [illegible] for [illegible]r. Stats and [illegible]r. Shufeldt on the ranch.
Q Have you ever seen anything between Stats and this woman other than that was [illegible]r and right as between employer and employee?
A No sir.
Q I will ask if your wife visits Mrs. Smith? A Yes sir.
Q You know what reputation Mrs. Smith bears in that community?
A Good.
Q Do the [illegible] of the community respect her as a good woman? A Yes sir, all that I have ever heard talk.
Q Do you know Campbell H. Taylor? A I know him just by what I have heard.
Q You know his general reputation in that community for truth and veracity? A Only by what I have heard, principally only by hearsay; yes sir, it is bad.

Examined by Caleb Starr, [illegible] of [illegible]ation:

Q How do you know, Mr. T[illegible]'s reputation is bad? A I have heard people talking.
Q When did you hear talk? A Well that was for [illegible] five years ago I heard them talking about it; I never [illegible] the [illegible] at all before [illegible] went-- it was about the time that they [illegible] look for getting money under false pretense, [illegible] there was a great talk about he ought to go up with Jean Beck.
Q Is that all you heard that was about? A Taking the reason why, he was getting money and [illegible] false pretense, that is under this club business.

LAFAYETTE ELDER, being sworn by Commissioner Hendlee and examined by attorney Thompson, testified as follows:

Q What is your name? A LaFayette Elder.
Q Where do you live? A I live six miles south-east of Coffeyville in the Territory.
Q How old are you? A I am forty-two years old.
Q How long have you known S.S. Smith? A I have known him between sixteen and eighteen years.
Q Do you know what his general treatment of Carrie Smith was?
A Yes sir.
Q State what his treatment of her was? A It was pretty bad; I know if I had treated my woman the way he done my woman wouldn't have stayed with me; I have seen her chopping wood and I have been to the house when they didn't have bread and coffee to eat; I have seen her go out and chop wood to wash with and him lying around in the shade.
Q Well, go on and tell anything else you may know about his mis-

treatment of xxx [illegible] A I [illegible] known her to take eggs and chickens off, [illegible] take the money [illegible] and buy whiskey with it.
Q Was he a drunkard? A [illegible] drank every [illegible] go to town if he [illegible] drank.
Q [illegible] general character? A Well, sir, it was bad.
Q I mean morally, and every other way? A Well, I will tell you I knowed him that length of time, he never [illegible] hard day's work in that length of time that I knowed him.
Q [illegible] contribute anything toward her support? A [illegible] sir, she made most for the living herself,- for him too.
Q Do you now [illegible] good reputation for truth and veracity? A [illegible] sir.
Q Is it good or bad? A It is bad.
Q Would you believe him on oath? A No, I wouldn't.
Q [illegible] Campbell [illegible] Taylor? A Yes sir, I know it gentleman too.
Q [illegible] this general reputation is in the community where he lives for truth and veracity? A Yes, sir.
Q Is it good or bad? A It is bad.
Q Would you believe him on oath? A No sir, I wouldn't.
Q [illegible] Smith [illegible] convicted at U.S. [illegible]
A No sir.
Q You have found out it? A Yes sir.
Q You mean C.C.Smith have been convicted at Ft.Smith?
A Yes sir.
Q You mean [illegible] A Yes sir, it was for bigamy, I believe he has got two little boys; the two little boys he has got there, are they by this woman? A Yes sir. It is [illegible] the way I turn to a [illegible] little fellows; they are [illegible] around from [illegible] to [illegible]; there was an old fellow lived up there last year, [illegible] at Collegeville for [illegible], and he took it out and divided it with those little boys, and they were running around [illegible] the time, and [illegible] as last little it was you ever saw; [illegible] and [illegible] and [illegible] and [illegible] and [illegible] and [illegible].

Examined by Attorney Thompson:

Q [illegible] Smith [illegible] lived on [illegible]
A [illegible] sir,- [illegible]
Q [illegible] to support [illegible]
A [illegible] sir, [illegible] place he was there in Vinita [illegible] three [illegible] sisters.
Q [illegible] feel kind towards a [illegible]
A [illegible] this last winter, [illegible] boys, [illegible] for it.

Examined by Caleb Starr, [illegible] Nation:

Q Did you ever have trouble with Campbell Taylor? A No sir.
Q By [illegible] ill feeling towards him? A [illegible]
Q [illegible] Smith? A Well, [illegible] trouble.
Q [illegible] feel the best towards him now? A Well, no, I can't say I feel well towards Smith.

Examined by Attorney Thompson:

Q You couldn't have any respect for him could you? A No sir.
Q You couldn't feel very well towards a man who has treated his wife and children the way he has? A No sir, I could not.

JENNIE ELDER, being sworn by Commissioner Needles and examined by Attorney Thompson, testified as follows:

Q What is your name? A Jennie Elder.
Q What is your age? A Thirty-six.
Q What is your post-office? A Coffeyville, Kansas.
Q Are you related to Mrs. Carrie Smith the applicant? A Yes sir.
Q You are her sister? A Yes sir.
Q Do you know what the treatment of Carrie Smith was by her husband, S.S.Smith during the time they were living together as husband and wife? A I have been there several times and heard a few words of them.
Q You know how he provided for her? A Not very good.
Q State what his treatment was of her generally? A Well, she had to work herself to do the and had to help keep him up too.
Q Were you at your mother's house the day that Carrie Smith and S.S.Smith separated? A Yes sir.
Q Do you know what he was trying to do with Mrs. Smith at that time, the reason they separated? A I don't know what the trouble was, but he was moving away and she came home; he had done took one load away where she came home.
Q Go on and tell what you saw and heard at that time? A She went up there that evening and took the little boys to get the chickens, and he come down and took the little boys away from her and took them to the house.
Q Have you seen these little boys since they were taken away? A Yes sir, I kept them a year ago this last winter; they was as lousy as little dogs when they come there; I patched their clothes and cleaned them up; the neighbors all say now they are just as lousy as they can be, and I know the oldest one was at my house about three weeks ago and he was as slouny as he could be; he had nothing on but a little shirt and pair of overalls.

ROSA SMITH, being sworn by Commissioner Needles and examined by Attorney Thompson testified as follows:

Q What is your name? A Rosa Smith.
Q Your age? A Twenty-three.
Q Post-office? A Coffeyville, Kansas.
Q Are you related to Mrs. Carrie Smith, the applicant in this case? A Sister.
Q Do you know what the treatment of Mrs. Smith was by her husband, S.S.Smith? A Yes sir.
Q State to the Commission here how he treated her? A I xxxxx lived there three months I believe it was, with them, and he would drink and carouse around at night; was never at home when he ought to be evenings; she had to make her own clothes and most of her living off of her cattle, her garden and chickens, and things like that.
Q Did he contribute anything to her support? A Not very much.
Q What was his general treatment of her personally? A Well, I don't know hardly; he was awful mean to her in that way; they didn't agree, on acount of his drinking and carousing around; she worked whenever she could get washing to do and helped make a living that way.
Q She took in washing to support herself and children? A Yessir

He never worked to do anything; he had in twelve acres of corn, and had an old man hired to help tend that.
Q How long was it before they were separated that you are speaking of now? A It was during the time I stayed there, it was about three months I guess before they separated.

Examined by Commissioner Needles:

Q Did you ever know of him striking her or abusing her or anything of that kind? A No sir, I never saw him strike her or anything like that.
Q Was he habitually drunk about the house? A Why he always come home and went to bed when he was drunk; he was mad and cross the next day, and ill. He never chopped any wood; I have seen her chop enough wood to do her two weeks a a time; I saw her do that while I was living there.
Q Was he in good health so that he could have chopped wood if he wanted to? A Yes sir, good health, fleshy stout man; I never heard him complaining; I suppose he was in good health.

Examined by Chairman Representative, J. Lewis:

Q Do you know anything about his being convicted of sigway? A A Why I was only just a child then, I couldn't say anything much about that; I heard my parents speak of it, that was all.
Q Was he sent to the penitentiary for it? A I don't know, I couldn't say.
Q After he was convicted did he go back then and live with your sister? A With his wife, yes sir.
Q How long did they live together before they separated? A About nine or ten years I think; about nine years I guess it was; I was rather small, I don't remember much about that.
Q Up to the time that he was convicted did he treat your sister then with kind affection, and so on? A For about five years before,- maybe not so long, he never allowed her to come home or have anything to do with us; we never knew anything about her treatment; it was just about three years before they separated that we knew how they got along.

Examined by applicant's attorney, Mr. Thompson:

Q Do you know anything about him going away from home at one time there and leaving your sister? A Yes sir, he went to,- I don't know where he did go to; he said he was going off and get a divorce.
Q How long was that before they separated? A About two weeks before they separated.

CARRIE GILTH, being re-called, is further examined by her attorney, Mr. Thompson:

Q Mrs. Gilth, did your husband leave you just a short time before you and he separated for good? A Well it was about five years.
Q You had some trouble immediately before you separated; didn't he go away and stay away? A Yes sir, he was gone a week; I didn't know where he was.
Q What did he say? A Said he was going away and sue me for a divorce.
Q How long was that before you separated for good? A Probably two weeks; I don't just remember.
Q I will ask you if he ever at any time before that threatened

to leave you, to separate from you? A Yes sir, he had ordered me to leave lots of times; a and I'ko he wanted me to leave.

Examined by Commissioner Needles:

Q Ever use bad language to you Mrs. Smith? A Yes sir, he has cussed me lots of times, and pulled my hair a time or two.
Q Never struck you? A No sir.

Examined by Attorney Thompson:

Q Pulled your hair and cursed you and abused you? A Yes sir, several times he has done that, especially if I would say anything to him about being out late of nights.

Examined by Commissioner Needles:

Q Was he in good health? A Yes sir.
Q Able to work? A Yes sir., perfectly able to work, but he was too lazy.
Q Would he pay any attention to you when you were sick, or get you any? A No sir, mighty little petting I got; it was mostly in the washtub.
Q Did he take the money you made? A Yes sir, lots of times he has done that.
Q He would take your money that you marketed butter and eggs for and get drunk on it? A Yes sir, when I let him take butter and eggs to town for me he would generally spend it that way; got drunk whenever he had the money to get drunk on.

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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 28th, 1901.

C A Needles

Commissioner.

R.

C. D-992.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 14, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Carrie Smith for the enrollment of herself as a citizen of the Cherokee Nation.

Appearances:
W. P. Thompson, Attorney for applicant.
W. W. Hastings, attorney for Cherokee Nation.

The applicant was notified by registered letter February 26, 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, I. T., on the 14th day of March, 1902. Receipt has been acknowledged of the Commission's letter, and the applicant this day, to-wit: the 14th day of March, 1902, appears by her attorney W. P. Thompson, of Vinita, I. T.

BY COMMISSION OF MR. THOMPSON: Is there any statement you desire to make relative to the case?

MR. THOMPSON: I want to file, in accordance with the requirements of the Commission, a certified copy of decree of divorce, stipulation and answer in the case of S. S. Smith vs. Carrie Smith, No. 892, Vinita Docket.

BY COMMISSION: The documents will be filed and made a part of the record:

The Answer in that case is as follows:

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

S. S. Smith,)
)
vs.) Answer.
)
Carrie Smith.)

Comes now the defendant and for answer to the plaintiff's complaint says she and the defendant cannot live together as husband and wife and therefore the defendant does not care to contest his suit for divorce butprefers to content herself with asking that the court in making its decree and awarding the care and custody of the two children Logan and Harrison, to the plaintiff, grant her the privilege of sendinf for the two children once in every three months if she so desires and of having them to visit her for a period of time not to exceed one week once in every three months.

Defendant asks that she be awarded the care and custody of the youngest child, Lydia Smith, and is willing thatmthe plaintiff have the privilege of sending for said Lydia Smith once every three months on the said plaintiff sending for her at his own expense.

Wherefore defendant asks that she be given the care, custody and control of the said Lydia Smith and that she be divorced from the plaintiff herein.

W. S. Stanfield,
Atty. for Defendant.

Stipulation by and between S. S. Smith and Carrie Smith is as follows, to-wit:

In the matter of the divorce proceedings of S. S. Smith against Carrie Smith it is hereby stipulated and agreed by and between the said parties that in the event a decree of divorce shall be rendered by the court in this cause, the custody of the two children, Logan Smith and Harrison Smith, shall be awarded to the plaintiff, and the custody of the child, Lydia Smith, shall be awarded to the defendant subject to the following conditions: That the plaintiff shall be permitted to have the said child, Lydia Smith, visit him for a period of one week in each three months at his expense, and shall return said child to the custody of the defendant at the expiration of said week free of expense to the defendant.

Second: That the said defendant shall be permitted to have the said two children, Logan Smith and Harrison Smith, to visit her for the period of one week in each three months at her expense and at the expiration of the said time shall return said children to the plaintiff without expense to the plaintiff.

Witness our hands at Vinita this 4th day of February, 1899.

F. M. Smith, per Mc.
Atty. for Plaintiff.

W. S. Stanfield.
Atty. for Defendant

S. S. Smith,

vs. No. 892.

Carrie Smith.

Now on this the 15th day of February, 1899, this cause comes on for trial, to be heard upon the proofs submitted and the report of the Master in Chancery filedthis day. The said report of the Master being heard by the Court is approved. And it appearing to the Court that the said report recommends that a divorce be granted to the plaintiff as prayed for in his petition; it is considered, ordered and decreed by the Court that the marriage relations existing between the plaintiff and this defendant be and the same are hereby set aside, annulled and forever held as naught. And the said S. S. Smith be divorced from the said Carrie Smith and that the said parties have the custody of their children respectively as per the stipulation filed with the papers in this case.

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 answer, stipulation and the decree in No. 892, entitled S. S. Smith vs. Carrie Smith, as appears from the records now on file in my office.

WITNESS my hand and seal of said Court at Vinita this the 11th day of March, A. D. 1902.

Chas. A. Davidson, Clerk,
(SEAL) By G. A. Chandler, Deputy.

The foregoing papers were endorsed as follows:

Department of the Interior.
Commission to the Five Civilized Tribes.
F I L E D
Mar 14 1902
Tams Bixby,
Acting Chairman.

MR. THOMPSON: I also desire to file the mittimus committing Sylvester Smith to the United States Jail at Fort Smith by the United States Court for the Western District of Arkansas, in the case of the United States vs. Sylvester Smith, No. 432, on the charge of bigamy.

The mittimus is as follows:

IN THE DISTRICT COURT OF THE U. S. FOR THE WESTERN DISTRICT OF ARKANSAS? FORT SMITH DIVISION.

MAY TERM, 1890.

Thursday Morning, 8 1/2 O'clock, July 3, A. D. 1890.

Court met pursuant to adjournment. Present, the Honorable J. C. Parker, Judge of the District Court of the United States for the Western District of Arkansas.

