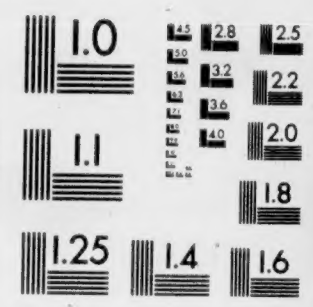
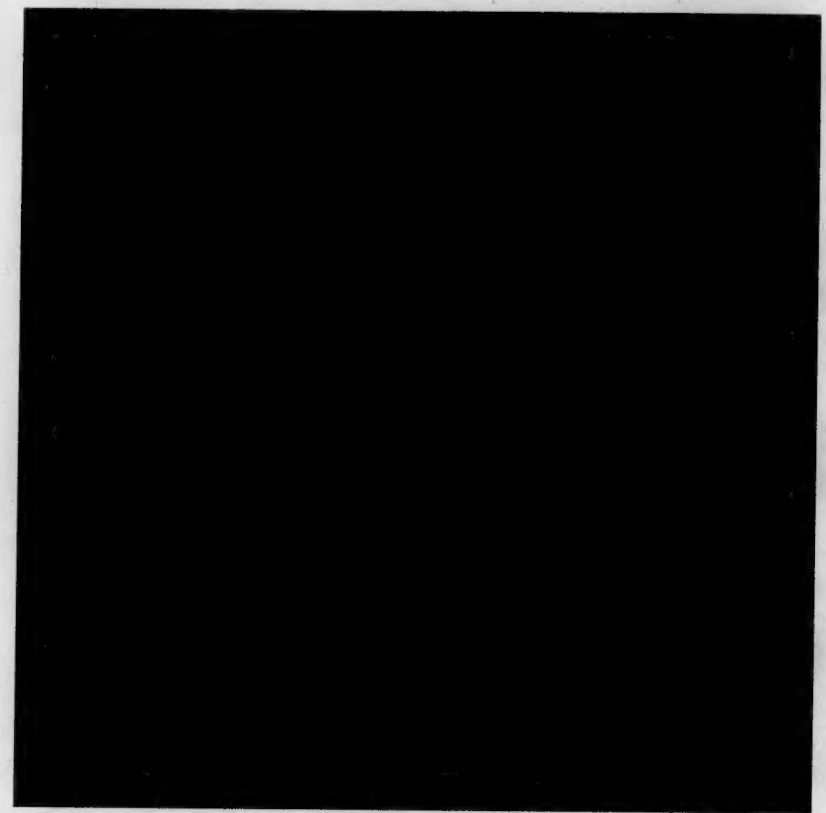
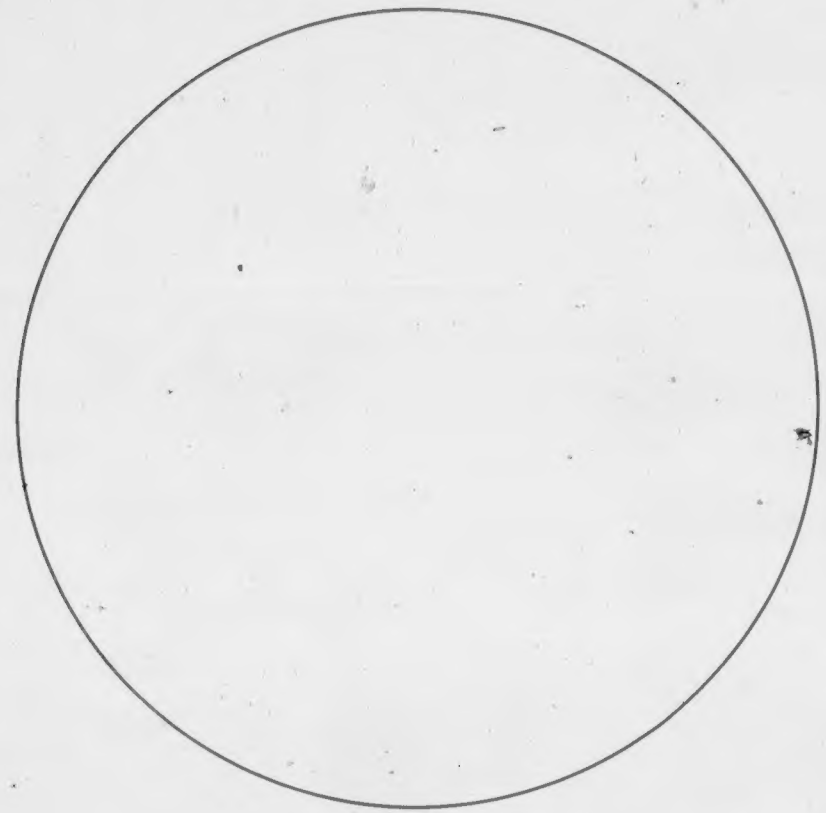
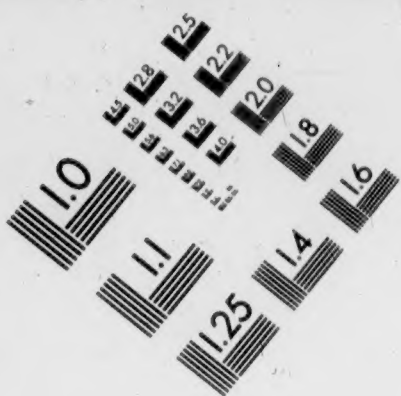


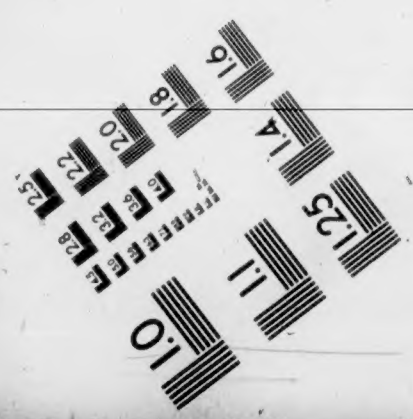
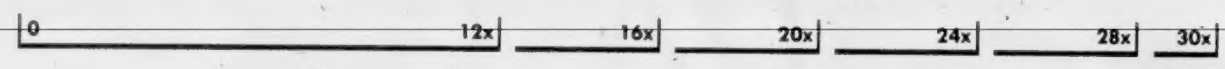


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APPLICATIONS FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

ROLL 320

CHEROKEE D1135 - D1205

**THE NATIONAL ARCHIVES
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1135

Department of the Interior,
Commission to the Five Civilized Tribes,
Ft. Gibson, I. T., August 24, 1900.

In the matter of the application of Benjamin F. Maxwell for the enrollment of himself and children as Cherokee citizens; being sworn and examined by Commissioner Needles he testified as follows:

- Q What is your name? A Benjamin F. Maxwell.
Q What is your age? A Forty-six.
Q What is your postoffice address? A Braggs.
Q Are you a recognized citizen of the Cherokee Nation by blood?
A Yes sir.
Q What degree of blood do you claim? A One-fourth.
Q What district do you live in? A Illinois District.
Q How long have you been a continuous resident of the Cherokee Nation? A The last time I have only been since 1889; I was born just a quarter of a mile south of here; I was born in 1854 and lived here continuously until 1864 and I was taken to Indiana by my parents and lived in Indiana and Ohio until 1889, and I was readmitted.
Q Have you a certificate of readmission? A Yes sir.
Q For whom do you apply now?
A I apply for myself and my little children.
Q What is the name of your father? A Leonard Maxwell.
Q Is he living? A No sir.
Q His name upon the roll of 1880?
A No sir, he wasn't here then.
Q Is your mother living? A No sir, she is dead.
Q Are you married? A Yes sir.
Q You don't apply for the enrollment of your wife?
A My wife is enrolled, but we were married in Ohio.
Q What is your wife's name? A Ora H. Maxwell.
Q She a white person? A Yes sir.
Q Her father and mother are non-citizens? A Yes sir.
Q What are the names of the children you apply for? Alfred L. Maxwell, he was born March 15th, 1890; Blanche A. Maxwell, she was born 15th of March 1892; Clyde B. Maxwell, born May 24 1894; Florence E., born March 24 1897; Mary G. Maxwell, born 15th of January 1900.
Q Are these children all alive and living with you? A Yes sir.
Q Have you a certificate of marriage between yourself and wife?
A Yes sir, but I didn't bring it.
Com'r Needles: The applicant presents certificate of admission certifying that by an act of the National Council approved 23rd of November 1888, one Benjamin F. Maxwell was re-admitted to all the rights and privileges of Cherokee citizenship. Signed C. J. Harris, Assistant Executive Secretary, under the seal of the Nation. The admission is with the provision that they return to the Cherokee Nation within one year after the passage of the above act.
Q Were you a resident of the Cherokee Nation within one year from the 23rd day of November 1889? A Yes sir.
1896 roll page 878 #1138 Benjamin F. Maxwell Illinois District. 1896 roll for children, page 878 #1139 as Leonard A. Maxwell. 1896 roll page 878 #1140 Blanche A. Maxwell Illinois District. 1896 roll page 878 #1141 Clyde B. Maxwell Illinois District.
Q Are these children all alive and living with you? A Yes sir.
Com'r Needles: The name Benjamin F. Maxwell appears upon the census roll of 1896, and the names of his children, Alfred, Blanche A. and

Benjamin F. Maxwell et al # -2-

Clyde B. also appear upon the census roll of 1896; The names of his two children Florence E. and Mary G. do not appear upon the census roll of 1896 they having been born after the census roll was compiled; said applicant, Benjamin F. Maxwell, presents certificate of citizenship in the Cherokee Nation as described in the testimony; having made satisfactory proof as to his residence said Benjamin F. Maxwell and his said children will be duly listed for enrollment by this Commission as Cherokee citizens by blood; upon the filing or exhibiting to this Commission satisfactory proofs as to the marriage of said Benjamin F. Maxwell with his wife, Ora H., the enrollment of Florence E. and Mary G. will be completed, when he furnishes this Commission with satisfactory proof of their birth.