****

UNITED STATES,	)	No. 432.
versus	)	Indictment for Bigamy.
	)	In the Indian Territory.
	)	
Sylvester Smith.	)	

On motion of M. H. Sandels, Esq., Attorney for the Western District of Arkansas, the said defendant Sylvester S. Smith, was brought to the bar of the Court, in custody of the Marshal of said District, and it being demanded of him what he has to or can say why the sentence of the law upon his plea of guilty heretofore entered by him in this cause on the 3 day of July, A. D. 1890, shall not now be pronounced against him, he says he has nothing further or other to say than he has heretofore said;

WHEREUPON, The premises being seen, and by the Court well and sufficiently understood, it is considered by the Court that the said Sylvester S. Smith for his misdemeanor aforesaid, be imprisoned in the United States Jail, situated at Fort Smith, in the Western District of Arkansas, for the term and period of 30 days, and that he pay to the United Statesof America a fine of Fifty Dollars, together with all their costs in and about this prosecution laid out and expended, and that they have execution therefor.

IT IS FURTHER CONSIDERED, That the Marshal of the Western District of Arkansas, to whose custody the said Sylvester S. Smith is now here committed, is hereby required to receive and safely keep and convey the body of the said Sylvester S. Smith hence to said United States Jail, without delay, and deliver him to the custody of

the Keeper of said Jail, who is hereby required to receive and safely keep the said Sylvester S. Smith in jail in execution of the sentence aforesaid, and in conformity with the same, for the full period of time aforesaid. And it is further ordered that the Clerk, of this Court is hereby required to furnish the Marshal of this District with two duly certified copies of this Judgment, Sentence and Order, one of which shall be delivered to the Keeper of said Jail, and the other returned by the Marshal to this Court, with a full and true account of the execution of the same.

I, H. B. ARMISTEAD, Clerk of the District Court of the United States, in and for the Western District of Arkansas, Fort Smith Division, hereby certify that the foregoing is a true and correct copy of the judgment, Sentence and Order in theabove entitled cause, as the same appears of record.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court, at Fort Smith, in said District, this 1st day of April, A. D. 1901.

(SEAL)

H. B. ARMISTEAD, Clerk.
By Florence Hammersly, D. C.

The endorsement on said mittimus is as follows:

Department of the Interior.
Commission to the Five Civilized Tribes.
F I L E D
Mar 14, 1902
Tams Bixby,
Acting Chairman.

MR. THOMPSON: I also desire to file the commitment in the case of the United States vs. Campbell H. Taylor, No. 4438, in the United States Court for the Western District of Arkansas, on the charge of violating the postal laws.

The Mittimus is as follows:

IN THE DISTRICT COURT OF THE ~~XXXX~~ U. S. FOR THE WESTERN DISTRICT OF ARKANSAS, FORT SMITH DIVISION.

FEB. TERM, 1896.

Wednesday Morning, 8 1/2 O'clock, Mch. 25, A. D. 1896.

Court met pursuant to adjournment. Present the Honorable J. C. Parker, Judge of the District Court of the United States for the Western District of Arkansas.

.....

UNITED STATES,	)	No. 4438.
	)	
versus	)	Indictment for Viol Postal Law.
	)	
Campbell H. Taylor.	)	In the Indian Territory.

On motion of Jas. F. Read, Esq., Attorney for the Western District of Arkansas, the said defendant, Campbell H. Taylor, was brought to the bar of the Court, in custody of the Marshal of said District, and it being demanded of him what he has to or can say why the sentence of the law upon the verdict of guilty 2nd ct. heretofore returned against him by the jury in this cause on the 17 day of May, A. D. 1895 shall not now be pronounced against him, he says he has nothing further or other to say than he has heretofore said;

WHEREUPON, The premises being seen, and by the Court well and sufficiently understood, it is considered by the Court that the said Campbell H. Taylor, for his misdemeanor aforesaid, be imprisoned in the United States Jail, situated at Fort Smith, in the Western District of Arkansas, for the term and period of 60 days, and that he pay to the United States of America a fine of 200 Dollars, together with all their costs in and about this prosecution laid out and expended, and that they have execution therefor.

IT IS FURTHER CONSIDERED, That the Marshal of the Western District of Arkansas, to whose custody the said Campbell H. Taylor is now here committed, is hereby required to receive and safely keep and convey the body of the said Campbell H. Taylor hence to said United States Jail, without delay, and deliver him to the custody of the Keeper of said Jail, who is hereby required to receive and safely keep the said Campbell H. Taylor in jail in execution of the sentence aforesaid, and in conformity with the same, for the full period of time aforesaid. And it is further ordered that the Clerk of this Court is hereby required to furnish the Marshal of this District with two duly certified copies of this Judgment, Sentence and Order, one of which shall be delivered to the Keeper of said Jail, and the other returned by the Marshal to this Court, with a full and true account of the execution of the same.

I, H. B. ARMISTEAD, Clerk of the District Court of the United States, in and for the Western District of Arkansas, Fort Smith Division, hereby certify that the foregoing is a true and correct copy of the Judgment, Sentence and Order in the above entitled cause, as the same appears of record.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court, at Fort Smith, in said District, this 1st day of April, A. D. 1901.

(SEAL)

H. B. ARMISTEAD, Clerk.
By Florence Hammerely, D. C.

The foregoing Mittimus is endorsed as follows:

Department of the Interior.
Commission to the Five Civilized Tribes.
F I L E D
Mar 14 1902
Tams Bixby,
Acting Commissioner.

MR. HASTINGS: The representative of the Cherokee Nation objects to the filing of both of these documents, for the reason that neither of them would disqualify the persons as witnesses, because they were only convicted of misdemeanors and sentenced to jail, and they were not infamous crimes which would disqualify them from testifying under the law.

MR. THOMPSON: It goes to their credibility.

BY COMMISSION: The documents will be filed and made a part of the record.

W. S. STANFIELD, being first duly sworn, and being examined, testified as follows:

MR. THOMPSON: What is your name? A. W. S. Stanfield.
Q How old are you? A Thirty-four.
Q Where do you live? A Vinita.
Q What official position do you hold? A United States Commissioner
Q What is your profession? A Lawyer.
Q How long have you been practicing law? A Nine years.
Q As such practicing attorney did you represent Mrs. Carrie Smith as defendant in the divorce case in the Circuit Court of the Cherokee Nation at Claremore, Indian Territory.
A Yes sir, I was employed by her, and not being licensed to practice in the Cherokee Courts I employed another attorney to appear for me in the case.
Q What disposition was made of that case?

MR. HASTINGS: Object to that, the record is the best testimony.

BY COMMISSION: The objection will be noted.

A The case was dismissed.
Q Did you represent Mrs. Smith in another case instituted afterwards by Sylvester S. Smith in the United States Court for the Northern District in the Cherokee Nation, sitting at Vinita ? A Yes sir.
Q State why and under what circumstances a full defense was not made in that case.

MR. HASTINGS: Object to that. Certainly the record is obtainable in the United States Court, and same has already been filed and is a matter of record; and the complaint, the answer and a synopsis of all the testimony is required to be taken down, and the report of the master, and all these things are matters of record, and oral testimony ought not to be introduced concerning them.

THE WITNESS: In that case I was employed by Mrs. Smith to defend the case for her. She hadpreviously exhausted her means for fighting the case in the Cherokee Courts. At the time she employed me in the Cherokee case she had a cow or two, which she disposed of but it would be enough to take the case to the United States Court, so she instructed me to getout of it the best way I could. She told me to make the best arrangement I could on account of the children, and I did so.
Q Do you know Sylvester S. Smith, her former husband? A Yes sir.
Q Do you know his general reputation for truth, veracity and morality? A Yes.
Q Is that reputation good or bad? A It is bad.
Q Do you know Campbell H. Taylor? A Yes sir.
Q Do you know what his general reputation is for truth, veracity and morality? A Yes sir.
Q Is that reputation good or bad? A It is bad

MR. HASTINGS: Do you know the reputation of Carrie Smith for truth and veracity? A No sir.
Q You was her attorney, Mr Stanfield? A Yes sir.
Q Mr. Thompson knew that you was her attorney when you came down here? A Yes sir.
Q And he brought you down here to impeach a witness that he knew would not be here today? A I don't know about that.

MR. THOMPSON: You were not present when they were down here, and had no opportunity?
A Concerning the question that I know her reputation for truth, I could not say that I know her reputation for truth, because I never heard it questioned. I don't know that that ever came up at all.

MR. HASTINGS: How far did Sylvester Smith live from Vinita?
A I understand that he owned a farm up toward Coffeyville.
Q How far? A Fifteen or twenty miles.
Q How far did Campbell Taylor live? A I don't know where he lives. I have known Sylvester Smith for seven or eight years, most of the time he has lived right at Vinita.

MR. THOMPSON: The attorney for the applicant states that the applicant, nor her as her attorney were ever notified that the testimony of S. S. Smith and Campbell Taylor or any other witness would ever be taken in this case, and hadno opportuinty to be present at that time and cross examine them, so as to lay any foundation against them for attacking their character for truth, veracity and morality.

The attorney for the applicant submits the case. The attorney for the Cherokee Nation presents sibmits the case, same is deemed completed and will bereported to the Commission for final decision based upon the evidence now of record.

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

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

Wm Hutchinson

No D 792

In the matter of
the application
of Carrie Smith
for enrollment as
a citizen of the
Cherokee Nation

Brief of Applicant

Wm. P. Thompson,
Atty for Applicant

Before the Commission to the Five Civilized Tribes.

In the matter of the application of Carrie Smith for enrollment as a citizen of the Cherokee Nation.	Brief of Applicant.

Statement of Facts.

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

The applicant has proven beyond question, first, that she married Sylvester S. Smith, a citizen of the Cherokee Nation by blood on May, 13th, 1900, under the laws of the Cherokee Nation; That her husband's name appears on the Roll of 1880, page 171, No. 2553; That her name appears on the Cherokee Roll of 1896 as Carrie Smith, page 325, No. 889, Cooweescoowee District; that her husband was a worthless, thriftless, drunken vagabond, and treated her with inhuman cruelty and barbarous brutality, compelling her to support herself and him and her children by washing, and he would take her money, made by marketing butter and eggs etc, and squander it in his drunken carousals and subjected her to all sorts of indignities, the bare mention of which brings disgrace upon the sex to which he belongs; that by his brutal and inhuman conduct and threats, which ending in his leaving her once or twice and trying to drive her to a separation and threatening divorce proceedings etc. and finally in actually starting to move her from her home to an old abandoned school house, for her own protection against this brute, she went to her mother's, after suffering for years from his brutality with a patience no other woman would have permitted for an instant; After she went to her mother's he made no effort to have her return but it seems from the record that this not was what he usel ever endeavor to drive her to for years and that this was the consummation of his

desires. He instituted divorce proceedings against her in the Cherokee Courts and she sold the last cow she possessed in order to fee a lawyer to defend her in this case; that her attorney defeated this case in the Cherokee Courts. that he, after sometime later, instituted another divorce proceeding against her in the United States court at Vinita; That her means were exhausted and she was not able to employ counsel to represent her and she could not fight the case there, so she was compelled to do the best she could in the matter and he on an ex parte hearing took the divorce on false grounds and false testimony as the overwhelming mass of evidence in support of this application taken by this Commission shows; That the only evidence taken against the applicant is the testimony of Campbell H. Taylor and Sylvester S. Smith, two ex-convicts, whose testimony has been impeached and discredited by eight or ten credible witnesses in this case.

Argument.

I respectfully submit that this woman is entitled to enrollment by your Commission for the reasons, First: That she is an intermarried citizen of the Cherokee Nation under the Cherokee Law, and her child, Lydia Smith, has already been enrolled by you on the tenth day of September 1900, on straight card, No. 2445, as the result of this marriage; Second: That she appears on the Cherokee Roll of 1896, page 323, N . 889 as Carrie Smith and she is identified as the same person whose name appears on said Roll and under Section 21 of the Act of Congress of June 28th, 1898 she is properly on said Roll and was not placed there fraudently or improperly as is shown conclusively by the record in this Case. Third: That she never forfieted her rights to citizenship by leaving her husband as contemplated under the Cherokee Law.

The story of her life with her Cherokee husband as disclosed by the record of the sworn testimony in this case is one of unbroken misery, of patient endurance on her part of the most inhuman brutality, beastiality and personal indignities heaped upon her by her ex-convict, drunken, lazy, vagabond of a husband, she did not desert him or abandon him, he drove her from him by his cruelity, his threats of violence to her, his threats of separation from her and did leave her for weeks at one or two times before, his drunkeness, his squandering of her hard-earned money in his drunken orgies and debauch~~eries~~ eries, gotten together by her at the w sh-tub, from the raising of chickens and marketing them, together with her butter and eggs; and finally trying to compel her to move from the only home she possessed on earth to an old abandoned school house and hired her out to do washing etc, etc. and this last coupled with all that had gone before was more than this most patient and long suffering woman could stand, and she went to her mother when she should have gone long before. This woman suffered more than human nature should be called on to stand and she was thrice justified in leaving and going to her mother's.

Hence I submit that she did not abandon~~ed~~ him, but he drove her away. If not, why did he not make some effort to have her return? She fought him in the courts until she sold the last cow she had to pay her attorneys fees and exhausted her means and defeated him in the Cherokee Courts when he sued her first for divorce and no doubt would have done so again had she been able to pay lawyers and costs, ~~etc~~. The testimony of herself and Wade C. Stanfield shows that she was not able to fight further and that the decree of divorce was granted ex parte on false grounds and false testimony as ~~sworn~~ shown by this record in the sworn testimony of several other witnesses besides that of applicant, which fully support and corroborate applicant

in her testimony as to cause of separation.

The only testimony on the other side is the testimony of Taylor and Smith who appeared before your Commission without notice to applicant or her attorney, and applicant and her attorney were thereby deprived of the privelege of Cross-examination but they are shown in this record to be ex-convicts and eight or ten good citizens have impeached their oaths and have stated under oath that their general reputations for truth and veracity were bad and numbers swore that they would not beleive them on oath. Hence I say their statments should be disregarded by you.

Now in support of our contention that applicant did not desert or abandon her husband we beg leave to submit the following propositions of law and the authorities supporting them. "The unwritten rule of law is, that would not be desertion to which the will does not consent." Sec. 773, Bishop on Marriage and Divorce, Vol. I; "It must be without the act or consent of the other party," Sec. 773, Vol. I Bishop; Sec, 776, Vol. I, Bishop on Marriage and divorce, defines desertion to be "The voluntary separation of one of the married parties from the other, or a voluntary refusal to renew a suspended co-habition, without justification either in the consent or the wrongful conduct of the other." Sec. 777, page 583, Vol. I, Bishop on marriage and divorce says, Third Element. "The separation must be against the will of the party deserted."Such party must not consent." "And beyond this, when two separate by mutual consent, there cannot be, and is not, in either, an intent to desert the other." 32 Cal. 467; 27 Tex. 390; 9 R. I. 57. "When a party makes no efforts to prevent the desertion bu acquisces and appears satisfied with its continuance it is not desertion." Harold vs Harold, Vol. 8, page 696, Lawyers re ports Annotated; "The act of a woman leaving her husband for cause is not desertion" and "The act of a party leaving another for cause is not

desertion within the meaning of the law authorising a divorce for desertion. Doubtful is doubtful Vol. 6, page 187, Lawyer's Reports Annotated. Section 668. page 333, Compiled Laws of the Cherokee Nation 1892, says: "But whenever such abandonment shall be planned or effected by the wife for the purpose of ridding herself of her husband, then and in that case such wife shall be entitled to such property as shall be awarded--upon application of ither party for divorce, by the Courts having jurisdiction." Hence the Cherokee Law itself does contemplate a forfieture of intermarried citizens rights to citizenship when the separation has been planned or effected by the party for the purpose of ridding themselves of the other and section 669 provides that no forfieture shall take place until a forfeture is declared in a regular judicial proceeding in the Circuit Court of the Cherokee Nation. This has not been done and no forfeture declared in this case.

Therefore I respectfully submit that as a act of Justice as an act of law this applicant should be enrolled and as her child, Lydia, Smith, has already been enrolled it is unnecessary to mention her further.

Respectfully Submitted.

Wm. P. Thompson

Atty. for Applicant.

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 6th 1902.

In the matter of the application of Carrie Smith for enrollment as a citizen of the Cherokee Nation by Intermarriage.
Cherokee D 992.

Brief on part of the Cherokee Nation.

The testimony in this case shows that Carrie Smith the applicant is a white woman and that she was married to Sylvester S Smith, a Cherokee by blood on the 13th day of May 1890 and that she subsequently abandoned her husband secured a divorce from her on the grounds of abandonment in the United States Court for the Northern District of the Indian territory and the Cherokee Nation contends that she is not entitled to enrollment under Section 667 of the Compiled Laws of the Cherokee Nation, 1892, which reads as follows:

"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."

Section 887 of the Compiled Laws of the Cherokee Nation, 1892, provides:

" Words in the masculine gender shall embrace a female, as well as a male, unless a contrary intention is manifest."

It is therefore clear that Section 667 of the Compiled laws of the Cherokee Nation, 1892, applies to the case of a white woman where she abandons her husband the same as where the husband abandons the wife.

For vituperative epithets the brief of the attorney for theapplicant is perhaps without a ~~xxxxxxx~~ parallel but it is often said that where a lawyer is short on law he must get longon fact and as applied to this case the attorney being short on both law and ~~xxxx~~ evidence he is long on vituperation.

The testimony clearly shows in this case that after the applicant had lived with her husband until three children were born that she voluntarily abandoned him , leaving his residence and that soon thereafter he instituted a divorce suit against her in the Cherokee Courts and when

the Cherokee courts were abolished by the act of Congress, ~~xxxxxxxxxxxx~~ he reinstituted suit in the United States Court at Vinita on the grounds of abandonment.

The records in this case show that she employed an attorney W. S. Stanfield who was a resident of the town of Vinita. The records further show that he filed an answer in the case; and the records further show that there was a stipulation as to the division of the Children but the Commission will observe that there was no compromise as to the divorce itself. . The Commission will further note that divorce suits are not granted by default but that testimony must be introduced and was introduced in this case and a judgment rendered Sylvester S Smith against the applicant on the grounds of abandonment. Clearly this question has been adjudicated by a court of competent jurisdiction and the Commission certainly will not reopen it now.

But the applicant pleads the want of means to defend herself in this case. This is contradicted by the very facts and circumstances connected with her case; Although this woman lives at Henapah she did not apply at Chelsea, Nowata, Claremore or Bartlesville for enrollment but she awaits until the Commission leaves the vicinity of her home where she would not be confronted with her neighbors and in company with Jacob Staats she appeared before the Commission with an attorney at Tahlequah, Indian Territory some seventy-five miles from her home, and twenty miles of which is across the country, at a great expense, to apply for enrollment and this of itself is a suspicious circumstance and one that the Commission may well take note of.. She is able now to employ an attorney and she was equally as able when her divorce suit was pending at Vinita but the record shows that she did and will Mr. Stanfield now deny his own signature but he pleads that he neglected it because of the insufficiency of a fee paid; still we see him signing a stipulation for the settlement of the Children and all of the records in this case show that W. S. Stanfield was and acted as her attorney.

Again she was able to bring a great number of witnesses along with this same noted Jacob Staats to testify in her behalf at Muskogee on March 26th 1901; look at the expense incurred? Is this not corroborative of the fact that there is some improper relation existing between this

woman and Jacob Staats a whiteman as testified to by both Campbell Taylor and Syslvester S Smith.

Again this woman in one breath swears that she had to earn a living for the family at drudgery work etc and if she was so able to earn a livlihood while living with smith both for herself and Smith how much greater would be her capacity after her separation from Smith to defend her honor in a divorce suit instituted in the court of competent jurisdiction?

Abuse and villify Smith and Taylor all you like still the decree of divorce remains. If these two people were unworthy to believe why did not Standfield take their reputations before the Master when their testimony was taken before the Master in the divorce proceedings. By remaining silent he admitted every fact alleged in the applicants petition and the testimonyin this case shows that the divorce was granted on the ground of abandonment alone.

There is a further fact which the Commission will note and that is that Smith was convicted of Bigamy at Fort Smith Arkansas in July 1890 and because of his illegal marriage to applicant now the certificate of marriage filedin this case and upon which Carrie Smith relies for her admission to citizenship by intermarriage shows that she was married to Sylvester S Smith on May 13th 1890 or prior to his conviction for bigamy and therefore prior to his divorce from his former wife and if this be true she was never legally married to Smith.

She introduced no testimony whatever to show that she did not abandon Smith but relies upon a number of witnesses testifying as to the bad reputation of both Taylor and Smith but what we especially urge upon the Commission is that a court of competent jurisdiction has granted a decree of divorce in this case against the applicant and section 667 of the Compiled Laws of the Cherokee Nation, 1892 is clearly applicable to this case.

We also believe that the testimonyin this case shows improper relations between Carrie Smith and Jacob Staats. She would no apply at home but preferred to go to Tahlequah; she has been seen in company with Staats frequently; he was with her at Tahlequah; he was with her at Muskogee. She seems to have sufficient means to enable her to go where she

pleases and bring a vast number of witnesses and we submit that upon this ground we do not believe the applicant is entitled to enrollment as a ci izen of the Cherokee Nation.

Respectfully Submitted,

W W Hastings KCA

Attorney for the Cherokee Nation.

Cherokee Intermarriage

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

--oooooOOoooooo--

In the matter of the application of Carrie Smith 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 December 17, 1900 Carrie Smith appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment of herself, among others, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on the following dates: - February 11th 1901, March 26th 1901 and March 14th 1902. The other parties to this application are differently classified and are not enforced in this decision.

The evidence shows that on May 13th 1890 the applicant was married to Sylvester S. Smith, who is identified on the 1880 authenticated roll of the Cherokee Nation and on the 1896 Census Roll as a native Cherokee. The applicant is identified on the 1896 Census Roll of the Cherokee Nation as a white adopted citizen of said Nation.

The evidence further shows that in July 1890 the said Sylvester S. Smith was convicted of bigamy by the District Court of the United States for the Western District of Arkansas, Fort Smith Division, at the May term thereof 1890; and it is shown by testimony herein that this conviction was on account of his having a former wife living when he married this applicant.

The applicant testifies, however, that said Sylvester S. Smith was subsequently divorced from his first wife, and after such divorce the applicant and said Smith were remarried.

It further appears from a certified copy on file with the Commission of the proceedings in the case of S. S. Smith vs. Carrie Smith (No. 392) in the United States Court for the Northern District of the Indian Territory, decided February 15th 1899, that the Court found that Carrie Smith, the applicant herein, abandoned Sylvester S. Smith, her husband, without just cause, and he was granted a divorce from her by said Court. It further appears that the applicant resided in the Cherokee Nation at the date of this application, and has resided therein for more than ten years prior thereto.

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". Section 667 of the Compiled Laws of the Cherokee Nation (1892) provides, as follows:

"Every person who shall lawfully marry under the provisions of thi this act and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation".

Section 787 of said Compiled Laws further provides that:

"Words in the masculine gender shall embrace a female as well as a male, unless a contrary intention is manifested".

Without deciding whether the applicant was ever lawfully married to her said husband or not, it is clearly established by the evidence that she lost her rights of Cherokee citizenship through intermarriage by her abandonment of him.

It is therefore the opinion of this Commission that the application of Carrie Smith 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.

Dated at Muskogee, Indian Territory,

this _____ 1896

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 0

Muskogee, I. T., Feb. 18, 1902.

S. S. Smith, Esq.,
Vinita, I. T.

Dear Sir:

In reply to your letter of the 17th making inquiry as to what has been done with the Carrie Smith case, beg to say that these cases are being set for final hearing by the commission as fast as they can be ~~not~~ reached. Her case will be set some time between now and the first of April.

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. 892.

Muskogee, I. T., March 3, 190[illegible].

S. S. Smith, [illegible],

Coffeyville, Kans.

Dear Sir:

The case of Jackie Smith, D. N. 892, is set for final hearing March 14th, 190[illegible]. Please advise us if she is living with Stacks at his office at this time, and of any fact that you may know pertaining her right to enroll as a citizen of the Cherokee Nation in interpleading. Please furnish us with the names and post-office addresses of any witnesses you might mention by whom we can prove any material fact in this case.

Yours truly,

COMMISSIONERS:
HENRY L. DAWES
TAM. BISKO
THOMAS B. NEELY
C. R. HOLCOMBE

ADDRESS ALL COMMUNICATIONS TO THE COMMISSION

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cher. D 992.

Muskogee, Indian Territory, July 16, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes, rejecting the application of Carrie Smith for the enrollment of herself as a citizen by intermarriage 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.

Yours truly,

Acting Chairman.

Enc. C. No. 111.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY,
TAHLEQUAH B. NEELEY
C. R. BREAKINRIDGE

A. P. ADAMS, ASSISTANT SECRETARY.

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D-992

Muskogee, Indian Territory, October 18, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:-

Enclosed herewith please find copy of a letter this day forwarded by the Commission to the Secretary of the Interior, recommending that the application of Carrie Smith, for enrollment as a citizen by intermarriage of the Cherokee Nation, be denied, under section 666 of the Compiled Laws of the Cherokee Nation, for the reason that prior to September 2, 1902, she married a white man, not a citizen of the Cherokee Nation.

Respectfully,

Acting Chairman.

Enc. M-65

Cherokee D-992

Muskogee, Indian Territory, October 18, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

The Commission has the honor to acknowledge the receipt of Departmental letter under date of August 16, 1902, (I.T.D. 4661--1902), reversing the decision of the Commission, rendered July 16, 1902, refusing to enroll Carrie Smith as a citizen by intermarriage of the Cherokee Nation and authorizing the Commission "to enroll the applicant should no other objection appear."

September 22, 1902, further proceedings were had in this case, a copy of which is herewith transmitted for the consideration of the Department, from which it appears that Carrie Smith and Jacob W. Staats were united in marriage on the 13th day of August, 1902, subsequent to the rendition of the Commission's decision and prior to its disapproval by the Department.

It further appears, that Jacob W. Staats is a white man and not a recognized citizen of the Cherokee Nation. He is not identified upon any of the tribal rolls of the Nation in the possession of the Commission.

In view of the fact that Carrie Smith prior to September 2, 1902, married a white man, the Commission respectfully recommends

that the Department withdraw its letter reversing the decision of the Commission and that the applicant be denied enrollment as an intermarried citizen of the Cherokee Nation, under section 666 of the Compiled Laws of the Cherokee Nation of 1892, 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."

Respectfully,

(SIGNED). Tams Bixby.
Acting Chairman.

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

(SIGNED). [illegible]
Commissioner.

Through the

Commissioner of Indian Affairs.

Enclosure H. No.1.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 992.

Muskogee, Indian Territory, November 10, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's recommendation of date October 18, 1902, that Carrie Smith be denied enrollment under Section 666 of the Compiled Laws of the Cherokee Nation of 1892, was approved by the Secretary of the Interior on October 29, 1902.

Respectfully,

Acting Chairman.

CHEROKEE.

IN THE MATTER OF THE APPLICATION OF

" Dependent "

Lonnie Smith

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

Application No 8151

C[illegible] OF TESTIMONY FILED
WITH THE CHEROKEE NATION.

Cher D 993

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T. December, 17th 1900.

In the matter of the application of Albert Stevenson forthe enrollment of himself, wife and two children as Cherokee citizens. He being sworn before Commissioner Breckinridge, testified as follows

Q What is your name? A. Albert Stevenson.
Q What is your age? A. 36.
Q What is your post office? A. Tahlequah.
Q What district do you live in? A. Tahlequah.
Q Who is it that you want to have enrolled? A. Myself and family.
Q Have you a wife? A. Yes sir.
Q How many children? A. Two
Q Are you a white man or Cherokee? A. White man.
Q Is your wife a Cherokee? A. Yes sir.
Q By blood? A. Yes sir.
Q When were you married to your wife? A. In 1888
Q You mentioned ,before the application was commenced, that your marriage license and certificate were burned. A Yes sir the records burned
Q Were the Clerk's records burned? A. Yes sir.
Q Where were you married? A. Here in Tahlequah district.
Q Were the Clerk's books all burned? A. Yes sir; I have been unable to find them.
Q When was the clerk's office burned? A. Some 3 or 4 years ago.
Q Was it before the records were put in the Executive Office? A. Yes sir.

THE CHEROKEE REPRESENTATIVE , Mr. Baugh states that the fire referred to was in 1896, and that at that time the Clerks of the district had possession of their own records and that while they were in the possession of the Tahlequah district clerk, they were burned.

Q Who married you to your wife? A. The Rev. L. Dobson.
Q Is he living now? A. Yes sir.
Q Where does he live? A. Some 3 or 8 miles in the country.
Q What clerk issued you your license? A. Allen Ross.
Q Is he living here? A. No sir he is dead. Dick Dannenberg was his deputy clerk at the time.
Q Is he living? A. Yes sir.
Q Has he any recollection of your getting a license? A. I dont know.
Q Whoe were the signers on your petition for a license ? A. I dont remember any of them now.
Q You had a full list of signers didnt you? A. Yes sir.
Q How much did you pay the Clerk ? A. Ten dollars.
Q Did you ever examine the Executive office for the report of the Clerk of the district at that time to see whether he has reported having received fees for issuing you a license, and showing where he had turned in five dollars for said license to the Cherokee Nation? A. No sir.

RICHARD M. DANNENBERG, called and sworn as a witness, testified as follows-

Q What is your name? A. Richard M. Dannenberg.
Q How old are you? 48.
Q What is your post office? A. Tahlequah.
Q How long have you lived in the Cherokee Nation? A. All my life.
Q Were you ever deputy Clerk of Tahlequah district? A. Yes sir.
Q Were you ever Deputy Clerk under Allen Ross? A. Yes sir.
Q Have you any recollection of a license being issued to the applicant here? A. Yes sir.