Later:

Com'r Needles: Benjamin F. Maxwell presents duly certified certificate of marriage, certifying that he was married to one Miss Ora Hackendorf in the County of Warren, State of Ohio, on the 5th day of March in the year 1888; being previous to his admission as a citizen of the Cherokee Nation, which was in November 23rd, 1888 according to the certificate of admission that he presents; certificate if voluminous and not in condition to be filed, but upon examination is thoroughly satisfactory.

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 3rd day of Sept. 1900.

(signed) M. D. Green

(signed) C.R. Breckinridge,

Commissioner.

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I, the undersigned, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I copied the above and foregoing testimony and proceedings, and that the same is a true and correct copy of the original.

Martin E. Wick

Sworn to and subscribed before me this 3 day of April, 1903.

Charles H. Sawyer

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. February 28th, 1901.

In the matter of the application of Benjamin F. Maxwell for the enrollment of his wife, Ora H. Maxwell as a citizen of the Cherokee Nation, and said Benjamin F. Maxwell being sworn and examined by Commissioner, T. B. Needles testified as follows:

- Q What is your name? A Benjamin F. Maxwell.
Q What is your age? A Forty six.
Q What is your postoffice? A Braggs, Indian Territory.
Q What district do you live in? A Illinois.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q Whom do you want to enroll now? A My wife.
Q What is her name? A Ora H.
Q What is her age? A Thirty five.

Com'r T. B. Needles: Applicant presents a certificate of marriage, certifying that on the 15th day of March, A. D. 1889 said Benjamin F. Maxwell was married to one, Ora Hackendorf, according to the laws of the State of Ohio.

- Q Is Ora Hackendorf your first wife? A Yes sir.
Q Are you her first husband? A Yes sir.
Q Have you been living with her continuously since you married her? A Yes sir.
Q Living with her now? A Yes sir.
Q When did she first come to the Cherokee Nation? A '93.
Q Been living in the Cherokee Nation continuously since that time? A Yes sir.
Q When were you admitted to citizenship? A '88.
Q When did you remove to the Cherokee Nation? A I came at the same time I was admitted.
Q You were readmitted on the 23rd of November, 1888? A Yes sir.
Q Did you come to the Cherokee Nation before you married Ora Hackendorf? A No sir.

By Mr. W. W. Hastings, Cherokee Representative:

- Q You were married in Ohio? A Yes sir.
Q Before that you had lived in Ohio for some time?
A Yes sir; six years; I had been teaching in the University.
Q You came out here in 1893 first? A Yes sir.
Q Were you here before you were readmitted? A No; my brother Mark and brother Charlie; we were all admitted at the same time.

By Commissioner T. B. Needles:

- Q When did you come to the Cherokee Nation after you were readmitted to citizenship in 1888; what year did you come here? A '93.
Q Do you testify that you did not remove to the Cherokee Nation until the year 1893? A Yes sir, that is correct.
A The act that admitted you provided that you should return to the Cherokee Nation within one year after the passage of the Act; you were admitted in 1888; you never came until 1893; you have not complied with the law? (No response)

Ora H. Maxwell, being sworn and examined by Commissioner

T. B. Needles testified as follows:

- Q What is your name? Ora H. Maxwell? A Yes sir.
Q What is your age? A Thirty five.
Q When the certificate presented by your husband states that you were married to him on the 15th day of March, 1889, is that correct? A Yes sir.
Q That was in the State of Ohio? A Yes sir.

- Q How long did you live in the State of Ohio before you removed to the Cherokee Nation? A After we were married we lived there about four years and six months.
- Q And then removed to the Cherokee Nation? A Yes sir.
- Q Mr. Maxwell made a mistake when he applied for the enrollment of himself and children, because he swore he removed here within a year after he was readmitted; he moved here in 1889?
- A We did not move here in 1889.
- Q He was mistaken the, was he? A Yes sir. We secured property in the Cherokee Nation; we were in school; my husband was teaching and attending school at the time of your marriage and I was attending.
- By Benjamin F. Maxwell:- I was not a citizen there, so was not voting or anything of the kind.

- Q (By Com'r T. B. Needles: You never voted in Ohio?
- A No sir, and I owned part of the place where we now live, and had for-----
- Q You presented proof when you were here before that you were married in 1888; that was a mistake? A Yes sir.
- Applicant, Ora H. Maxwell identified on the roll of 1896 of the Cherokee Nation as follows:
Page 932, #124, Ora H. Maxwell, Illinois District.

Com'r T. B. Needles: The name of Ora H. Maxwell is found upon the census roll of 1896; she presents satisfactory proof, which is filed herewith, that she was married to one, Benjamin F. Maxwell on the 15th day of March, 1889, and the said Benjamin F. Maxwell was duly listed for enrollment as a Cherokee citizen by blood on the 24th day of August, 1900, Card Number 1969. The evidence produced to day shows that the said Benjamin F. Maxwell did not remove to the Cherokee Nation until the year 1893; the evidence in his case, which is referred to, shows that he was readmitted to Cherokee citizenship in the year 1888, the provision of the Act admitting him providing that he return to the Cherokee Nation within one year from the passage of the Act, and the Act, as the testimony shows, was approved on the 25rd day of November, 1888.

The applicant is duly identified; by reason of the fact of her not removing to the Cherokee Nation until the year 1893, more than one year after the passage of the Act readmitting her husband; final decision as to her enrollment will be suspended and her name will be placed on a doubtful card.

In connection with the enrollment of her husband, Benjamin F. Maxwell and her children, reference is made to the testimony taken in this case, which conclusively shows that said Benjamin F. Maxwell was mistaken in the testimony he gave as to his own enrollment, where he testified that he had removed to the Cherokee Nation within a year of the passage of the Act readmitting him; consequently said Benjamin F. Maxwell and his children as enumerated in the testimony given by him as to his enrollment, and enrolled with him should be placed on a doubtful card and final judgment as to his enrollment should be suspended.

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 28th day of February, 1901.

(signed) T. B. Needles

Commissioner.

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

I, the undersigned, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I copied the foregoing testimony and proceedings, and that the same is a true and correct copy of the original.

Mattie K. Wash

Sworn to and subscribed before me this 3 day of April, 1903.

Charles H. Sawyer
Notary Public.

"R"

Cherokee D-1135.

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

SUPPLEMENTAL TESTIMONY ON BEHALF OF APPLICANTS, in the
matter of the application of Benjamin F. Maxwell for the enrollment
of himself, wife and children as Cherokee citizens.

Appearances:

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

BENJAMIN F. MAXWELL, being first duly sworn, and being ex-
amined, testified as follows:

BY COMMISSION:

Q What is your name? A Benjamin F. Maxwell.

Q How old are you? A Well the way I have been taught I was born
in 1855.

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

Q When you appeared before the Commission on the 24th day of August
1900 at Fort Gibson, Indian Territory, in reply to the question,
"Were you a resident of the Cherokee Nation within one year from
the 23rd day of November, 1889?" You answered, "Yes sir." Now you
subsequently appeared before the Commission at Muskogee on the 28th
day of February 1901, and in reply to the question, "When did you
come to the Cherokee Nation after you were re-admitted to citizen-
ship in '88?" You said "In '93." Now which of the two dates
is correct, when did you come to the Cherokee Nation, in '89
or '93? A Why I come in '93.

Q Then the statement which you made 24th day of April saying you
returned in '89 was incorrect, was it? A Well whatever
way the question was asked there was a mistake in my understanding
what the question was.

Q I say then if you stated at Fort Gibson that you come here in '89
that was a mistake was it? A Yes sir, but, the way it should have
been answered, as to when I was a citizen; you see three of us, my
brothers came and purchased our farms; you see our old home was
sold in '72 and three of us were re-admitted at the same time,
brother Mark, and brother Charley and myself, that was in '88.

Q How long after you were admitted was it before you actually
came to the Cherokee Nation and resided there? A I never came until
1893, but my misunderstanding entirely to have answered that way
was that I was considered a citizen as I understood it, because
then my home was out here before the expiration of the one year
which was given us.

Q Now you were aware that that certificate of readmission, or
that act of the Council rather, provided that you should be entitled
to citizenship in the Cherokee Nation, provided you returned to and
located in the nation within one year after the passage of that act,
were you not? A Yes sir.

Q Why did you not come to the Cherokee Nation within one year after
the passage of that act? A Well the returning was, just the reason
why, I couldn't come then, my two brothers they come on to buy places
for each one of us, which they did.

Q Right when was that? A Well that was in shortly after '88, they
come and bought the places.

Q Did you come at the same time? A No sir.

Q First time you actually came was in '93? A That is the first
time I came was in '93, on the 6th of May, 1893 is when I actually
returned, but my brothers were negotiating to buy me a place too,
and we had the places before the expiration of that time and I own
my place and as quick as I come I built the home I now have.

BY MR. HASTINGS:

Q Have you got a bill of sale to the home you have now? A No sir.

Q Did you ever have one? A Yes sir, there is a bill of sale, my brothers, we have looked high and low and we have not found it. yet.

BY COMMISSION:

Q Any other statement you desire to make? A Yes sir.

Q Well make it as brief as possible? A My statement is this: I was fully aware that '93 it was after the expiration of the act; I was fully aware of that, and when I came my procedure immediately was to find out what the requirements in my case was; well the first person I went to was Mr. Benge, Houston Benge. I went to him to get advice in regard to what the procedure was; well we were then, - the enrollment in Illinois District was at Vian, the requirement, - my other two brothers and myself went to be enrolled at Vian.

Q What year was that? A That was in '93, just shortly after I came, about June after I came.

Q Was there a census taken in 1893? A Yes sir, there was an enrollment then.

Q Did they enroll you at that time? A Well I was going to tell just what I did; when I went to Vian to be enrolled and my brothers, Judge Sanders said you must have some one to identify you, us, brother Armstrong was the brother that was never out of the Territory, he was then at Fort Smith as a witness in the court; I went to Fort Smith and went to Judge Parker to get my brother excused in the case, after explaining to him thoroughly why I wanted his testimony.

BY MR. HASTINGS:

Q Well did he identify you? A Did who?

Q Your brother? A Brother Armstead?

Q Yes? A Judge Parker permitted him to go with me-

BY COMMISSION:

Q Did your brother go with you before the tribal authorities and identify you? A He had to be excused-

Q Well, did he identify you; I don't care whether he was excused or not? A Yes sir, he went before the census takers.

Q Did he identify you? A Yes sir.

Q Did they enroll you? A Yes sir.

Q Did you draw the money in 1894? A Yes sir.

Q Now you want your brother to testify in this case? A Well I wanted to testify more to show that I wanted to come and get here right, that's exactly what I wanted to do; I want to show to my own people that I am not trying to steal my way in.

Q Well don't talk about that. A In order that this should still be put before my own people, I had no Commission to go to then, in the fall brother Armstead said well Frank, it would be better for us to go to the Council at Tahlequah and have the thing attended to; well in the fall my brother had a load of wheat to take, when time for the Council to convene at Tahlequah, we went; well I says to my brother, give me an introduction to our chief, Harris was then the Chief of the Cherokee people at Tahlequah; he give me an introduction; we went to his office, he invited us in the office and I stated the whole thing to him. Well through my brother we both talked to him, after he had heard it thoroughly through, he said, have you the enactment? I told him I did not have it; well he asked me when the enactment was made, and I says isn't it on the record? he studied a little while, why, he says, of course it is if it was ever made; we went right with him, he went and hunted it up himself, the enactment that had re-instated us and he found it; looking at it, why, he says the signature is there, why he says, that is my own name, I was Executive Secretary at the time, that's my name; well he looked through and asked me if I was then a citizen here and if I was living here; I told him I had just moved and was building a home; well then I told him the circumstances of our enrollment at Vian; now, I says, I want advice from you just

what should be done in this case. He studied a little while; he says, if you are enrolled as you and your brother have stated, you come before the Council and they will examine this enrollment of you and your brothers, no objection is taken to it it is all right if they make objection I will attend to the business myself and notify you and have you come. Well I went the other day to see about it; well there was no objection made to the enrollment.

BY COMMISSION:

Q Has your citizenship ever been disputed since that time? A It has never been questioned. I asked him, I says Judge, or Chief, if I was looked upon as not a citizen-

COMMISSION: That does not strengthen your case one particle, I went put that in the record, it is encumbering it and it is getting late.

If you have anything more to say to effect your case you have the privilege of saying it, making any other statement.

A What I have mentioned is the history of my procedure to be made a citizen I think.

Q That's all you have to state yourself? A That's all I have to state.

Q You want your brother sworn and examined in this case? A Yes sir, because he was my witness in regard to it.

ARMSTEAD MAXWELL, being first duly sworn, and being examined, testified as follows:

BY COMMISSION:

Q What is your name? A Why my name is A. Maxwell.

Q What is the A for? Well it is enrolled-

Q I don't care what it is enrolled, but what is your name? A Armstead Maxwell.

Q How old are you? A Sixty years old.

Q What is your post office address? A Wann, I. T.

Q Are you acquainted with the applicant, Benjamin F. Maxwell?

A Yes sir.

Q How are you related to him? A We are brothers.

Q Were you ever admitted to citizenship in the Cherokee Nation by the Council? A No sir, I never was out of the Cherokee Nation.

Q Have you lived here all your life? A Yes sir.

Q Did your brother ever apply to the Council for admission? A Yes sir, they was re-admitted here by the Council.

Q When was that, do you know? A Well my recollection was, I thought it was in '89.

Q Was your brother living here at that time? A No sir.

Q When did he first come to the Cherokee Nation after that? A He come here in '93.

Q Where was he born? A He was born near Fort Gibson in Illinois District, about a mile and a half from Fort Gibson.

Q Where was he living when he was readmitted to citizenship? A He was living in Lebanon, Ohio.

(Applicant is asked if he wants to question witness.)
Applicant: I don't know; just ask what question you asked me if I wanted to ask.

COMMISSION: Any question you want to ask him bearing on the case you have the privilege of doing it.

Applicant: Was your brothers enacted in '88 or '89?

BY HASTINGS: The date will show from that.

Applicant: Were you identified, all three of us? A They identified you; of course I was the one that identified you before Sanders.

BY MR. HASTINGS:

Q That was in making the roll upon which the Strip money was paid out? A Yes sir.

Q Just before the Strip payment then? A Yes, sir and of course they had to be identified before he would enroll them.

Q As being those parties that were admitted? A Yes sir.

Q And you appeared there to inform him as to their being these parties? A Yes, I was there to identify them.

BY COMMISSION: This testimony will be filed and made part of the record in the matter of the application of Benjamin F. Maxwell et al., Cherokee D-1135.

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

(SIGNED) M. D. Green.

Subscribed and sworn to before me this February 13, 1902.

(SIGNED) T. B. Needles. Commissioner.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 3, 1903.

The undersigned, Florine B. Hatch, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the foregoing transcript, and that the same is a true and complete copy of the original now on file with said Commission.

Florine B. Hatch.

Subscribed and sworn to before me this 3 day of April, 1903.

Charles H. Sawyer
Notary Public.

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

In the matter of the application of Benjamin F. Maxwell
for the enrollment of himself, wife and children as citizens of the
Cherokee Nation.

Applicant represented by G. W. Benge.
Cherokee Nation represented by W. W. Hastings.

The applicant was notified by registered letter March 1st,
1902, that his application for the enrollment of himself, wife (and
children as citizens of the Cherokee Nation would be taken up for
final consideration by the Commission at its offices at Muskogee,
Indian Territory, on the 20th day of March, 1902. Receipt has been
acknowledged of the Commission's letter, and the applicant this day,
to wit the 20th day of March, 1902, appears in person and by his
attorney, G. W. Benge.

B. F. Maxwell, the applicant, being first duly sworn,
testified as follows:

Mr. Benge: What is your name? A B. F. Maxwell.

Q What is your age? A That is, at present?

Q Yes sir. A Well, as well as I know it is about 40 or 49.

Q I think you have made a statement in your behalf before?

A Yes sir. Well, in '89 or '91, or '90 or '91 and '92, I was at
Lebanon, Ohio.

Q Go ahead and state in that connection, tell what you were doing?