Q Do you know whether the clerk of the district turned in $5.00 to the Cherokee Nation that was paid him by the applicant for the license? A. I suppose so.
Q Does the official statement from the Clerk show from whom money turned into the Nation was received and how much was received? A. No sir not always, generally just lumped it together and turned in the whole amount.
Q Did you have charge of making up this statement? A. No sir the Clerk did that. But I know that Mr. Stevenson paid in $10.00 and that $5.00 was turned into the Nation.
Q Did you issue the license? A. No sir the clerk did that.
Q How do you happen to recollect hingetting a license? A. I was in there most of the time.
Q Were they ever recorded? A. I dont know.
Q How long have you known the applicant? A. Over ten years; knew him before he was married.
Q What do you know about the Clerks records getting burned? A. Yes sir they were destroyed, and I understand that they were all lost in the fire, it was after I went out of office.
Q When was that fire? A. In 1896 I think--- we have had several big fires here.
Q Who did this applicant marry? A. Lizzie Taylor.
Q Have they always lived together as husband and wife since their marriage? A. Yes sir.
Q Has he always been recognized as a citizen since then? A. Yes sir.

BY THE COMMISSION OF APPLICANT:

Q What is the name of your wife at this time? A. Mary E. Stevenson.
Q How old is she? A. 37.
Q You married her in 1889? A. Yes sir.
Q What time in 1889? A. July 14th .
Q Have you lived with her ever since you and she were married? A. Yes sir.
Q Were you ever married except to her? A. No sir.
Q Was she ever married except to you? A. No sir.
Q Has she lived in the Cherokee Nation all her life? A. As far as I know she has.
Q You never heard of her living anywhere else did you? A. No sir.
Q Give me the name of her father? A. John H. Taylor.
Q Is he dead? A. No sir.
Q Give me the name of her mother? A. Corenne
Q Is she dead? A. Yes sir.
Q What are the names of your children? A. John A.
Q How old is she? A. 10.
Q Next child? A. William C.
Q How old? A. 6.
Q Both of them living at this time? A. Yes sir.
Q Do they live with you and your wife? A. Yes sir.

1880 roll, page 816, No 3435,			Elizabeth Taylor,	Tahlequah dist.
1896	1241	3008	Lizzie Stevenson	"
1896	1288	248	Albert Stevenson	"
1896	1241	3009	John Stevenson	"
1896	1241	3010	Clyde Stevenson	"

The applicant applies for the enrollment of himself, wife and two children. His wife is identified on the rolls of 1880 and 1896 as a native Cherokee. He avers that she has lived in the Cherokee Nation all her life as far as he knows. Her change of name arising from her mar-

riage is established by the testimony of the applicant and other personal testimony as well as by the roll of 1896, and she will be listed for enrollment as a Cherokee by blood. The two children, John A. and William C. are duly identified on the roll of 1896 with their parents, they are living at home now and they will be listed for enrollment as Cherokees by blood. The applicant states that he was married to his wife in accordance with Cherokee law in 1889 and that he has lived with her ever since. He is a white man, and he states that neither he nor his wife were ever previously married. It is averred that his marriage license and certificate were destroyed by fire and that the official records of the Clerk of Tahlequah district were also thus destroyed. He is identified with his wife on the roll of 1896. For the further consideration of the testimony and of his marriage under Cherokee law, he will be listed for enrollment as a Cherokee by inter-marriage, but on a doubtful card and the final decision of the Commission will be made known to him at his post office.

SUPPLEMENTAL-

Q What became of your marriage certificate and license, the copy that was given you by the Clerk? A. I took them back to the Clerk to have them recorded and they were burned up.
Q But the fire was some time after your marriage? A. Well I went to see the clerk two or three times to get them and he always told me that he had not had time to record them and so I left them there.

BY COMMISSIONER BRECKINRIDGE:

It might be well to have the Rev. Mr. Dobson who married you come here and testify for you and also for you to go to the Executive Office and examine the records of the Cherokee Nation and see if an official report of the Clerk of Tahlequah district for that time contains a mention of $5.00 turned into the Cherokee Nation from your license. If it states that $5.00 were turned into the Nation from the issuance of a license from to you it would be conclusive evidence of the fact that a Cherokee license had been issued to you.

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

Chas von Weise

Subscribed and sworn to before me this the 17th of December, 1900.

Commissioner.

D 993

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JAN 10 1901

ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T. December, 18th 1900.

In the matter of the application of Albert Stevenson. SUPPLIMENTAL.

D. 993.

Comes now before Commissioner Breckinridge, Leonidas Dobson and after being duly sworn testified as follows-

Q What is your name? A. Leonidas Dobson.
Q How old are you? A. 64.
Q What is your post office? A. Eureka, I. T.
Q How long have you lived in the Cherokee Nation? A. I have lived here since 1880
Q Do you know Albert Stevenson.
Q I do.
Q He is a white man? A. Yes sir.
Q Is he married? A. Yes sir
Q What was his wifes name when he married her? A. Elizabeth Taylor properly called Mary Elizabeth—— she goes by the name of Lizzie. She is a Cherokee.
Q Was he married to her in accordance with Cherokee law? A. Yes sir
Q Did you perform the marriage ceremony? A. Yes sir.
Q Are you a minister of the Gospel? A. Yes sir.
Q Do you know that he had a Cherokee license? A. I do
Q Were the records of this district destroyed by fire? A. I have so understood.
Q You affirm positively that you performed the ceremony in accordance with a Cherokee license? A. Yes sir.
Q When did you perform it? A. In 1889.

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

Subscribed and sworn to before me this the 10th of January, 1900.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSIONER OF INDIAN AFFAIRS

OFFICIAL
COPY

ACTING CHAIRMAN

I, [illegible] hereby certify that [illegible] to the [illegible] Auxiliary [illegible] correctly recorded [illegible] proceedings in [illegible] place [illegible] thereof.

[illegible]

R.

C. D-993.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 14, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Albert Stevenson for the enrollment of himself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 26, 1902, that his application for the enrollmentof himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 14th 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 his application. Receipt has been acknowledged of the Commission's letter, and the applicant having this day, to-wit: the 14th day of March, 1902, been called, and failing to respond, it is deemed that his case is completed, and same will be reported to the Commission for final decisoon based upon the evidence now of record.

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

Wm Hutchinson

Cherokee D 993.

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

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

SUPPLEMENTAL PROCEEDINGS.

ALBERT STEVENSON, being sworn, testified as follows:

By the Commission,

Q What is your name, Mr. Stevenson? A Albert Stevenson.
Q What's your age? A Thirty-eight.
Q Postoffice? A Tahlequah.
Q What's your wife's name? A Mary Elizabeth.
Q Is she a citizen by blood? A Yes, sir.
Q Are you the same Albert Stevenson that made application for enrollment as an intermarried citizen in December, 1900? A Yes, sir
Q Is your wife living at this time? A Yes, sir.
Q When were you married to your wife, Mary E.? A In '89, I think
Q Were you married under Cherokee law? A Yes, sir.
Q Have you filed your Cherokee license with the Commission?
Q I didn't have no license, the license got destroyed.
Q Did you make proof of that fact to the Commission when you made your original application? A Yes, sir.
Q Were you ever married before you married this wife, Mary E.?
A No, sir.
Q She's your first wife? A Yes, sir.
Q Had she ever been married before she married you? A No, sir.
Q You're her first husband? A Yes, sir.
Q Have you and your wife, Mary E., lived together as husband and wife since the date of your marriage up to the present time?
A Yes, sir.
Q You have never been separated? A No, sir.
Q Youhave never married any other woman? A Yes, sir.
Q Were you and your wife, Mary E., living together on the first day of September, 1902, as husband and wife? A Yes, sir.
Q How long have you lived in the Cherokee Nation, Mr. Stevenson?
A Since 1880.
Q Have you lived in the Cherokee Nation all the time since 1880?
A Yes, sir.
Q Never lived out since '80? A No, 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 24th day of October, 1902.

T. J. Rustin
Notary Public.

DEPARTMENT OF THE INTERIOR,

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

AT MUSKOGEE, I. T., MARCH 16, 1902.

In the matter of the application of Albert Stevenson for the enrollment of himself, a an adopted white citizen of the Cherokee Nation.

" D 993"

In obedience to a notification to the said Albert Stevenson, of the time for final hearing and closing of said case by the Commission, appeared by his attorney, G. W. Benge, who in behalf of said applicant, agreed that the case with the testimony be submitted for final decision by the commission, with leave of filing brief in behalf of said applicant.

BRIEF.

The contention of the applicant is, that he is an adopted white citizen of the Cherokee Nation, by having complied with all the requirements of the laws of the Cherokee Nation regulating intermarriage between white men and Cherokee women, citizens thereof, and by virture of such compliance thereof with the said laws and marriage, entitled such white men to the rights of citizenship in the Cherokee Nation by its Constitution and laws thereof. Therefore, his name should be listed as such adopted white Citizen of the Cherokee Nation and not classed as doubtful by this Commission.

First,- Because in accordance with the laws of the Cherokee Nation regulating intermarriage between white men and Cherokee women, citizens of the Cherokee Nation, he did contract and marry Elizabeth Stevenson, " Nee Taylor", a recognized citizen of the Cherokee Nation, as is shown by the testimony in the case, and further, by the rolls of 1880, and 1896, recognized by the Cherokee Nation, as containing only the names of the Citizens thereof.

Second,- The evidence of his marriage aforesaid, the records, marriage license, and his certificate of marriage, all having been burned while in the custody of the District Clerk of Tahlequah District, Cherokee Nation, whose duty it was by law to preserve and keep such records thus destroyed and lost, on account of said fire, the loss of which could not be prevented and in no wise could the applicant be held responsible, nor should the loss of this testimony operate against or prejudice his right to the privileges of citizenship in the Cherokee Nation.

Third,- And in view of the loss of the Record evidence of the marriage of Albert Stevenson to Elizabeth, his wife, the applicant offers as evidence, the next best testimony in support of his contention, not only his own sworn statement but that of Richard M. Dannenberg, who was Deputy Clerk of said District at the time the license was issued, authorizing the aforesaid marriage, and also the sworn statement of Rev. L. Dobson, who performed the marriage ceremony thus authorized by said license, and the further fact by the rolls recognized by the Constituted Authorities of the Cherokee Nation to contain only the names of all the citizens thereof.(roll 1880 and 1896)

Fourth,- That the applicant did perform all the duties required of him, as a white man, by the laws of the Cherokee Nation, that he first obtained his petition and the required number of ten Cherokee citizen signers, that he procured his marriage license and paid the District Clerk of Tahlequah District(Alen Ross,now deceased) Ten Dollars therefor, authorizing this marriage ~~thereafter~~ aforesaid, and that he did accordingly marry Elizabeth Stevenson,"Nee,Taylor", on the 14th day of July 1889, by Rev. L. Dobson a minister of the Gospel, that he has ever since and is now living happily with his said wife and children.

Fifth,- That he complied with all the requirements of the law in good faith, that he paid the necessary Ten Dollars ($10.00) fee to the Cherokee Nation, (its officers designated under the law to receive the same) and received in lieu thereof his license authorizing his marriage and in harmony therewith, specifically complied with every requirement exacted of him by law, hence having thus performed his part of the duty required of him, that for the failure on the part of the Clerk aforesaid, as the Agent of the Cherokee Nation, or any other officer, to do or perform any duty required of him by law, the applicant should not be made to suffer thereby, nor should such neglect or failure to do duty on the part of any such officer or agent of the Cherokee Nation, operate or prejudice his contention to be listed as an adopted white citizen of the Cherokee Nation.

SUMMARY OF TESTIMONY.

1st, Albert Stevenson's statement before the Commission is,- that he is a white man, that he secured license to marry from Alen Ross(who is now dead) then District Clerk of Tahlequah District , that he was married to Elizabeth Taylor July 14, 1889, that the marriage certificate, license and all records of the fact of his marriage were burned and lost, that he is now living with his said wife and has two children by such marriage, who are all recognized Cherokee Citizens.

2nd, Richard M. Dannenberg testified also that he was Deputy Clerk under Alen Ross, that he has recollection of the license being issued to applicant by Allen Ross, and that the fee was paid by applicant, and that the records of the Distruct Clerk's office was burned, that the applicant married Lizzie Taylor, that they have always lived together as husband and wife since their marriage.

3rd, Rev. L. Dobson stated that he knew Albert Stevenson, a white man, that his wife's name when he married her was Elizabeth Taylor, properly called, Mary Elizabeth, and goes by the name of

Lizzie, that she is a Cherokee, that he was married in accordance with Cherokee laws, that he is a minister of the Gospel, that he affirms positively that he performed the ceremony in accordance with a Cherokee License.

See 1880 roll, page 816, Elizabeth Taylor

" 1896 " " 1241, Lizzie Stevenson

" 1896 " " 1289, Albert Stevenson

" 1896 " " 1241, John Stevenson.

" 1896 " " 1241, Clyde Stevenson.

The evidence in the case seems to be conclusive in bearing out the contention of the applicant, and he respectfully asks that his name be changed from the doubtful card to the roll of citizens of the said Nation by the Commission.

Respectfully submitted,

Albert Stevenson

By Geo. W. Grayel
Attorney for applicant.

Cherokee D-993.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Albert Stevenson 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 December 17, 1900, Albert Stevenson appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment of himself, among others, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at the same place on December 18, 1900, and at Muskogee, Indian Territory, on October 1, 1902, and again on October 13, 1902. The other parties to this application are differently classified, and are not embraced in this decision.

The evidence shows that on July 14, 1888, the applicant, a white man, was lawfully married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, to Elizabeth Taylor, a citizen by blood of said Nation; and that neither he nor his wife were ever previously married. It appears that all the record evidence of such marriage has been destroyed by fire while in the possession of the Cherokee Nation, and through no fault of this applicant. Such marriage and the destruction of all record evidence thereof are, however, clearly established by the testimony of the applicant, the minister who performed the ceremony and one who was Deputy Clerk of Tahlequah District at the time of the issuing of the license.

It further appears that the wife of the applicant was also known by the names of Lizzie, and Mary E. Stevenson, nee Taylor; That she is identified as a native Cherokee on the 1880 authenticated roll and on the 1896 Census roll of the Cherokee Nation; and that the applicant is also identified on the said 1896 Census roll as an adopted white. It further appears that the applicant has resided with his said wife in the Cherokee Nation continuously from the time of their marriage up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that Albert Stevenson 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

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-993.

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 Albert Stevenson 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-189.

Dawson

IN THE MATTER OF THE APPLICATION OF

Albert Dawson

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony Dec 17/00

B Memo of Application Dec 17/00

C Supplemental testimony Dec 18/00

D Notice of final consideration, 3/14/02

E Rec'd

F Paid

Sel

5716

Cher D 994.

Nos. 2 + 3 trans to Cher 10361

Cher D 994

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., December 17, 1900.