A Well, during that time I was teaching in the university at Lebanon,
Ohio, the National Normal University, and my wife was pursuing the
literary course, scientific course and medical course, as it was
taught there and at Cincinnati, and during that time I was admitted
in 1888.

Mr. Hastings: What time? A Well, the exact date, 1888 I think it
was in. Well, it was in the fall, council was in session at
Tahlequah, I don't know the exact date, I know sometime in November
when we were admitted, us three together. But while my wife was in
college during that time I was then working there making the money
necessary to support my family and have my wife pursue the course
that she was taking, so I was then practicing medicine there and
teaching in the university. Well, during the time that I was
there my two brothers, Brother Marcus and Brother Charley came, and
the time for us to return -- we had a year to come in. They came
----now in order that the Cherokee law might be carried out my
wife was at her work there and my brothers came both together ac-
cording to the Cherokee law, and Brother Charley----

Mr. Hastings: Tell when you came?

A I believe I am coming to the point.

Commission: Tell go on. My brother Charley proceeded here and
selected the place I wanted.

Mr. Benge: Well, did he buy a place before you came at your solicita-
tion for you in the Cherokee Nation?

A Yes sir, he did, my other brother came as my agent to purchase the
place.

Q Well, who did they buy the place from if you know?

A Why the man they bought the place from was an old colored man named
Roach.

Q What was his given name? A Daniel Roach.

Q Well, do you still own that place? A Yes sir, I am living on it.

- Q When was it that you bought this place, what year?
A Why my brother Charley proceeded me, and then he left my place in October.
Q Well, what year? A A '93, October '89.
Q '89? A Yes sir, I got those two mixed, the time that I came here and the time I got the place, those dates.
Q Well, did you keep that place up ever since? A Yes sir.
Q Before you came here even? A Yes sir.
Q You had a tenant on it? A Yes sir, my brother attended to it until I got here, when I took possession and am living on there now.
Q Have you a bill-of-sale of the place from Daniel Roach?
A Why I have-----
Q Well have you a bill-of-sale, answer my question?
A I have a bill-of-sale, I haven't the original, because we could not find it.
Q The original bill-of-sale is lost? A Yes sir.
Q Have you any other showing? A Yes sir.
Q To that fact? A Yes sir, we have.
Q Well, a showing as to what you paid to the man that you bought it of? A Yes sir, one hundred dollars.
Q Well, you have been recognized as a citizen of the Cherokee Nation by the authorities of the Cherokee Nation? A Yes sir.
Q You have gotten permits from the Cherokee Clerk to work non-citizen labor? A Yes sir, I have paid for my permits ever since I have been here.

Commission: There is offered in evidence by the attorney for the applicant a permit showing that one Dr. Maxwell, a citizen of the Cherokee Nation, was given the authority to employ noncitizen labor. The same will be filed and made a part of the record.

- Mr. Benge: Have you otherwise than this application, and having been granted permits, been recognized by the Cherokee authorities as a citizen of the Cherokee Nation? A Yes sir.
Q Well, now, is there anything else that you know of that you want to make clear or state farther in your application. If not, of course that is all I wanted to ask you.
Commission: Do you want to make any further statement?
A Well, that is all I see in regard to just what they wanted to know.

Charles L. Maxwell, being first duly sworn, testified as follows:

- Mr. Benge: What is your name? A C. L. or Charles L. Maxwell.
Q How old are you? A I was born in '57, 31 of February, '57 according to my accounts.
Q Why that is your blood? A Cherokee, mixed blood.
Q Are you on any of the old rolls that is, containing Cherokees' names, names of Cherokee citizens? A I drew ----
Q Answer yes or no. A I think not, that is, old settler roll.
Q Well that is what I am asking you, are you on the old settler roll?
A No sir, but I drew old settler money.
Q As a descendant of some old settler?
A I was born right after the ~~xx~~ roll and couldn't have been on it.

Mr. Hastings: This testimony is clearly objectionable and not admissible because this man claims through a certificate of admission, and it is not admitted that the man now has Cherokee blood in him. It is a question of whether or not his return subsequent to that time entitled him to enrollment.

- Mr. Benge: At the time you came to the country here, when did you come to the country under that admission of 1888? A Why I come and visited my brother several years before that.
Q After '88? A After '88. I come within the year, just before the

- year was out, I had the year to come back in.
- Q Within a year after the admission? A Yes sir.
- Q Well, what did you do when you came? A Why I went and made purchase of a place that I had, well arranged to buy for us brothers before I returned.
- Q What brother was that? A Well I returned with my brother Marcus and my brother here was in college and couldn't come, and we had to represent him.
- Q What brother was that? A Dr. B. F. Maxwell.
- Q You say you bought a place for him? A Yes sir.
- Q What place was that? A That is the old Roach place, Daniel Roach place on Little Greenleaf, one mile east ----
- Q Does he own that place yet? A No sir.
- Q You say he don't own it? A Why my brother owns it, I thought you meant Roach.
- Q Well, who purchased it, you say you purchased it for your brother? A Why he and my other brother bought it together, and I kept it.
- Q Through who? A Why I and my brother Marcus bought it.
- Q By authority from who? A Well, he was purchasing it with us, Doctor couldn't come, and we had to keep his rights according to Cherokee law that way.
- Q I didn't ask that question; by what authority did you buy this place, you and your brother? A I visited him in Lebanon to let him understand that we could do this, and he had a copy of the Cherokee laws there at the time, and he knew he could secure his rights without coming.
- Q Well, you haven't answered my question yet, by what authority did you purchase this place?
- Commission: Who authorized you to buy the place?
- A Why, Doctor authorized it.
- Mr. Bengel: Dr. who? A My brother, the doctor here, authorized us to buy it as far as to help to pay for it was concerned.
- Q Well, to buy it for who?
- A Well, for us brothers, Maxwell brothers.
- Q Have you a place yourself? A Yes sir.
- Q How many brothers are they of you?
- A Three excepting one that never left.
- Q Well, has the other brother a place to himself?
- A You mean my brother Marcus?
- Q Yes sir. A He bought ---
- Q Well, just say yes or no, if you know; now and who owns this here place, Daniel Roach? A Doctor never sold it, he has always kept it since then.
- Q He owns it yet? A Yes sir.
- Mr. Hastings: Did you have a family when you come here after you were readmitted? A I never was married until last year.
- Q Did your brother other than doctor here have a family, you had the two brothers? A No sir, he was not married then.
- Q How much of a place was there in the Daniel Roach place at the time you bought it? A It held according to ---
- Q How much of a place was there then? A Under fence there wasn't I expect more than twelve or fifteen acres.
- Q You bought it, with all this other public domain, million acres not in cultivation in the Cherokee Nation, you all three had to combine to buy a twelve-acre place, is that what you wanted to state on the stand?
- A Well, yes sir, well it held a quarter all around.
- Q Well, there was not but twelve acres in cultivation?
- A Well, of course it wasn't all under cultivation.

Q Well, wasn't there thousands of acres all over this country not cultivated? A It was held in monopoly.

Q But all three of you had to combine to buy a place with only twelve acres in cultivation: well say yes or no?

A Well that's what we bought at that time.

Commission: You submit the case to the Commission?

Mr. Bengé: Yes, sir.

The attorney for the applicant and the representative of the Cherokee Nation present submit the case; the same is deemed completed and will be reported to the Commission for final consideration based upon the evidence now of record. The attorney for the applicant requests and will be granted ten days in which to file a brief in the case, one copy with the Commission and one copy with the representative of the Cherokee Nation.

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

(signed) Arthur G. Croninger.

I, the undersigned, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I copied the foregoing testimony and proceedings, and that the same is a true and correct copy of the original.

Mattie E. White

Sworn to and subscribed before me this 3rd day of April, 1903.

Charles No. Sawyer
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 Benjamin F. Maxwell for the enrollment of himself and his five minor children, Alfred, Blanche A., Clyde B., Florence E. and Mary G. Maxwell, as citizens by blood, and for the enrollment of his wife, Ora H. Maxwell, as a citizen by intermarriage, of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

Ora Maxwell being sworn, testified as follows:

- By The Commission,
 Q What is your name? A Ora H. Maxwell.
 Q How old are you? A Thirty-seven.
 Q What is your postoffice? A Braggs.
 Q Are you a white woman? A Yes sir.
 Q Are you claiming the right to be enrolled as a Cherokee citizen by intermarriage? A Yes sir.
 Q What is your husband's name? A B. F. Maxwell.
 Q Benjamin F.? A Benjamin F. Maxwell.
 Q Is he a Cherokee by blood? A Yes sir.
 Q How long has your husband been living in the Cherokee Nation?
 A He was born here in the Cherokee Nation and ^{was} taken away when a child and returned in '93.
 Q Was he readmitted, do you know? A Yes sir.
 Q He was readmitted when? A He was readmitted in '88.
 Q In '88? A Yes sir.
 Q And came here in '93? A Yes sir.
 Q Has he been living here ever since '93? A Yes sir.
 Q When were you married to him? A March 1st, '89.
 Q Where were you married? A Lebanon, Ohio.
 Q Did he have a copy of the Act of the Cherokee National Council admitting him to citizenship in '88? A It is on file here with the Commission.
 Q Then did he file it? A My husband presented it when he made application for admission at Fort Gibson and it was returned to him with his own name and the names of his two brothers, admitted at the same time, were included in the same copy and my husband retained the copy and it was sent to one of his brothers, and Mr. Smith filed it at the enrollment at Bartlesville.
 Q Mr. Smith? Who is he? A The papers were sent to Doctor's brother by Mr. Smith's son who was to meet him and the papers were handed to the Commission.
 Q What case were they filed in?
 A They were filed at the time my husband's brother was enrolled.
 Q What was his name? A Marcus Maxwell. My husband's brother had left there and they were just left with the Commission.
 Q What is the name of your husband's other brother?
 A Charles L. Maxwell. Well, if it should develop that it is not filed in any of these cases, we have a copy.
 Q At home? A Yes sir, we have another copy.
 Q Is Benjamin F. Maxwell your first husband? A Yes sir.
 Q Are you his first wife? A Yes sir.
 Q Have you and your husband been living together ever since you were married? A Yes sir.
 Q Never been separated? A No sir.

- Q And you are living together now? A Yes sir.
Q Have you made your home in the Cherokee Nation ever since '93?
A Yes sir.
Q Never lived anywhere else? A No sir.
Q How many children have you by your husband, Benjamin? A Five.
Q Are they all living? A Yes sir.
Q What's your oldest named? A Alfred Leonard.

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 same is a true and complete transcript of her stenographic notes thereof.

(signed) Retta Chick.

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

(signed) P. G. Reuter,
Notary Public.

(Seal)

I, the undersigned, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I copied the foregoing testimony and proceedings, and that the same is a true and correct copy of the original.

Morris E. Will

Sworn to and subscribed before me this 4th day of April, 1903.

Charles H. Sawyer
Notary Public.

Cherokee D. 1135.

Executive Department, Cherokee
Nation. Tahlequah, T.T.

I hereby certify the following is a true and correct copy
of an Act of the National Council dated November 23rd, 1888, entitled
"An Act readmitting citizens into the Cherokee Nation", now on file
in this office and in my custody.

#

Laws of the Cherokee Nation passed regular session 1888.

(Senate Bill)

(14)

An Act readmitting citizens into the Cherokee Nation.

Be it enacted by the National Council;
That the following names, Benjamin W., Marcus, and Charles
L. Maxwell, Emily, Mary E. R. Lucy C. Wallace, H. and Adda C. Clark,
and Elizabeth Payne, be and the same is hereby readmitted to all the
rights and privileges of Cherokee citizenship. Provided they return
to the Cherokee Nation within one year after the passage of this
act. And all white men who have married the aforesaid Cherokee women,
must be married according to the laws of the Cherokee Nation, regula-
ting intermarriage between Cherokee women and citizens of the United
States.

Passed the Senate Nov. 22, 1888

M. Daniel
Clk Senate

Lacy Hawkins
President Senate.

Concurred in by the house Nov. 23rd. 1888.

R. B. Choate
Clk of Council

Robert Meigs
Speaker of Council

Approved November 23rd. 1888.

J. B. Mayes, Prin. Chief.

Given from under my hand and seal of office on this the 15th.,
day of Sept. 1902

J. T. Parks
Executive Secretary.

(Seal)

I, the undersigned, being duly sworn, state that as steno-
grapher to the Commission to the Five Civilized Tribes I copied the
foregoing, and that the same is a true and correct copy of the origi-
nal.

Maurice E. Smith

Sworn to and subscribed before me this 3rd day of April, 1905.

Charles H. Sawyer
Notary Public.

TRANSCRIPT FROM MARRIAGE RECORD.
No. 4, Warren County, Ohio.

Parties. Benjamin F. Maxwell and Ora Hackendorf.
License. Issued the 15th day of March, A. D. 1889, to the above named
parties:

F. M. Cunningham, P. J.
Affidavit.

State of Ohio,)
Warren County,) ss.

No. 2060.

Personally appeared before me, the undersigned, Judge of the Probate Court, within and for said County of Warren, Benjamin F. Maxwell, who, being duly sworn, deposeth and saith that he is more than 21 years of age, and has no lawful wife living. And that Ora Hackendorf is more than 18 years of age, and has no lawful husband living; that she is a resident of the County of Warren aforesaid; and that they are not nearer of kin than second cousins, and that he knows of no legal objection to the marriage contemplated between them. And further this deponent sayeth not.

Benjamin F. Maxwell,
Sworn to and subscribed before me, this 15th day of March, 1889.
F. M. Cunningham, P. J.

State of Ohio,)
Warren County,) ss.

Return.

No. 2060.

To the Judge of the Probate Court of Warren County, Ohio:
Married.

On the 15th day of March, A. D. 1889, Benjamin F. Maxwell and Ora Hackendorf by me, a Minister of the Gospel.

M. M. Kuyler.

The State of Ohio,)
Warren County,) ss.

I, Robert J. Shawhan, Judge of the Probate Court in and for said County, hereby certify, that the foregoing is a true and correct transcript from the Record of Marriages in said County, preserved in the office of said officer where the same is by law required to be kept.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court at Lebanon, Ohio, this 7th day of November 1900.

Robert J. Shawhan, Probate Judge.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Ind. Ter., June 6, 1902.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application of Benjamin F. Maxwell et al. D. 1135.

(signed) R. Chick.

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 a certified copy.

Matia C. Smith

Sworn to and subscribed before me this 3rd day of April, 1903.

Charles H. Sawyer
Notary Public.

Cherokee D-1135.

SERIES A.

Act of November 5th 1892.

No. 23717

Cherokee Nation, Illinois District.

Permission is hereby granted Dr. Maxwell a citizen of the Cherokee Nation, to employ O. D. Cardley as a farmer for the term of ONE MONTH from this date. 1st May.

FIFTY "No permit shall be issued for a longer period than Dec. 31, of the year in which the permit is issued. CENTS.

Given under my hand and seal of office, this the 10 day of April 1895.

Henry C. Meigs,
Clerk Illinois District.

(Seal)
Countersigned: E. B. Starr,
Treasurer Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T. December 31, 1902.

I, the undersigned, a member of the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of Benjamin F. Maxwell, et al., as citizens of the Cherokee Nation, Cherokee D-1135.

(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 a certified copy.

Mauri E. White

Sworn to and subscribed before me this 3rd day of April, 1903.

Charles H. Sawyer
Notary Public.

F. P. T.

Cherokee D 1135.

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

In the matter of the application for the enrollment of Benjamin F. Maxwell et al as citizens of the Cherokee Nation.

SUPPLEMENTAL STATEMENT.

An examination of the 1894 strip payment roll of the Cherokee Nation shows that the applicants, Benjamin F. Maxwell, Alfred L. Maxwell and Blanche A. Maxwell, by the name of Blanche Maxwell, are identified thereon as follows:

Page 802, Illinois District, #1211, Benjamin Maxwell,
Page 802, Illinois District, #1212, Alfred L. Maxwell,
Page 802, Illinois District, #1213, Blanche Maxwell.

It is ordered that this statement be made a part of the record herein.

(signed) C. R. Breckinridge
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 statement and that the same is a true and correct copy of the original.

Mattie E. L. Will

Sworn to and subscribed before me this 3rd day of April, 1903.

Charles H. Sawyer
Notary Public.

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

At Muscogee, I. T. March 25th 1902.

In the matter of the application of Benjamin F. Maxwell for the enrolment of him self and his minor children, as Cherokee Citizens by virtue of Cherokee blood. "D 1135" In obedience to a notification to the said B. F. Maxwell, of the time for final hearing and closing of said case by the Commission, Appeared in person and by his Attorney, George W. Bengel, and agreed that the case be submitted for final decision by the Commission, with leave of filing Brief in behalf of said applicants.

. Brief. -----

The contention of the applicant in this case is, That he is a Cherokee Citizen by virtue of Cherokee blood, having been born and lived in the Cherokee Nation, near Fort Gibson, until quite a lad, when his parents taken him and his other brothers, while he was a minor, That he was taken in to the State of Indiana, where his parents died, and was there left to get back to the Nation as best they could, That he was recognized and readmitted to all the rights of citizenship in November 23rd day 1888, That he did not personally move in to the Cherokee nation until about the 6th day of May 1893, That the certificate of his readmission required within one year from the date thereof, That he he did through his brothers, purchase a place for his home in said nation, within the time limited for his return in said certificate, That he did thus acquire his present home, near Braggs, I.T. up on which he is now residing, having married his present wife Ora H. Maxwell, in the state of Ohio, And by the said marriage have had born to them five children, whose names are given in the testimony, And it is by virtue of their Cherokee blood, that they are entitled to be enrolled as Cherokee citizens, and as a reason further, why they should now be so recognized.