In the matter of the application of Savannah Morris for the enrollment of herself, husband and child as Cherokee citizens; she being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Savannah Morris.
Q How old are you? A 39.
Q What is your postoffice address? A Moody.
Q What district do you live in? A Tahlequah.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q Who do you want to enroll? A Myself and one child. I have been married. My child belongs to my first husband.
Q What is its name? A Edward Rhodes.
Q How old is he? A 11.
Q Are you married now? A Yes sir.
Q What is your husband's name? A Joseph Morris.
Q Is he a citizen? A He is an adopted citizen.
Q You want to enroll him? A I expect I will.
Q Where is he? A He is in the penitentiary.
Q How old is he? A 46.
Q What was your name in 1880? A Collins. I was married the first time in 1886.
Q Who to? A John Rhodes.
Q Is he living? A I don't know whether he is or not. We were separated.
Q When did you marry the second time? A I married in 1896.
Q Who to? A Joseph Morris.
Q Your present husband? A Yes sir.
Q Been married but twice? A That's all.
Q Were you divorced from your first husband when you married Joseph Morris? A Yes sir.
Q Have you any proof of the divorce? A No sir, I haven't. I guess it is on the Clerk's books. I was divorced here.
Q Was Joseph Morris ever married before he married you? A Yes sir.
Q Was he divorced from his first wife? A Yes sir, he was divorced.
Q Have you any proof of that? A No sir, I haven't any.
Q Where were you living in 1880? A In Georgia.
Q Have you been admitted here? A Yes sir.
Applicant presents a certificate of admission issued from the Executive office of the Cherokee Nation, signed by J. P. Mayes, Principal Chief of the Cherokee Nation under the seal of the Cherokee Nation, certifying that by an act of the National Council one John P. Collins was admitted to citizenship in the year 1888, said certificate being filed with Card 6545, case of John P. Collins.
Q When were you married you say the first time? A In 1886.
Q Were you ever admitted to Cherokee citizenship, yourself? A No sir.
Q Your husband never was admitted? A No sir.
Q Your first husband's name was John Rhodes? A Yes sir.
Q From whom you were divorced? A Yes sir.
Q And afterwards in the year 1896 married one Joseph Morris? A Yes sir.
Q You were Joseph Morris' second wife? A Yes sir.
Q Was he divorced from his first wife? A Yes sir.
Q Was Joseph Morris married to you by the laws of the Cherokee Nation? A Yes sir, he was already an adopted citizen. I have his marriage certificate here.
Applicant also presents certificate of marriage certifying that one J. W. Morris was married to Miss Nannie McKenzie, on the 1st day of January, 1892. The marriage license issued by the Clerk of the United States Court, Northern district, Indian Territory.

Q That was his first marriage was it? A Yes sir.
Q There is nothing to show that he married in accordance with the laws of the Cherokee Nation? A He said he was. I don't know.
Q There is no license presented here? Where were you married to your first husband? A Atlanta, Georgia.
Q According to the laws of Georgia? A Yes sir.
Q Is your present husband in Penitentiary? A Yes sir.
Q How long has he been there? A Two years.
Q How long is he sentenced? A Ten years.
1894 roll; page 1134, #2641, Savannah Rodes, Tahlequah district
1894 roll; page 1134, #2642, Eddie Rodes, Tahlequah district

Commissioner Needles-

The name of Savannah Morris appears upon the pay roll of 1894 as Savannah Rodes, that being her name at that time. The name of her child, Edward, appears upon the pay roll of 1894. Applicant refers to certificate of admission more particularly described in the testimony admitting her father, John P. Collins, to Cherokee citizenship, in the year 1888. She avers that at that time she was married to one John Rhodes, from whom she is divorced, and that since that she has married one Joseph Morris, her present husband, who is now confined in the penitentiary. She applies for the enrollment of herself as a Cherokee citizen by blood, and her child Edward; and for her husband, Joseph, as an intermarried citizen. The testimony shows that Joseph Morris was married to one Nancy McKenzie according to the laws of the United States; no testimony being presented showing that he was married according to the laws of the Cherokee Nation, and that he was divorced from said Nancy McKenzie, and no certificate of divorce is presented. After his divorce, he married said applicant, whose name at that time was Savannah Rhodes, the name of her first husband. The names of said parties do not appear upon any of the rolls of the Cherokee Nation except that Savannah Rhodes and her child, Edward, appear upon the pay roll of 1894. No certificate of admission is presented as to Savannah Rhodes, and at the date of the admission of her father in the year 1888, she was then married to said Rhodes, having been so married to him in the State of Georgia where she resided. No proof is presented as to the legal marriage of her present husband, Morris, to his first wife, McKenzie; that is, as to his legal marriage under the laws of the Cherokee Nation. By reason of no proof being adduced as to the admission of said Savannah Morris to Cherokee citizenship, and no proof being made as to the legal marriage under the Cherokee law of her husband, Joseph Morris, who is a white man, to his former citizen wife, and no proof of divorce, final judgment as to the enrollment of the said Savannah Morris, and her child, Edward, will be suspended, and their names placed upon a doubtful card, as well as her husband, Joseph Morris; the name of said Joseph Morris not appearing upon any of the rolls of the Cherokee Nation.

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

(Signed) E. G. Rothenberger

Subscribed and sworn to before me this 19th day of December, 1900.

(Signed) C. R. Breckinridge
Commissioner.

ENDORSEMENT:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED DEC 19 1900
Tams Bixby, Acting Chairman.

D994

"B"

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 17 1900

ACTING CHAIRMAN.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

(46)

Date DEC 17 1900 1900.

Name Joseph Morris Mary Ind Ter

District ~~Year Page No.~~

Citizen by blood no Mother's citizenship

Intermarried citizen no

Married under what law Date of marriage

License (A) Certificate

Wife's name Savannia Morris

District TAHLEQUAH Year 1894 Page 1134 No. 264

Citizen by blood yes Mother's citizenship

Intermarried citizen no

Married under what law Date of marriage

License Certificate

Names of Children:

Edward Rhodes Dist. TAHLEQUAH Year 1894 Page 1134 No. 2642 Age 11

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

1 on 1894 roll as Savannia Rodes

2 " 1894 " " Eddie "

DOUBTFUL

DOUBTFUL

Cherokees.

File with Cherokee, D-994, Joseph Morris et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 24, 1901.

In the matter of the application of Joseph Morris, et al., for enrollment as Cherokee citizens. (Cherokee, D-994.)
In the matter of the application of Martha Hill for enrollment as a Cherokee citizen (Cherokee D-995.)

Supplemental testimony on behalf of the applicants.

Appearances:
Applicant present in person;
J. L. Baugh, Cherokee representative.

MILLIE COLLINS, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Millie Collins.
Q What is your age? A 63.
Q What is your postoffice address? A Moodys.
Q Are you the mother of Martha Hill? A Yes, sir.
Q Are you also the mother of Savannah Morris? A Yes, sir.
Q Martha Hill and Savannah Morris sisters? A Yes, sir.
Q Now what statement do you desire to make in regard to the applications of Martha Hill and Savannah Morris to be enrolled as Cherokee citizens? A Well I don't know what application to make, only they are our children and we are both admitted on the roll.
Q You and your husband? A Yes, sir, and they are our children and all the rest is on but them two.
Q You were admitted by the Cherokee Council? A Yes, sir, my husband was.
Q All the rest except these two; what other children did you have that were admitted? A Wasn't none of the children admitted only you see they were all at home under age.
Q You recollect what year you were admitted? A They can tell more about that.
Q How old is Martha? A She is 38.
Q How old is Savannah? A She is 40.
Q They are both married? A Yes, sir.
Q What is Martha's husband named? A Thomas Hill.
Q What is Savannah's husband named? A Jose Morris.
Q Are you a Cherokee by blood yourself? A I have Cherokee blood, but I never had my right proved up because all my people were dead except my father and he was 80 years old.
Q Your husband is the Cherokee citizen? A Yes, sir.
Q And Martha and Savannah are your children by your husband? A Yes sir, they are my children.
Q What is his name? A J. P. Collins.

J. P. COLLINS, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A John P. Morris.
Q How old are you? A 63.
Q What is your postoffice? A Moodys.
Q You the father of Martha Hill and Savannah Morris? A Yes, sir.
Q You were admitted to Cherokee citizenship by the Cherokee Council? A Yes, sir.
Q In what year? A '88.
Q Your two children Martha and Savannah were not admitted were they? A No, sir.
Q Well anything that you may desire to state in regard to the reason of Martha and Savannah not being admitted at the same time you were, you can now state. A Well they were not with me at Tahlequah and they said it would not be necessary that I would have to bring them in before they could be admitted, and I didn't do it, I just

went up to Tahlequah from Brushy Mountain and they said that would be all right, under the rule, anyway.

Q Were either of them married at that time; was Savannah married at that time? A Yes, sir, she was married to Rhodes.

Q Was Martha married at that time? A No, sir.

Q How old was Martha at that time? A I don't recollect her age at that time.

Q Had Martha been married? A Yes, sir, she had been married before.

Q They both had been married then before you applied to the Cherokee Council? A Yes, sir.

Q And they were both of age then at that time? A Yes, sir.

Q Well, that is all, without you desire to state something else in connection with the matter? A I don't know anything.

SAVANNAH MORRIS, being duly sworn and examined by Commissioner Needles, testified as follows

Q What is your name? A Savannah Morris.

Q You are the applicant? A Yes, sir.

Q What is your age? A I was 40 the 11th of last April.

Q What is your postoffice? A Moodys.

Q Now any statement you desire to make in regard to this matter, you can do so? A Well I thought that we were admitted at the time that my father was and which we could have been if we had knowed anything about it, I thought we were all admitted and not knowing any better why we didn't try and attend, of course we thought we were all right. Well the Harrises and lots of other of the citizens told my father that it didn't make no difference, that his right gave his children a right, but we didn't know no better, and we never had no trouble drawing any of the strip money or getting on the rolls any time.

Q You were married at that time? A Yes, sir.

Q How much Cherokee blood do you claim? A Well I don't know, about 1/16 I reckon.

Q That is about all you know about it, isn't it? A Yes, and now ~~anyhow I was on the~~ I wasn't on the '96 roll and the reason why I wasn't, my little boy was down sick and looking for him to die, and either one of us couldn't go and have it attended to, and I never tried on that because he was down sick, and I never had any trouble on any of the rest of the rolls, and I thought that I was recognized as a citizen all the time until about a year ago was my first knowing anything about it.

Q You draw your strip money? A Yes, sir.

MARTHA HILL, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Martha Hill.

Q Hou are the applicant here are you? A Yes, sir.

Q How old are you?, A I am about 38, the last of September.

Q What is your postoffice? A Moodys, I. T.

Q You are the sister of Mrs. Savannah Morris? A Yes, sir.

Q Your father is John P. Collins? A Yes, sir.

Q Your mother is named Millie Collins, is she? A Yes, sir.

Q Well, if you have any statement now you desire to make in regard to your application you can do so. A Well I don't know as it will do any good though, I didn't know about it, I was a widow at home at the time, and they all told me the citizenship papers were for him and his children; I had been a widow seven years at home, I had been married though.

Q And the reason you didn't apply yourself was because you understood the application of your father covered the children?

A Yes, sir.

Q How long have you lived in the Cherokee Nation? A About 15 years

Q Where were you born? A Georgia.
Q You moved from Georgia to the Cherokee Nation about 18 years ago? A Yes, sir.
Q That the time your father and mother and sister, your family all come together, did you? A Yes, sir.
Q Came from Georgia? A Yes, sir.
Q You have been living in the Cherokee Nation ever since that time? A Yes, sir.
Q You have a child, have you? A Yes, sir.
Q His name Lucius? A Yes, sir, Lucius Marcus.
Q When were you married first? A I married in Georgia first.
Q Was your husband dead when you married Mr. Hill? A Yes, sir.
Q Where did you marry Mr. Hill? A Muskogee.
Q In the Creek Nation? A Yes, sir, had to go over there and get license.
Q Your husband is a non citizen, is he? A Yes, sir, a white man.

Commission: Well I think we have got all the facts about this thing, and when the Commission comes to a conclusion you will all be notified by mail.

SAVANNAH MORRIS, recalled, testified:
Q Where were you married, Mrs. Morris? A The first time, in Atlanta, Georgia.
Q What was your first husband's name? A John Rhodes.
Q Was he living when you married Mr. Morris? A I suppose so, me and him was separated, I was divorced from him.
Q And afterwards married Mr. Morris? A Yes, sir.
Q Where did you marry Morris? A Married him here in the Cherokee Nation.
Q You have lived continuously in the Cherokee Nation since you came with your father and mother and sister? A Yes, sir.
Q All came together? A Yes, sir.
Q How much Cherokee blood do you claim? A I guess about 1/16, as near as I know.
Q Are you and Mrs. ~~Morris~~ Hill full sisters? A Yes, sir.

———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 26th of September, 1901.

T. R. Buckingham

Commissioner.

R.

D. D-994

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 14, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Joseph Morris for the enrollment of himself, wife and child, as citizens of the Cherokee Nation.

Appearances:
I. P. Bledsoe, Agent for applicant.
W. W. Hastings, Attorney for Cherokee Nation.

The applicant was notified by registered letter February 26, 1902, thathis 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, I. T., on the 14th day of March, 1902.

The applicant this day, to-wit: the 14th day of March, 1902, appears by her Agent, I. P. Bledsoe.

SAVANNA MORRIS, being first duly sworn, and being examined, testified as follows:

MR. BLEDSOE: What is your name? A Savanna Morris.
Q How old are you? A I will be forty-one the 11th of April.
Q Where do you live? A Tahlequah.
Q How long have you lived in the Cherokee Nation?
A I have been living here ever since the year father was admitted, in 1888.
Q You have been living continuously in the Cherokee Nation since that time? A Yes sir.
Q Are you a Cherokee by blood? A Yes sir.
Q What is your father's name? A John Parker Collins.
Q Is he the same John Parker Collins admitted February 1, 1888?
A Yes sir.
Q Did you come with him at the time he was admitted? A Yes sir.
Q You movedto this country at the same time? A Yes sir.
Q Were you embraced in the certificate of admission?
A I thought I was until it was too late. I thought all the time I was. I thought he had admitted us all, but when I came to find out he hadnot admitted any of us, it was too late then.to do anything.
Q When did you find out that you wasnot admitted?
A This last summer a year ago.
Q You have been enjoying the rights of citizenship all the time?
A Yes sir.
Q Never was any doubt about it in your mind until a year ago?
A No sir.
Q Why did you not appeal, then, to the Council?
A Too late then.
Q Did you draw any money, Mrs. Morris? A Yes sir.
Q What money did you draw?
A Drew head rate, and drew some grass money.
Q When was that? A In 1891.
Q What other money did you draw? A Strip money.
Q Draw any other money? A No sir, that is all.