SECOND, That he and his children then living, were listed and enrolled as citizens of the nation, and as participants in the 1894 percapita payment, by the census taker, George O. Sanders, on behalf of said Nation, and that they did participate in said payment, And was again received and enrolled on the 1896, roll, And since his returning to the Nation, has otherwise been treated as a citizen by the constituted authorities thereof. And for the further fact, and reason,

That by his act of acquiring a home within the nation and within the time as defined in said certificate of readmission, He did constructively come as was required by the terms of the certificate, "within one year from the date thereof," when by an understanding with his brothers, who did return within said time, That the said act of purchase was equivalent to his coming and making the purchase in person, and within the time specified, That the place was purchased for him is evidenced by the fact that he alone owns the place with no other interest in it, save that of his wife and children. That should he have come & made the purchase, as did his brothers for him, he could have returned to the state of Ohio, or any other state, for any length of time, other than that defined in the constitution, and return at will, so that such act did not come within the meaning of the constitution, as to loose his right thereby, as in the present case, it is questionable whether it was actually necessary that they, be readmitted, Because their leaving the country was not a voluntary act of their own, ~~but~~ if they were taken out of the country when minors, and this is the evidence in the case, then if this be true, this case does not come within that class of persons alluded to in the constitution, But that such person must be competent to act as therein defined, possessed of free agency to act, and with a knowledge of the ultimate result and consequences thereof. It was because the authorities of the Cherokee Nation had cognizance of all of the above facts, That they have been received and accepted as Citizens of said Nation by its authorized Officials of the nation. (see pay roll of 1894, the

1896, roll, and his right to employ noncitizens, permit filed,) It is in view of the above facts thus briefly quoted, That applicants should now, as before, be received and listed for enrolment by the honorable Commission, as Cherokee Citizens by virtue of their Cherokee blood.

Respectfully Submitted.

(signed) G. W. Bengé.

Attorney for Applicants.

I, the undersigned, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I copied the above and foregoing brief, and that the same is a true and correct copy of the original.

Maurice E. Hill

Sworn to and subscribed before me this 3rd day of April, 1903.

Charles H. Sawyer

Notary Public.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Muskogee, I. T. June 10, 1902.

In the matter of the application of Benjamin F. Maxwell et al for enrollment as citizens of the Cherokee Nation. Cherokee D 1135.

Brief on part of the Cherokee Nation.

The Commission is asked to scrutinize the testimony in this case very closely as there are so many contradictions and efforts that conceal there in. When Benjamin F. Maxwell first made his application he testified that he was readmitted to citizenship in 1888 and the certificate of the readmission showed that there was a provision in the act requiring that he remove to and permanently locate within the limits of the Cherokee Nation within one year thereafter. He stated at that time that he had removed to the Cherokee Nation in 1899, upon this statement he and his family were enrolled upon a regular Cherokee card. Nothing at that time was stated to indicate but that he had continuously resided in the Cherokee Nation since that time. He did not then depend upon any constructive residence nor did he say anything about the purchase of any improvement. The subsequent testimony develops the fact that he did not come to the Cherokee Nation in 1889 but that he removed to the Cherokee Nation the first time after the passage of the act readmitting him, in 1893 or a period of about five years after he was readmitted to citizenship.

As an afterthought he pleads that he and his two brothers had bought a small twelve acre farm down near Braggs but you will notice they do not bring Daniel Roach here to testify that the place was sold to Benjamin F. Maxwell, neither do they produce any bill of sale to show that this place was purchased for him and in the light of the concealments and the contradictory statements made in the previous statement of Benjamin F. Maxwell we think it is the duty of the

Commission to entirely discredit his whole statement. Instead of coming to the Cherokee Nation the next year the testimony shows that he was married in Ohio in 1889 and that he lived therewith his wife until 1893; It is incredible to believe that with as much public domain as there was in the Cherokee Nation thirteen years ago when it was publicly known that there were millions of acres of land at that time lying idle subject to be located upon by citizens of the Cherokee Nation that three brothers would purchase so small a claim as twelve acres out of which to take their allotments. This was not thought of when the first application was made and it was never thought of until a doubt had been expressed as to the right of the Commission to enroll the applicants when for the first time they began to seek an excuse for the applicants not coming to the Cherokee Nation within the time prescribed by the act admitting him. The fact that he is upon the 1894 or 1896 roll does not entitle him to be admitted to citizenship in the Cherokee Nation if he did not come within one year after he was readmitted because the 1894 and 1896 rolls are not rolls of the Cherokee Nation as the Commission is well aware neither of these rolls were ever authenticated. The Cherokee National Council specifically said when it made the 1894 roll as a pay roll that it would not be bound by it and the report of the census takers in 1896 was never confirmed or authenticated by the National Council because that roll was regarded as an imperfect one.

Benjamin F. Maxwell having been conditionally admitted to citizenship in the Cherokee Nation and clearly not having complied with the conditions of the act readmitting him we do not see how the Commission, under the law would be justified in enrolling him.

Respectfully submitted,

W. W. Hastings

J.C.S.

J.C.S.
Attorney for the Cherokee Nation.

I, the undersigned, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I copied the foregoing brief, and that the same is a true and correct copy of the original.

Mattie E. B. Will

Sworn to and subscribed before me this 3rd day of April, 1903.

Charles H. Sawyer
Notary Public.

W

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

IN THE MATTER OF THE APPLICATION OF Benjamin F. Maxwell
for the enrollment of himself and his three children, Alfred L.,
Blanche A., Clyde B., Florence T. and Mary G. Maxwell as citizens by
blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on August 24, 1890, Benjamin F. Maxwell appeared before the Commission at Fort Gibson, Indian Territory, and made personal application for the enrollment of himself and his three children, Alfred L., Blanche A., Clyde B., Florence T. and Mary G. Maxwell, as citizens by blood of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on February 28, 1901, and February 9, March 20 and October 27, 1902. The application also included Ora M. Maxwell for enrollment as a citizen by intermarriage of the Cherokee Nation, but her status as such is not passed upon at this time and she is not embraced in this decision.

The evidence shows that the applicant, Benjamin F. Maxwell, and others, was admitted to citizenship in the Cherokee Nation by action of the Cherokee National Council, a resolution November 27, 1892, upon condition that he return to said nation within one year after the passage of said act.

It further appears that on March 1, 1899, the said Benjamin F. Maxwell was married to Ora M. Maxwell (nee Haskender), a white woman, and that the said three children are the issue of such marriage.

It further appears that Benjamin F. Maxwell, Blanche A. Maxwell and Alfred L. Maxwell are identified on the 1894 Cherokee citizenship roll; and that Benjamin F. Maxwell, Alfred L. Maxwell, in the name of Leonard A. Maxwell, Blanche A. Maxwell and Clyde B. Maxwell are identified on the 1901 Cherokee citizenship roll. The said Florence T. and Mary G. Maxwell are to appear in any of the tribal rolls, if she are identified by any affidavit as a part of the record herein.

The evidence further shows that at the date of his admission to citizenship, the said Benjamin F. Maxwell was residing in the State of Ohio, and that he returned to the Cherokee Nation in 1893.

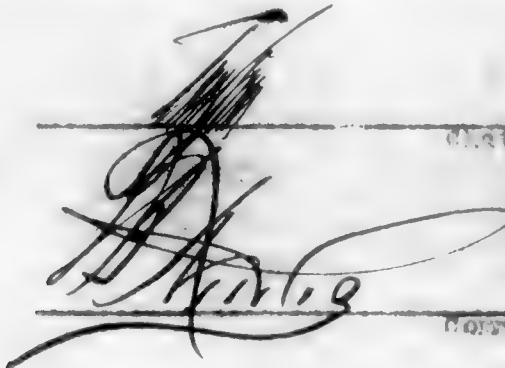
It further appears that he has lived in the Cherokee Nation continuously since 1893. It is considered that the minor applicants have resided in said Cherokee Nation all their lives.

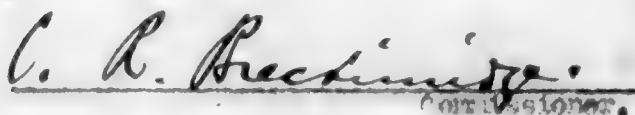
An Act of the Cherokee Council of December 4, 1894, provides:

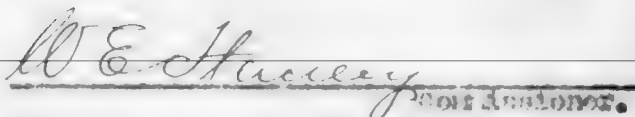
"That all persons who have been or may hereafter be readmitted to citizenship in the Cherokee Nation, are hereby required to permanently locate within the limits of the Cherokee Nation within six months from the passage of this act, or from the date of readmission of persons hereafter readmitted, or no rights whatever shall accrue to such persons by reason of such readmission: Provided, that nothing in this act shall bar minors and orphans."

It is, therefore, the opinion of this Commission that Benjamin F. Maxwell, Alfred L. Maxwell, Blanche A. Maxwell, Clyde B. Maxwell, Florence E. Maxwell and Mary O. Maxwell 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 22, 1897 (30 Stat., 498), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Commissioner.


Commissioner.


Commissioner.

Dated at Washington, D. C.,

JUN 1 - 1903

POOR ORIGINAL -
BEST AVAILABLE COPY

(1)

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes

Tahlequah I. T. July 22nd 1903

Cherokee D 1135.

In the matter of the application for the enrollment of Benjamin F. Maxwell et al as citizens of the Cherokee Nation.

Protest of the Cherokee Nation.

Comes now the Cherokee Nation and protests against the decision of the Commission rendered in this case on June 1st 1903 and asks that the record be forwarded to the Honorable Secretary of the Interior for review.

The testimony shows that the applicant Benjamin F. Maxwell was readmitted to citizenship in the Cherokee Nation by an act of the National Council of the Cherokee Nation on November 23rd 1888 upon the specific condition that he would remove to and permanently locate within the limits of the Cherokee Nation within one year from the date of his readmission.

The Commission in its decision finds that the applicant came to the Cherokee Nation in the year 1893 or about four years too late for him to acquire citizenship under the terms of his readmission. Council had the authority to readmit him and it chose to ~~limit~~ prescribe certain limitations to his readmission and Maxwell wholly failed to comply with these limitations; he failed to come within the one year and when he thus failed to comply with the terms of his readmission it was his duty to again memorialize the National Council for readmission.

The act of December 4th 1894 was not intended for applicants like this where certain conditions were fixed by the legislature for their readmission but for applicants in cases where no limitation had been fixed.

Benjamin F. Maxwell having failed to comply with the terms of the act readmitting him, lost his citizenship in the Cherokee Nation at the expiration of the one year from the date of his readmission and he could not therefore acquire any rights by locating in the Cherokee Nation in 1893.


We submit that his application for enrollment should be denied.

Respectfully,

W. W. Hastings
Attorney Cher. Nation.

1-7 (1)
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
AUG 24 1900


ACTING CHAIRMAN.

CHEROKEES BY BLOOD AND ADOPTION.

Name Benjamin H. Maxwell Date AUG 24 1900 1900.
 District Illinois Year 1896 Page 878 No. 1138
 Citizen by blood yes Mother's citizenship Leonard Maxwell
 Intermarried citizen

Married under what law _____ Date of marriage _____
 License _____ Certificate _____
 Wife's name _____
 District _____ Year _____ Page _____ No. _____
 Citizen by blood _____ Mother's citizenship _____
 Intermarried citizen _____
 Married under what law _____ Date of marriage _____
 License _____ Certificate _____

Names of Children:		Dist.	Year	Page	No.	Age
2	Alfred Maxwell	Illinois	1896	878	1139	10
3	Blanchell "	"	"	878	1140	8
4	Clyde B. "	"	"	878	1141	6
5	Florence C.	"	Year	Page	No.	Age 3
6	Mary H.	"	Year	Page	No.	Age 2mo
		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

2 on 1896 roll as Leonard A Maxwell
 5 and 6 affidavits of births to be supplied
~~Certificates of marriage to be supplied as~~
~~to the marriage of Benjamin H Maxwell and~~
~~Geo H. Maxwell.~~

1135

0

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

FILED
FEB 28 1901



ACTING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION.

Date. 1061 ~~82-28~~ 1901 1900.

Name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

33 License

Wife's name

Orna H. Marshall

Certificate

District

Ill.

Year

1896

Page

932

No.

124

Citizen by blood

no

Mother's citizenship

Intermarried citizen

yes

Married under what law

Date of marriage

License

Certificate

Names of Children:

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

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Year

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No.

Age

Senate Bill)
No. 14.)

An act readmitting citizens into the Cherokee Nation.

Be it enacted by the National Council: That the following names, Benjamin F. Marcus, and Charles L. Maxwell, Emily, Mary E. Sarah E.R. Lucy C. Wallace H. and Adda C. Clark, and Elizabeth Payne, be and the same is hereby readmitted to all the rights and privileges of Cherokee citizenship. Provided they return to the Cherokee Nation within, one year after the passage of this act, and all whit men who have married the aforesaid Cherokee women must be married according to the laws of the Cherokee Nation, regulating intermarriage between Cherokee women and citizens of the United States.

Passed Senate Nov. 23 1888.

M. Daniel,
Clk Senate,

Lacy Hawkins
President Senate.

Concurred in by the House, Nov. 23rd 1888.

Robert Maigs,
Speaker of Council.

R. B. Choate Clk of Council.

~~Approved (Novem) J. B. Hayes~~
ber 23rd 1888.) Prin. Chief.

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 from the record of laws made and filed in this Office and in my legal custody.

Given under my hand and the seal of the Cherokee Nation this the 7th day of March 1902.

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

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

NOV 4 1902



Acting Registrar

TRANSCRIPT FROM MARRIAGE RECORD.

NO. 2 WARREN COUNTY, OHIO.

PARTIES.

Benjamin F. Maxwell

AND

Ira Hackwood

LICENSE.

Issued the 15 day

of March

A. D. 1889, to the above named parties:

F. M. Cunningham P. J.

AFFIDAVIT.

STATE OF OHIO, }
Warren County, } SS.

No. 2200

Personally appeared before me, the undersigned, JUDGE OF THE PROBATE COURT, within and for said County of Warren, *Benjamin F. Maxwell*

who, being duly sworn, deposeth and saith that *he*

is more than 26 years of age, and has no lawful wife living. And that *Ira Hackwood*

8 years of age, and has no lawful husband living; that she is a resident of the County of Warren aforesaid; and that they are not nearer of kin than second cousins, and that he knows of no legal objection to the marriage contemplated between ~~him and the said~~ *them*

And further this deponent sayeth not.

Benjamin F. Maxwell

Sworn to and Subscribed before me, this 15 day

of March 1889
F. M. Cunningham P. J.

RETURN.

No. 2060

STATE OF OHIO, }
Warren County, } SS.

To the Judge of the Probate Court of Warren County, Ohio:

MARRIED,

On the 15th day of

March, A. D. 1889,

Benjamin F. Maxwell

AND

Ira Hackwood

by me, a Minister of the

Gospel

W. W. Kuyler

The State of Ohio, Warren County, ss:

I *P. S. Shawhan* Judge of the Probate Court in and for said County, hereby certify, that the foregoing is a true and correct transcript from the Record of Marriages in said County, preserved in the office of said officer where the same is by law required to be kept.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court at Lebanon, Ohio,

this 7 day of January 1900

P. S. Shawhan PROBATE JUDGE.

DEPUTY CLERK.