There is offered in evidence by the agent for the applicant a certified copy of the record of the United States Court for the Northern District of the Indian Territory, at Tahlequah, November 19, 1895, in the matter of the divorce proceedings between Savannah Rhodes and John Rhodes, as follows:

BY COMMISSION: When were you married to your first husband, John Rhoden? A In 1886.
Q When were you married to your present husband, Joseph Harris?
A In 1896.
Q You were married to him in 1896, your present husband?
A Yes sir, it was 1896.
Q Have you any evidence of your marriage? A Not here, I have not.
Q Have you got a marriage license?
A No sir, he said he was a citizen by marriage, that is, he said when him and Nannie McKenzie were married, they were married according to the Cherokee law, and we did not get a license according to the Cherokee law. We were two citizens and did not need a license. We was married according to the Cherokee law, and I have witnesses that was married, and that the ceremony was said. I have plenty of witnesses, as far as that is concerned.

Case continued by agreement until March 22, 1902.

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

Wm Hutchinson

To be filed in C. D-994.

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

In the matter of the application of Joseph Morris for the enrollment of himself and wife as citizens of the Cherokee Nation.

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On March 14, 1902, the applicant appeared by his agent, I. P. Bledsoe, and introduced further testimony as regards the application of Joseph Morris for the enrollment of himself, and by agreement the case was continued until March 22, 1902. On said date the case was again continued by agreement to April 5, 1902. The same being on this date called and the applicant failing to respond in person or by his agent, the record in the case is deemed completed and the same will be reported to the Commission for final decision, based upon the evidence of record.

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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. Bolenbaugh

INDEXED. D994.

COMMISSION TO FIVE TRIBES.

No.	Received	ANSWERED	
		Book	Page
13951			
1902	AUG 29 1902		

Morris, Savannah

Moody, I. T.

Aug 27. 1902

CHEROKEE.

Rel. to her enrollment.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 2 1902

ACTING CHAIRMAN.

Tahlequah, Ind. Terry. August, 27th. 1902.

Hon. U. S. Commission, to the five civilized tribes,

Muskogee, Ind. Terry.

Gentlemen: --

Your communication addressed to me at Moody, Indian Territory, failed to reach me at this place until the 26th. inst. I having been making this place my home, earning a living for myself and minor child since about December last, and about which time before quiting my residence at said Moody I.T. I personally requested the post-Mistress at said Moody I.T. to from then on until further notice to forward all my mail to me at Tahlequah I.T. And further replying to your communication I have to say, the same inregard to the marriage licence of Joseph Morris to Nannie Mc Kenzie, as I stated before the commission when present before you in person, about the last of March or the first of April 1902. that no record of the same could be found after diligent search, an likewise as to the decree of divorce between the same parties but I might explain that since then I have reliable information that in the suit for divorce between these parties, William F. Rasmus, of Tahlequah, I.T. was the Attorney on the part of nannie morris, nee Mc Kenzie, and Harvey W.C.Shelton, supposed to be of the same place, was the attorney on the part of Joseph Morris. And as regards the decree of divorce between myself and my former husband, John Rhodes, I have to say that at the time referred to of my appearing before the commission at Muskogee I.T. I then filed a certified copy of the same with the commission.

As regards the marriage of myself to said Joseph Morris, I have to say that at the time, July 1896, Joseph Morris and myself was considered, and regarded as a Citizens of the Cherokee Nation, and as such citizens we were not required by Cherokee law to obtain any licence to make the marriage legal and binding; the minister who performed the ceremony, Rev.. . ..Sullivan, having died a very short time after I was before the commission in March or April last.

Very Respectfully,

Susannah Morris
Tahlequah I.T.

(COPY)

EXECUTIVE DEPARTMENT.

CHEROKEE NATION, IND. TER.

Tahlequah, Feb. 3, 1888.

TO WHOM IT MAY CONCERN- GREETING:-

This is to certify that John Parkes Collins was admitted to Cherokee citizenship by an Act of the National Council, approved February 1st, 1888 - he being a Cherokee by blood.

(Signed)

(((SEAL)))

J. B. Mays,
Principal Chief.
Cherokee Nation.

Attest:

C. J. Harris,

As't Ex-Secretary.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., December 11, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of said Division.

Chief Clerk Cherokee Division

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

Notary Public.

Cherokee D 994

aas

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Joseph Morris as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Savannah Morris, and her child, Edward Rhodes, as citizens by blood of the Cherokee Nation.

D E C I S I O N

The record in this case shows that on December 17, 1900, Savannah Morris appeared before the Commission at Tahlequah, Indian Territory, and made application for the enrollment of herself and her child, Edward Rhodes, as citizens by blood of the Cherokee Nation, and for the enrollment of her husband, Joseph Morris, as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Fort Gibson, Indian Territory, on September 24, 1901, and at Muskogee, Indian Territory, on March 14, 1902.

The evidence herein shows that the said Savannah Morris claims the right to enrollment by virtue of the admission of her father, John P. Collins, to citizenship in the Cherokee Nation in 1888. At the date of her father's admission to citizenship Savannah Morris was 27 years old. It does not appear that she has ever been admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321) or by the United States Court in the Indian Territory. Edward Rhodes is the child of said Savannah Morris by a former husband, John Rhodes, to whom she was married in the State of Georgia. It does not appear that the said John Rhodes is a citizen of the Cherokee Nation, or that his name appears on any of the Cherokee tribal rolls. Savannah Morris and her child, Edward Rhodes, are identified on the Strip payment roll of 1894.

It appears that the said Joseph Morris was first married on January 1, 1892, to one Nannie McKinzie; that he was divorced from that wife, and that in 1896 he married the said Savannah Morris There is no evidence that Nannie McKinzie was a citizen by blood of the Cherokee Nation, and it further appears that neither of his said marriages was under a Cherokee marriage license nor in accordance

with the laws 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 to citizenship under Cherokee laws."

It is, therefore, the opinion of this Commission that Savannah Morris and her child, Edward Rhodes, are on the roll of 1894 without authority of law and that the application of the said Savannah Morris for the enrollment of herself and her child, Edward Rhodes, as citizens by blood of the Cherokee Nation, and for the enrollment of her husband, Joseph Morris, 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.

C. R. Breathitt
Commissioner.

Muskogee, Indian Territory,

this MAR 2 1903

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.

Subscribed and sworn to before me this 7th day of July, 1903.

Notary Public.

JUL 11 1903

Cherokee D-994.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T., June 2, 1903.

In the matter of the application of Joseph W. Morris for themenrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Savanna Morris, and his stepchild, Edward Rhodes, as citizens by blood of the Cherokee Nation.

Detler N. Lerskove, being duly sworn, and examined by the Commission, testified as follows:

Q State your name? A Detler N. Lerskove.
Q What is your postoffice address? A Tahlequah.
Q You are a citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A By adoption.
Q Are you acquainted with Joseph Morris? A Yes sir.
Q How long have you known him? A Why, four or five or six years. He used to,work for me.
Q Where is he at the present time? A Jefferson City, Missouri.
Q Was he ever known by any name other than Joseph Morris? A Not that I know of.
Q Was he ever known as Joseph W. Morris? A I couldn't tell you, Joseph Morris is all I know.
Q You have a power of attorney to represent him before the Commission and select his allotment, have you? A Yes sir.
Q That power of attorney is signed by Joseph W. Morris? A Yes sir.
Q Do you know whether the Joseph Morris confined in the penitentiary at Jefferson City, Missouri, and the Joseph W. Morris who is an applicant before the Commission is one and the same person? A They must be.
Q Is he a citizen by intermarriage? A Yexs sir.
Q Do you know the name of his wife? A No sir, I don't. She is right in this town.
Q About how old a man is Joseph Morris? A He must be about forty, I should judge, about my age, I guess
Q How long have you known him? A I have known him a number of years.
Q About how many? A Six or seven years, I should judge.
Q How long has he been confined in the penitentiary? A He must have been there about five years, I reckon, to the best of my knowledge and recollection.
Q Prior to that time and as long as you have known him has he always lived in the Cherokee Nation? A Yes sir, as long as I have known him he lived at Tahlequah.
Q You don't know whether he has any children or stepchildren? A He has one child.
Q Do you know the name of that child? A Eddie Morris.
Q Is that his child or his wife's child? A I suppose it is his child, I don't know.
Q About how old is that child? A He must be eleven or twelve years old, I reckon.
Q That is his stepchild isn't it? A I don't know, I couldn't tell you. I don't know much about his family; I know he had a child there.
Q You are satisfied that the Joseph Morris for whom you desire to select an allotment and the Joseph Morris who is confined in the penitentiary are one and the same person? A Yes sir, I know it is.

.....

8-Joseph W. Morris.et al.

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

B. G. Rothenberger

Subscribed and sworn to before me this 7th day of July, 1903.

Samuel Foreman,
Notary Public.

Dup

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHEROKEE ENROLLMENT OFFICE.

Tahlequah, I. T., I. T., JUN 2- 1903 A. D. 190

To the Clerk in charge of the Cherokee Land Office:

This is to certify that the names of the following persons:

Card Number.	NAME.	Relationship to Person First Named.	Age.
D-0014	Joseph N. Morris		48
	Represented by D. N. Peerson attorney in fact, under power of attorney from Joseph N. Morris dated May 22, 1903, attached hereto.		

All appear upon the records of the Commission to the Five Civilized Tribes as applicants for enrollment as citizens of the Cherokee Nation.

In the event that said persons are finally enrolled as citizens of said Nation, a certificate of citizenship in the usual form will be issued.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Enrollment Clerk. *Chairman.*

JR

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 10th 1903.

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

Cherokee D. 994.

Brief on part of the Cherokee Nation.

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

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

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

a name is legally and with authority of law upon the Cherokee unauthentica ted pay rolls .

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

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

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

This was the last act of the National Council on the subject of the 1894 rolls and they were never further examined or corrected and were never authenticated. This act of the National Council shows that it never was the intention of the National Council to be bound by this roll or to

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

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

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

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

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

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

Respectfully,

W W Hastings
Attorney for the Cherokee Nation.

J. C. S.

la 6D994.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 25 1901

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.

Ft. Gibson I.T. Sept 13 1901

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Joseph Morris et al. for enrollment as citizens of the Cherokee Nation.

No. 6D994.

O. M. Morris
Applicant

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

Muskogee, Indian Territory, February 26, 1902.

Mrs. Savannah Morris,

Moody, Indian Territory,

Madam:-

You are hereby notified that the application of yourself, your husband Joseph Morris and your minor son Edward Rhodes for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 14 day of March, 1902.

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

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

You are required to supply the Commission with certified copy of Cherokee marriage license of Joseph Morris to Nannie McKenzie; certified copy of decree of divorce of Joseph Morris from his former wife, Nannie. Certified copy of decree of divorce of yourself from your former husband Rhodes. You are also required to supply the Commission with your certificate of readmission to Cherokee citizenship.

Yours truly,

Cherokee D-994
Register.

~~Acting Chairman.~~

Commissioner in Charge.

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. 994.

Muskogee, I. T., March 3, 1902.

B. J. Alberty, Esq.,

Tahlequah, I. T.

Dear Sir:

Please examine the Circuit Court records of Tahlequah District and furnish us with a certified copy of the record of divorce of Joseph Morris from his first wife. I do not know what her name was.

Also examine the records of the same District and send us a certified copy of the divorce of Savanah Rhodes from her husband, Rhodes.

Yours truly,

Cher. D-894.

Muskogee, Indian Territory, May 24, 1902.

Savanna Morris,

Moody, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of what purports to be a certificate showing your marriage in July, 1890, to Joseph Morris, a white man. The document is signed by one W. H. Sullivan. The same is returned to you herewith for the reason that the certificate fails to show what authority the said W. H. Sullivan had to perform the ceremony between yourself and your husband.

If he was a Minister of the Gospel or any other official duly authorized to perform the ceremony of marriage, you are requested to have him go before a notary public and make affidavit as to that fact, stating when and where he performed the ceremony of the marriage between yourself and your said husband.

Yours truly,

Acting Chairman.

Enc. R-190.

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

ALEXANDER ATTESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee 994.

Muskogee, Indian Territory, June 3, 1902.

Savannah Morris,

Moody, Indian Territory.

Madam:

In the matter of your application for the enrollment of yourself, your husband, Joseph Morris, and your minor child, Edward Rhodes, as citizens of the Cherokee Nation, you are directed to furnish the Commission with the following documentary evidence: Marriage license of Joseph Morris to Nannie Mc Kenzie, or a certified copy thereof; certified copy of the decree of divorce between Joseph Morris and his former wife, Nannie Morris, nee Mc Kenzie; certified copy of the decree of divorce between yourself and your former husband, John Rhodes; and the marriage license of yourself to Joseph Morris.

You are hereby finally notified that the above evidence must be furnished to the Commission at Muskogee, Indian Territory, on or before July 29, 1902, or your case will be considered on the evidence then in the record.

Yours truly,

Commissioner in Charge.

Register

8-11-1907

Mr. [illegible] says there is a [illegible] lived [illegible] at this [illegible] for [illegible] museums [illegible] advise me and to do with it.

[illegible]

POSTAL CARD - ONE CENT

UNITED STATES OF AMERICA.

THIS SIDE IS FOR THE ADDRESS ONLY.

Mrs Lawrence Brown's

Sciqueah

Cherokee D 994

Muskogee, Ind. Ter., Sept. 3, 1902.

Savannah Morris,

Tahlequah, I. T.

Dear Madam:

The Commission is in receipt of your letter of August 27, relative to your application for enrollment as a citizen of the Cherokee Nation.

Your letter has been duly noted and filed.

Yours truly,

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-994

ADDRESS IN REPLY TO THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 9th, 1902.

Joseph Morris,

Moody, Indian Territory.

Dear Sir:-

The Act of Congress, approved July 1, 1902, and entitled "An Act To provide for the allotment of the lands of the Cherokee Nation, for the disposition of town sites therein, and for other purposes," (Public No. 241), provides that "the roll of citizens of the Cherokee Nation shall be made as of September first, nineteen-hundred and two."

In accordance with said provision, you are hereby notified that the Commission to the Five Civilized Tribes will be at its offices at Muskogee, Indian Territory, until Friday, October 31, 1902, inclusive, for the purpose of affording you an opportunity to show that you have not, between the date of the original application for your enrollment and Sept 2, 1902, forfeited your right as a citizen by intermarriage of the Cherokee Nation.

This evidence should be introduced immediately, as it is necessary in determining your right to share in the allotment of the lands of the Cherokee Nation, and until the same is furnished no further action can be taken looking toward your final enrollment as an intermarried citizen.

Yours truly,

Commissioner in Charge.
~~Acting Chairman.~~

Vinita, Indian Territory, March 6, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

As directed in the Commission's letter of March 4, I have the honor to transmit herewith original jackets and records in the following applications for enrollment as citizens of the Cherokee Nation:

Cherokee D-994, Joseph Morris, et al.
Cherokee D-995, Margaret Hill, et al.

Respectfully,

Clerk in Charge.

Encl. P-5.

RP

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee D-994

Muskogee, Indian Territory, March 10, 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, rejecting the application of Savannah Morris for the enrollment of herself and her minor child, Edward Rhodes, as citizens by blood, and for the enrollment of her husband, Joseph Morris, as a citizen by intermarriage of the Cherokee Nation.

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

Respectfully,

Chairman.

Enc. M-619

OC-

Cherokee D-994

Muskogee, Indian Territory, March 10, 1903.

Savannah Morris,

Moodys, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 2, 1903, rejecting your application for the enrollment of yourself and your minor child, Edward Rhodes, as citizens by blood of the Cherokee Nation, and for the enrollment of your husband, Joseph Morris, as a citizen by intermarriage, of said Nation.

There has heretofore been furnished your agent, I. P. Bledsoe, Choteau, Indian Territory, a copy of the record of proceedings had in the original application, and there has this day been forwarded to him a copy of the record of supplementary proceedings, together with a copy of the Commission's decision.

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

Respectfully,

Tams Bixby

Chairman.

Enc. M-419

Register

COPY

Cherokee D-994

Muskogee, Indian Territory, March 10, 1903.

I. P. Bledsoe,

Agent for Joseph Morris et al.,

Choteau, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of supplementary proceedings in the matter of the application of Savannah Morris for the enrollment of herself and her minor child, Edward Rhodes, as citizens by blood, and for the enrollment of her husband, Joseph Morris, as a citizen by intermarriage of the Cherokee Nation, together with a copy of the Commission's decision, dated March 2, 1903, rejecting said application. You have heretofore been furnished with a copy of the record of proceedings had in the original application.

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

Respectfully,

Tams Bixby.

Chairman.

Enc. M-519

Register.

COPY.

Cherokee D-994

Muskogee, Indian Territory, March 10, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Savannah Morris for the enrollment of herself and her minor child, Edward Rhodes, as citizens by blood, and for the enrollment of her husband, Joseph Morris, as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision, dated March 2, 1903, rejecting said application.

Respectfully,

Tams Bixby,

Chairman.

Enc. M-719

Through the

Commissioner of Indian Affairs.

Refer in reply to
the following:
Land
17,198-1903.

Copy.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs.

Washington, May 9, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, record of the proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application of Savannah Morris for the enrollment of herself and her child, Edward Rhodes, as citizens by blood of the Cherokee Nation and for the enrollment of herhusband, Jose h Morris, as a citizen by intermarri a e of the CherokeeNati on.

On March 2, 1903, the commission rendered a decision in this case finding from the evidence submitted therein that said Savannah Morris claims right to enrollment by virtue of the admission of her father, John P. Collins, to citizenship in the Cherokee Nation in 1888; that at the date of her father's admission to citizenship Savannah Morris was 27 years old; that it does not appear from the records that she has ever been admittedto citizenship in the Cherokee Nation by the duly constituted authorities thereof or by the Commission to t e Five Civilized Tribes under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321), or by the United States Court in Indian Territory; that Edward Rhodes is the child of said Savannah Morris by a former husband, John Rhodes, to

whom she was married in the State of Georgia; that it does not appear that said John Rhodes is a citizen of the Cherokee Nation or that his name appears on any of the Cherokee tribal rolls; that Savannah Morris and her child, Edward Rhodes, are identified on the scrip payment roll of 1894; that the said Joseph Morris was first married on January 1, 1902, to one Nannie McKinzie; that he was divorced from that wife and in 1896 married the said Savannah Morris; that there is no evidence that Nannie McKinzie was a citizen by blood of the Cherokee Nation and that neither of his marriages was under a Cherokee marriage license or in accordance with the laws of the Cherokee Nation. The commission is therefore of the opinion that Savannah Morris and her child, Edward Rhodes, are on the roll of 1894 without authority of law and that their application for enrollment should be refused, and that the application of her said husband as a citizen by intermarriage should also be denied.

The office has considered the evidence submitted in behalf of these applicants together with said decision of the commission, and is unable to see wherein the names of said Savannah Morris and her child, Edward Rhodes, are upon the 1894 scrip payment roll of the Cherokee Nation "without authority of law." The commission does not state specifically the ground upon which its decision is based, but the office presumes the commission has reference to that part of section 21 of the Act approved April 28, 1898, relative to the enrollment of Cherokee citizens and providing, in part that "all persons who have been enrolled by the tribal authorities, who have

heretofore made permanent settlement in the Cherokee Nation and 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."

In this case it is admittedthat the father of Savannah Morris was admitted by the tribal authorities of the Cherokee Nation as a citizen therein in the year1888, but it appears from the evidence that said Savannah Morris was then 27 years old and therefore would not come within the provisions of this law. If she had been a minor on the date of the admission of her father, as aforesaid, there would be no question as to her being entitled to enrollment as a citizen of the Cherokee Nation, whether her name appeared on any of the rolls thereof or not, but the fact alone that she was not a minor on the date of her father's admission to citizenship is not sufficient to establish the fact that she is on the rolls "without authority of law."

There is nothing in the evidence submitted to the commission tending to show in any way that her name was placed upon the 1894 roll "without authority of law," and until it is proven that her name is on said roll "withoutauthority of law" or was placed thereon in some fraudulent way, the office considers that the commission is bound by said rolls, for said section 21, above cited, provides further "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 s uch intermarried white persons as may be entitled to citizenship under the Cherokee laws."

This applicant is necessarily a Cherokee by blood, and the office sees no reason why the nation did not have a right in 1894 to place her name and that of her child on its scrip payment roll of that year. The records show that the nation did so place their names upon said roll and there having been no evidence-submitted by the nation, or otherwise, showing that their names appear illegally thereon, the office considers that theyare entitled to be enrolled as citizens of the Cherokee Nation, and that the decision of the commission rejecting the applicants should be set aside.

As to the application of herhusband, Joseph Morris, for enrollment as a citizen by intermarriage of the Cherokee Nation, the evidence shows that his said marriage took place in 1896, and since section 26 of the Cherokee agreement approved July 1, 1902, (32 Stats 716), provides that "no white person who has intermarried with a Cherokee citizen since the 16th day of December, 1895, shall be entitled to enrollment or to participate in the distribution of the tribal property of the Cherokee Nation," his said application was properly denied by the commission, and its decision in so far as his application is concerned should, in the opinion of the office, be affirmed by the Department.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

(W.C.B.)
P.

D.C.23177-1903. J.P.
DEPARTMEN T OF THE INTERIOR. CMR.

ITD 4372-1903. WASHINGTON. August 19, 1903.

The Commission

to the Five Civilized Tribes.

Gentlemen:

May 9, 1903, the Acting Commissioner of Indian Affairs submitted the Cherokee enrollment case involving the application Savannah Morris for the enrollment of herself and minor child, Edward Rhodes, as citizens by blood of the Cherokee Nation, and for the enrollment of her husband, Joseph Mossir, as a citizen by intermarriage of said nation, and recommended that your decision adverse to the applicants be not approved, so far as Savannah Morris and Edward Rhodes are concerned. A copy of his letter is inclosed.

It is directed that you advise the applicants and the attorney for the Cherokee Nation of the recommendation of the Indian Office, and that 30 days from date of such notice will be allowed in which to file any argument they may desire. A copy of such argument must be served upon the opposite party.

Your attention is called to the decision of the Department of June 10, 1903, in the case of Martha Hill and her son, Lucius Marcus (Cherokee D-995).

The rights of Joseph Morris will not be adjudicated at the present time, but will await the decision of the Court of Claims upon the question submitted to it on February 24, 1903, relative to the rights of intermarried Cherokees.

Respectfully,
M. W. Miller,
Acting Secretary.

1 inclosure.

7A

M29

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-994

Muskogee, Indian Territory, August 29, 1903

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of Departmental letter of August 19, 1903, in regard to the application of Savannah Morris for the enrollment of herself and her minor child, Edward Rhodes, as citizens by blood and for the enrollment of her husband, Joseph Morris, as a citizen by intermarriage of the Cherokee Nation.

In accordance with the instruction contained in said letter you are advised that you will be allowed thirty days from the date of this notice in which to file with the Commission, for transmission to the Secretary of the Interior, any argument which you may desire. You will be required to furnish the applicant with a copy of said argument.

Respectfully,

Chairman.

Enc. D-204

Cherokee D-994

Muskogee, Indian Territory, August 29, 1903

I. P. Bledsoe,

Agent for Savannah Morris et al.,

Chouteau, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of Departmental letter of August 19, 1903, in regard to the application of Savannah Morris for the enrollment of herself and her minor child, Edward Rhodes, as citizens by blood and for the enrollment of her husband, Joseph Morris, as a citizen by intermarriage of the Cherokee Nation.

In accordance with the instruction contained in said letter you are advised that you will be allowed thirty days from the date of this notice in which to file with the Commission, for transmission to the Secretary of the Interior, any argument which you may desire. You will be required to furnish the attorney for the Cherokee Nation a copy of said argument.

Respectfully,

Enc. D-203

Chairman.

Cherokee D-994

Muskogee, Indian Territory, August 29, 1903

Savannah Morris,

Moodys, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of Departmental letter of August 19, 1903, in regard to your application for the enrollment of yourself and your minor child, Edward Rhodes, as citizens by blood and for the enrollment of your husband, Joseph Morris, as a citizen by intermarriage of the Cherokee Nation.

In accordance with the instruction contained in said letter you are advised that you will be allowed thirty days from the date of this notice in which to file with the Commission, for transmission to the Secretary of the Interior, any argument which you may desire. You will be required to furnish the attorney for the Cherokee Nation a copy of your argument.

Respectfully,

Enc. D-202

Chairman.

Refer in reply to the following:
Land. 60695-1903.

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

(COPY.)

The Honorable,
The Secretary of the Interior.
Sir:

Referring to Department letter of August 19,1903, (I.T.D. 4372), there is enclosed herewith a report from the Commission to the Five Civilized Tribes, transmitting the argument of the attorney for the Cherokee Nation in the case of Joseph Morris, et al., applicants for enrollment as citizens of that Nation.

Very respectfully,
W.A.Jones,
Commissioner.

G.A.W.-L.C.

D.C.34031. JP. WHR. LRS.

Land. 4372,7196-1903.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, December 4,1903.

The Commission

to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

With your letter of September 18, 1903, the Department received an argument by the attorney for the Cherokee Nation in the case involving the application for enrollment of Savannah Morris and her minor child, Edward Rhodes, as citizens by blood of the Cherokee Nation, and for the enrollment of her husband, Joseph Morris, as a citizen by intermarriage of the Cherokee Nation.

There is nothing in this argument so far as the 1894 strip payment roll is concerned that was not disposed of by the decision of the Department of June 10, 1903, in the case of Martha Hill, et al.

In your decision of March 2, 1903, in the case of Savannah Morris, et al., you held that the parties were not entitled to enrollment; that the names of Savannah Morris and Edward Rhodes are on the strip payment roll, the only roll upon which their names appear, without authority of law.

Savannah Morris claims the right to enrollment by virtue of the admission of her father, John P. Collins, to citizenship in the Cherokee Nation in 1888. At the date of her father's admission to citizenship she was twenty-seven years of age, and she was not included by name in the act of admission. Edward Rhodes is her child by a former non-citizen husband, to whom she was married in Georgia. John P.

Collins is the same person mentioned in said decision of June 10,1903. Collins removed from Georgia to the Cherokee Nation, with his family, including Savannah Morris, in 1886.

This case is governed by said decision of June 10,1903, in favor of the applicants, and your decision is accordingly hereby reversed, except as to Joseph Morris and his rights will not be adjudicated at this time as you were informed in letter of August 19,1903.

A copy of the Commissoner of Indian Affairs' letter of May 9, 1903, recommending the enrollment of Savannah Morris and Edward Rhodes, is inclosed.

Respectfully,

(Signed) Thos.Ryan,

Acting Secretary.

1 inclosure.

M29

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-994.

Muskogee, Indian Territory, December 15, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated March 2, 1903, rejecting the application of Joseph Morris for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Savanna Morris, and his step-child, Edward Rhodes, as citizens by blood of the Cherokee Nation, was reversed by the Secretary of the Interior, as to all except Joseph Morris, on December 4, 1903.

Respectfully,

Chairman.

Cherokee D-994

Muskogee, Indian Territory, December 15, 1903.

Joseph Morris,

Moodys, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated March 2, 1903, rejecting your application for the enrollment of yourself as a citizen by intermarriage, and for the enrollment of your wife, Savanna, and your minor step-child, Edward Rhodes, as citizens by blood of the Cherokee Nation, was reversed by the Secretary of the Interior, as to all except yourself, on December 4, 1903.

Respectfully,

Chairman.

Cherokee D-994.

Muskogee, Indian Territory, December 15, 1903.

I. P. Bledsoe,

Agent for Joseph Morris et al.,

Chouteau, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated March 2, 1903, rejecting the application of Joseph Morris for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Savanna Morris, and his step-child, Edward Rhodes, as citizens by blood of the Cherokee Nation, was reversed by the Secretary of the Interior, as to all except Joseph Morris, on December 4, 1903.

Respectfully,

Chairman.

COPY.

Cherokee D-994.

Muskogee, Indian Territory, June 19, 1905.

D. N. Leerskov,

Tahlequah, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of June 10, 1905, relative to the enrollment of Joseph Morris as a citizen of the Cherokee Nation.

In reply you are advised that the Commission has not yet rendered a decision in this case, and will not until the rights of applicants for enrollment as citizens by intermarriage of the Cherokee Nation has been finally determined by the Courts.

Respectfully,

Tams Bixby.
Chairman.

(COPY)

D.C. 52655-1906. Y.P.

DEPARTMENT OF THE INTERIOR

WASHINGTON. LLB

I.T.D. 7196-1903. November 27, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Referring to departmental letter of December 4, 1903, in the matter of the application of Savannah Morris for the enrollment of herself and her minor child, Edward Rhodes, as citizens by blood, and for the enrollment of her husband, Joseph Morris, as a citizen by intermarriage of the Cherokee Nation, you are advised that 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., intermarried white persons claiming to be entitled to citizenship in the Cherokee Nation, the application for the enrollment of Joseph Morris is hereby 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 for its files.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

2 inc. to Ind. Of.

D.C.52902-1906. (COPY) Y.P.

DEPARTMENT OF THE INTERIOR

WASHINGTON. FHE.

I.T.D. 4372-1903. November 28, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Referring to departmental letter of December 4, 1903, in the matter of the application for the enrolment of certain persons as citizens of the Cherokee Nation, including Joseph Morris 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 Joseph Morris 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 994.

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

Muskogee, Indian Territory, December 12, 1906.

Joseph Morris,

Moodys, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 2, 1903, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation was affirmed by the Department November 28, 1906.

Respectfully,

Commissioner

S.W.

Cherokee
D 994.

Muskogee, Indian Territory, December 12, 1906.

I. P. Bledsoe,

Agent for Joseph Morris,

Chouteau, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 2, 1903, rejecting the application for the enrollment of Joseph Morris as a citizen by intermarriage of the Cherokee Nation was affirmed by the Department November 28, 1906.

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

Respectfully,

Commissioner.

Encl.W-17.
S.W.

REFER IN REPLY TO THE FOLLOWING:
Cherokee
D 994.

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 March 2, 1903, rejecting the application for the enrollment of Joseph Morris as a citizen by intermarriage of the Cherokee Nation was affirmed by the Department November 28, 1906.

For your information there is enclosed herewith a copy of Department's decision referred to.

Respectfully,

Commissioner.

Encl.W-18.½
S.W.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

Joseph Morris

Indian Territory.

READ THIS

RETURN TO WRITER

UNCLAIMED.

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

Joseph Morris,
~~Moodys, Indian Territory.~~

Returned to order

D994

Cher D 995

D995

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., December 17, 1900.

In the matter of the application of Martha Hill for enrollment as a Cherokee citizen; she being sworn and examined by Commissioner T. M. Needles, testified as follows: Also for enrollment of her child, Lucius Marcus.

Q What is your name? A Martha Hill.
Q How old are you? A 36.
Q What is your postoffice address? A Moody.
Q What district do you live in? A Tahlequah district.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q Who do you want to enroll? A Myself.
Q What is your father's name? A J. P. Collins.
Q Were you ever married? A Yes sir, been married twice.
Q Who were you married to first? A Lucius Marcus.
Q Where? A At Atlanta, Georgia.
Q When was that? A I don't remember the date.
Q You were married in Georgia? A Yes sir, a little while before my father came out here to get his papers fixed up.
Q Is Lucius Marcus your first husband living? A No sir, he's dead.
Q And after his death you married again? A Yes sir, been married a little over three years.
Q What is your present husband's name? A Tom Hill.
Q He a Cherokee citizen by blood? A No sir, white man.
Q You have one child you say? A Yes sir.
Q What's its name? A Lucius Marcus.
Q How old is he? A 15 years old.
Q Where was he born? A In Atlanta.
Q How long have you lived in the Cherokee Nation? A 12 or 14 years.
Q Did you come with your father when he moved here? A Yes sir.
Q What year were you born? A I don't know.
Q How did your name happen to be Miller? A It is just a nick-name that he called me Miller. They always called me Cherokee Miller.
Applicant refers to a certificate of admission signed by J. B. Hayes, Principal Chief, attested by C. J. Harris, Assistant Executive Secretary, under the seal of the Cherokee Nation, certifying that by an act of Council on the 1st day of February, 1888, one John Parker Collins was admitted to Cherokee citizenship on said date.

Q Were you enrolled in 1896? A I guess I was.
Q When were you married to Hill in 1897? A Yes sir.
1894 roll; page 1036, #558, Lucius Marcus, Tahlequah district.

W. W. Hastings representative of the Cherokee Nation.
Q Did you draw $265.70 during that payment? A Yes sir, down at Tahlequah Falls.
1894 roll; page 71, #1525, Mattie Marcus, Canadian district.
Q Don't you know the year you were born? A I will have to go to the bible. It is marked there. I forget my age.

Commissioner Needles-

The name of Martha Hill appears upon the pay roll of 1894 as Mattie Markus, that being the name of her former husband. The name of her child, Lucius Marcus, by her former husband, Marcus, appears upon the pay roll of 1894. She refers to the certificate of admission as to her father more particularly described in the testimony, it being filed in Case # 6545, application of John P. Collins; it appearing from the evidence that the said Martha Hill was of lawful age at the time of the enrollment of her father. She presents no certificate of admission as to herself, consequently final judgment as to the enrollment of said Martha Hill and her child, Lucius Marcus will be suspended, and their names will be placed upon a doubtful card. She was born in the State of Georgia, and did not remove to the Cherokee Nation until about 18 years ago.

S- M.H.

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

E. G. Rothenberger.

Subscribed and sworn to before me this 19th day of December, 1900.

Commissioner.

Q [illegible] been [illegible] about 15 [illegible]

Q You [illegible] later, [illegible] ly

[illegible] sir.

Q You have [illegible] tion [illegible] since that

time? A Yes, [illegible]

Q You [illegible] sir.

Q [illegible] seem to [illegible]

Q [illegible]

Q [illegible] and

[illegible] sir, [illegible] man.

Commissioner: Well I [illegible] about

this thing, [illegible] you

will [illegible] .

[illegible]

Atl [illegible]

[illegible] Jose [illegible]

[illegible] homes

[illegible]

[illegible] since you

[illegible]

[illegible] 1/13,

[illegible] Hill [illegible]

[illegible] to

[illegible] the [illegible] the

[illegible]

Cherokee.
File with D-995, Martha Hill.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 24, 1901.

In the matter of the application of Joseph Morris, et al. for enrollment as Cherokee citizens. (Cherokee, D-994.)
In the matter of the application of Martha Hill for enrollment as a Cherokee citizen (Cherokee D-995.)

Supplemental testimony on behalf of the applicants.

Appearances:
Applicant present in person;
J. L. Baugh, Cherokee representative.

MILLIE COLLINS, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Millie Collins.
Q What is your age? A 63.
Q What is your postoffice address? A Moodys.
Q Are you the mother of Martha Hill? A Yes, sir.
Q Are you also the mother of Savannah Morris? A Yes, sir.
Q Martha Hill and Savannah Morris sisters? A Yes, sir.
Q Now what statement do you desire to make in regard to the applications of Martha Hill and Savannah Morris to be enrolled as Cherokee citizens? A Well I don't know what application to make, only they are our children and we are both admitted on the roll.
Q You and your husband? A Yes, sir, and they are our children and all the rest is on but them two.
Q You were admitted by the Cherokee Council? A Yes, sir, my husband was.
Q All the rest except these two: what other children did you have that were admitted? A Wasn't none of the children admitted only you see they were all at home under age.
Q You recollect what year you were admitted? A They can tell more about that.
Q How old is Martha? A She is 38.
Q How old is Savannah? A She is 40.
Q ~~Xxxxxx~~ They are both married? A Yes, sir.
Q What is Martha's husband named? A Jose Morris.
Q Are you a Cherokee by blood yourself? A I have Cherokee blood, but I never had my right proved up because all my people were dead except my father and he was 80 years old.
Q Your ~~fxthxxxix~~ husband is the Cherokee citizen? A Yes, sir.
Q And Martha and Savannah are your children by your husband? A Yes sir, they are my children.
Q What is his name? A J. P. Collins.

J. P. COLLINS, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A John P. Morris.
Q How old are you? A 63.
Q What is your postoffice ~~xxxxxxxx~~? A Moodys.
Q You the father of Martha Hill and Savannah Morris? A Yes, sir.
Q You were admitted to Cherokee citizenship by the Cherokee Council? A Yes, sir.
Q In what year? A '88.
Q Your two children Martha and Savannah were not admitted were they? A No, sir.
Q Well anything that you may desire to state in regard to the reason of Martha and Savannah not being admitted at the same time you were, you can now state. A Well they were not with me at Tahlequah and they said it would not be necessary that I would have to bring them in before they could be admitted, and I didn't do it, I just

went up to Tahlequah from Brushy Mountain and they said that would be all right, under the rule, anyway.

Q Were either of them married at that time; was Savannah married at that time? A Yes, sir, she was married to Rhodes.

Q Was Martha married at that time? A No, sir.

Q How old was Martha at that time? A I don't recollect her age at that time.

Q Had Martha been married? A Yes, sir, she had been married before.

Q They both had been married then before you applied to the Cherokee Council? A Yes, sir.

Q And they were both of age then at that time? A Yes, sir.

Q Well, that is all, without you desire to state something else in connection with the matter? A I don't know anything.

SAVANNAH MORRIS, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Savannah Morris.

Q You are the applicant? A Yes, sir.

Q What is your age? A I was 40 the 11th of last April.

Q What is your postoffice? A Moodsy.

Q Now any statement you desire to make in regard to this matter, you can do so? A Well I thought that we were admitted at the time that my father was and which we could have been if we had knowed anything about it, I thought we were all admitted and not knowing any bettwe why we didn't try and attend, of course we thought we were all right. Well the Harrises and lots of other of the citizens told my father that it didn't make no difference, that his right gave his children a right, but we didn't know no better, and we never had no trouble drawing any of the strip money or getting on the rolls any time.

Q You were married at that time? A Yes, sir.

Q How much Cherokee blood do you claim? A Well I don't know, about 1/16 I reckon.

Q That is about all you know about it, isn't it? A Yes, and now I wasn't on the '96 roll and the reason why I wasn't, my little boy was down sick and looking for him to die, and either one of us couldn't go and have it attended to, and I never tried on that because he was down sick, and I never had any trouble on any of the rest of the rolls, and I thought that I was recognized as a citizen all the time until about a year ago was my first knowing anything about it.

Q You drew your strip money? A Yes, sir.

MARTHA HILL, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Martha Hill.

Q You are the applicant here are you? A Yes, sir.

Q How old are you? A I am about 38, the last of September.

Q What is your postoffice? A Moodys, I. T.

Q You are the sister of Mrs. Savannah Morris? A Yes, sir.

Q Your father is John P. Collins? A Yes, sir.

Q Your mother is named Millie Collins, is she? A Yes, sir.

Q Well, if you have any statement now you desire to make in regard to your application you can do so? A Well I don't know as it will do any good though, I didn't know about it, I was a widow at home at the time, and they all told me the citizenship papers were for him and his children; I had been a widow seven years at home, I had been married though.

Q And the reason you didn't apply yourself was because you understood the application of your father covered the children?

A Yes, sir.

Q How long have you lived in the Cherokee Nation? A About 15 years

Q Where were you born? A Georgia.
Q You moved from Georgia to the Cherokee Nation about 15 years ago? A Yes, sir.
Q That the time your father and mother and sister, your family all come together, did you? A Yes, sir.
Q Came from Georgia? A Yes, sir.
Q You have been living in the Cherokee Nation ever since that time? A Yes, sir.
Q You have a child, have you? A Yes, sir.
Q His name Lucius? A Yes, sir, Lucius Marcus.
Q When were you married first? A I married in Georgia first.
Q Was your husband dead when you married Mr. Hill? A Yes, sir.
Q Where did you marry Mr. Hill? A Muskogee.
Q In the Creek Nation? A Yes, sir, had to go over there and get license.
Q Your husband is a non citizen, is he? A Yes, sir, a white man.

Commission: Well I think we have got all the facts about this thing, and when the Commission comes to a conclusion you will all be notified by mail.

SAVANNAH MORRIS, recalled, testified:
Q Where were you married, Mrs. Morris? A The first time, in Atlanta, Georgia.
Q What was your first husband's name? A John Rhoades.
Q Was he living when you married Mr. Morris? A I suppose so, me and him was separated, I was divorced from him.
Q And afterwards married Mr. Morris? A Yes, sir.
Q Where did you marry Morris? A Married him here in the Cherokee Nation.
Q You have lived continuously in the Cherokee Nation since you came with your father and mother and sister? A Yes, sir.
Q All came together? A Yes, sir.
Q How much Cherokee blood do you claim? A I guess about 1/16, as near as I know.
Q Are you and Mrs. Hill full sisters? A Yes, sir.

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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 26th of September, 1901.

C. R. Breckinridge

Commissioner.

[illegible]

[illegible] Indian,
Commission to the Five Civilized Tribes,
[illegible], I. T., March 14, [illegible].

[illegible] the application of [illegible] for the enrollment of herself and child as citizens of the Creek Nation.

The applicant was notified by registered letter February [illegible], 1900, that her application for the enrollment of herself and child as citizens of the Creek Nation would be taken up for final consideration by the Commission at its office in [illegible], I. T., on the 14th day of March, 1900, and notified that she might appear before the Commission in person or by attorney, when an opportunity would be given her to prove her claim. Said letter was duly delivered to her, and she did not appear, but failing to make proof of her claim, her application and case will be rejected to the roll of citizens of the Creek Nation because of her failure to prove her claim.

I, Kat Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the testimony taken herein.

Kat Hutchinson

R.

C. D-995.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 14, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Martha Hill for the enrollment of herself and child as citizens of the Cherokee Nation.

The applicant was notified by registered letter February 26, 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, I. T., on the 14th day of March, 1902, and that on said date she might appear before the Commission, either in person or by attorney, when an opportunity would be given her to introduce any additional testimony affecting her application. The applicant having this day, to-wit: the 14th day of March, 1902, been called, and failing to respond, it is deemed that her case is completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

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

Wm Hutchinson

Cherokee D - 995.

aaD
BR

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

In the matter of the application of Martha Hill for the enrollment of herself and her minor child, Lucius Marcus, as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on December 17, 1900, Martha Hill appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment of herself and minor child, Lucius Marcus, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Fort Gibson, Indian Territory, on September 24, 1901, and at Muskogee, Indian Territory, on October 23, 1902.

The evidence shows that both the applicants were born in Georgia, and that Martha Hill was thirty-eight years old in September, 1901. She has been twice married. Her first husband, who is the father of the other applicant herein, died; and after his death she married her present husband, Tom Hill, in 1887. There is no evidence in the record showing that her first husband was a Cherokee citizen.

It further appears that the applicants are identified on the tribal rolls of the Cherokee Nation as follows: Martha Hill on the 1890 census roll as a native Cherokee, by the name of Martha Collins, and on the 1894 strip payment roll as Mattie Markus; Lucius Marcus, on the 1890 census roll as a native Cherokee by the name of Lucious Collins; also on the 1894 strip payment roll as Lucius Marcus; and on the 1896 census roll as a native Cherokee, by the name of Lucius M. Collins.

It appears that John P. Collins, the father of said Martha Hill, was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on February 1, 1888, but that said Martha Hill was of full age at that time, and her name is not included in the act of admission. It does not appear that either of the applicants has ever been admitted to citizenship in said Nation by the tribal authorities, by the Commission to the Five Civilized Tribes, under the Act of Congress approved June 10, 1896 (29 Stats., 321), or by the United States Court on appeal.

The said Lucius Marcus claims the right to enrollment through his mother, Martha Hill, and has no greater rights than are possessed by her.

In paragraph one of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495) the Commission is directed to enroll, among others, as citizens of the Cherokee Nation,

"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."

It is, therefore, the opinion of this Commission that the names of the applicants appear on the said 1890, 1894 and 1896 rolls, as above stated, without authority of law; and that the application for the enrollment of Martha Hill and Lucius Marcus as citizens by blood of the Cherokee Nation should be denied, under 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 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-995

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, rejecting the application of Martha Hill for the enrollment of herself and her minor child, Lucius Marcus, as citizens by blood of the Cherokee Nation.

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

Respectfully,

Chairman.

Enc. M-219

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-995

Muskogee, Indian Territory, July 17, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 2, 1903, rejecting the application of Martha Hill for the enrollment of herself and her minor child, Lucius Marcus, as citizens by blood of the Cherokee Nation, was reversed by the Secretary of the Interior on June 10, 1903, and in his letter of that date the Secretary ordered the enrollment of Martha Hill and her minor child.

Respectfully,

Commissioner in Charge.

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

1 Original testimony Dec 17/00
3 Mems of application Dec 17/00
10 Supplementary testimony 9/24/01
2 Notice of final consideration, 3/14/02

Cancelled and transferred to Cherokee Roll for 5

D 10/21/

END
OF
ROLL