R 1135 17

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

FILED
FEB 28 1901


ACTING CHAIRMAN

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	Dona 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 Baldrige	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. Eggleston	2668	Emma McAffrey	3543
Elisha M. Gray	2686	William T. Huff	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 Dirthrower	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	Roxie J. Ketchum	4623
Sydney E. Bell	4232	Lizzie Love	4626
Isaac H. Jordan	4235	Robert K. Wann	4632
Charles Parks	4244	Frederick Metzner	4633
Dora Frenchman	4262	John C. Bratcher	4634
James R. Fugate	4275	Pigrow L. Jones	4641
Maud Adams	4277	Ada Bertholf	4642
Elizabeth Black	4281	Alice Robbins	4644
Anna Thorntor	4294	Jane Dougherty	4649
Robert T. Morrison	4294	Samuel Francis	4650
Perley Israel	4295	Clemon C. Peek	4652
William A. Long	4304	Mont C. Frazier	4653
Mollie Swannock	4319	Frank J. Mayberry	4656
Frances Guess	4324	Charles W. Moore	4660
Allen H. Gibson	4327	Jefferson D. Edmondson	4661
John McFall Jr.	4343	Alonzo H. Boone	4662
Albert W. Fitzsimmons	4360	Thomas C. Mock	4668
George S. Ford	4386	Sallie Allison	4669
Quinn Carr	4387	Elizabeth E. Burgess	4671
William A. Powell	4390	LaFayette Breeden	4673
Austin Hasley	4400	James M. Boling	4676
Anna Bible	4414	Francis A. Neilson	4681
Elizabeth Riley	4428	John F. Smith	4689
John P. Sudderth	4449	Rufus S. Steward	4691
Anderson Keen	4450	John I. Haddock	4694
Ida M. Adams	4451	Maggie O. Walkley	4695
Martha J. Randall	4457	George W. Talbert	4698
Mollie Conner	4477	Mary Miller	4700
Jane McGhee	4491	Henry C. White	4707
Jennie Riley	4525	Mattie E. Hill	4760
Hannah Randall	4528	Alice A. Bible	4772
Charles W. Childers	4542	Katie Coker	4785
Nannie B. Riley	4543	John Creek	4801
John W. McDaniel	4544	Ruby R. Bean	4804
Minnie Armstrong	4548	William J. Dodson	4836
Ada Chouteau	4549	Blackburn Reed	4882
Mary Thompson	4571	Viola Lowther	4891
Ota Armstrong	4593	William B. Ritchson	4910
Mary Spencer	4594	Henry D. McDonald	4950
Clarkson F. Woody	4603	Della McDaniel	4956
James M. McConnell	4604	Dorothy Rattlinggourd	4991
Annie E. Coker	4605	Ida McCay	5093
Jennie Long	4606	Henry M. Lyon	5100
Julia Gilstrap	4607	Alice J. Wofford	5101
Laura E. Smith	4608	Nancy Morris	5137
Annie Nicholas	4609	Ella Sullivan	5140
Minnie R. Taylor	4611	Winfield Williams	5144
Mary E. Rogers	4614	Bessie M. Smith	5145
Emma Downing	4615	May Humphrey	5207
William Steere	4619	Donnie Burgess	5235

Nora B. Burgess	5236	William A. Polson	5613
John E. Etter	5239	Paulina P. Pitcher	5614
Harriette Rogers	5240	Charley Headrick	5615
Amanda Foreman	5244	William N. Stinson	5616
William H. Wells	5261	Lenora A. Henry	5621
John T. Gaylor	5266	Effie M. Adams	5622
Annie Sweeten	5269	John H. Shimp	5624
Rosalee Hendricks	5278	Thomas B. Dickson	5625
Emma Chambers	5328	Minnie Henry	5628
James H. Thomas	5329	Thomas J. Simpson	5629
Melville B. Baird	5332	Cap L. Lane	5630
James R. Goodall	5356	Reuben E. DeLozier	5631
Charles Horton	5390	John Heape	5640
James W. Goddard	5417	Perry G. Brock	5645
Dora Cox	5425	Mary J. Newcomb	5650
Nannie G. Alberty	5438	George W. Seigel	5660
Sallie Ward	5455	Martha A. Parks	5666
William H. Sutherlin	5484	Zelda C. Mills	5674
Lizzie Hall	5487	Lizzie Rogers	5675
Cyrus B. Essex	5489	Emma Pigeon	5676
Eda Taylor	5493	Nellie Bluejacket	5677
Laura Taylor	5494	Lucy Bacon	5679
Electer D. Miller	5496	Thomas B. Wood	5681
Emerson M. Arnold	5498	Asa W. Simerson	5683
Stella Henry	5499	William J. Kuhn	5686
William E. Oneal	5506	Elsie Couch	5688
John M. Sharp	5509	William H. Robinson	5692
John L. Davis	5514	Rachel Washington	5693
Sarah E. Downing	5518	Isaiah B. Blackwood	5700
Samantha C. Glass	5524	John R. Johnson	5701
Harry Jones	5525	Dennis W. Smith	5702
Aggie Paris	5532	William H. Chesnut	5705
James W. Hallford	5535	William H. Durham	5707
Phoebe Coker	5537	Albert B. Buckmaster	5710
Anthony K. Douglas	5538	Maud Crutchfield	5730
Joseph H. Johnson	5541	Joseph S. Layne	5731
Harvey O. Riggs	5547	Lena Bell	5737
Alice Glass	5553	Juan N. Corn	5748
Addison Reeves	5566	Robert N. Crafton	5750
Alice Coats	5572	Benjamin F. Coffee	5756
Julia Kidd	5575	Frank McSpadden	5760
William R. Greer	5576	Charles D. Pendleton	5775
Rosa M. Sixkiller	5581	Harden H. Green	5776
Nancy Inlow	5587	Emma J. Ward	5778
Daisey H. Owen	5599	Robert C. Fuller	5781
Annie R. C. Owen	5600	Henry F. Extine	5796
Jesse McKnight	5602	Ida Wily	5802
Cicero J. Strange	5610	Richard L. Fite	5815
Henry Westenhaver	5611	Edward Lutz	5816
Emma H. Roach	5612	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
 Mammie 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 Usrey 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 E. 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	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 Phariess	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 Baldrige	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	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
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Robert L. Gentry	9590	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
W. drow 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
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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

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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
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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
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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
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Thomas Brown	10100	Hannah E. Langley	10201
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Frank M. Rucker	10222	Moses L. Grazier	D 503
Henry C. Reed	10224	Myrtle Hall	D 509
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Ada Hall	D 376	William H. Brown	D 788
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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

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John P. Thurman	D 2749	Georgie Harlin	D 2911
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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
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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,
TAMM 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-1135

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 1, 1902.

Mr. Benjamin F. Maxwell,

Braggs, Indian Territory,

Sir:-

You are hereby notified that the application of yourself, your wife and five

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

March 20, 1902.

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

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

You are required to supply the Commission with your certificate of readmission to Cherokee citizenship.

Register.


Yours truly,

Acting Chairman.
~~XXXXXXXXXXXX~~
Commissioner in Charge.

G

D1135

FILED
MAR 1 1902

 ACTING CHAIRMAN.

Cherokee D-1155.

Muskogee, Indian Territory, September 11, 1902.

J. T. Harks,

Executive Secretary, Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

Please furnish the Commission with a certified copy of an act of the National Council of the Cherokee Nation, approved November 23, 1888, readmitting Benjamin F. Maxwell to citizenship in the Cherokee Nation.

In the event that your records fail to show that the said Benjamin F. Maxwell was admitted to citizenship by the National Council, please make certificate to that effect and forward to the Commission as soon as possible.

Yours truly,

Acting Chairman.

Braggs Ind. Ter. Oct. 29th 1912
The Commission to the Five Civilized Tribes
Muskogee Ind. Ter.
Honorable Sir:

You will find enclosed a copy of the "Act" re-
admitting my husband, Mr. B. F. Maxwell
to citizenship, as requested when I ap-
peared before a representative of the Com-
mission Oct. 22, so that you will
have a copy in case the original copy
presented cannot be found. However
I would like to inquire if it were really
necessary for him to have been read-
mitted, under all the circumstances
are considered. Sec. 2 of Article 1 of the
Constitution of the Cherokee Nation says, "If
ever 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

Station shall cease." Now Dr. Maxwell's
 parents did not take their effects with
 them when they left this country.
 His mother was a half-breed and
 one of the original old-settler Cherokees
 and his father was a native of New
 York whose sympathies were wholly
 with the Union cause during the Civil
 War. While he had a yearning to join
 the Union army he himself was
 too old, and his life being constantly
 in danger he decided for personal
 safety to temporarily leave this
 country, and they were obliged to
 flee, leaving behind uncared for, home
 and crops and cattle, horses (I was
 told by an old man now dead that
 he owned about 40 head of horses some
 of them very valuable) household effects
 etc. a large portion of which was
 appropriated by the soldiers. His father
 intended to take his family to New

York where his people lived. but at Mitchell Ind. his mother and sister were taken ill and both died. The journey that far had been made through many difficulties and at great expense which together with the illness of his family, made it financially impossible for him to proceed farther, he decided to remain there and place his children in school and give them better advantages than they had in the Territory before returning, but he died before Dr. Maxwell had completed his education giving as his last advice that he complete his literary education, take a Medical Course, and then return to the Territory, this he did with considerable difficulty and the consuming of much time as he taught school to earn his money for ^{the} college course, teaching and attending college by turns. He thought

it best for me to also take a Medical
 course ^{before returning to the Territory} which I did, completing my
 Scientific and Medical courses ^{after}
 our marriage in 1889. We carefully
 considered the advisability of return-
 ing to the Territory before the expiration
 of the year granted in the act of
 readmission, but having secured a
 home in the Territory we decided to
 remain in Lebanon O. awhile longer
 and continue our studies. When we
 finally decided to return to the
 Territory in 1893, before our coming
 Doctor Foster Urinstead, who had never
 left the Territory consulted some of the
 Councilmen as to whether it was nec-
 essary for Doctor to be readmitted again
 by having failed to return according to
 the conditions of the first readmission,
 and they told him to come on
 and if it was necessary they would
 readmit him again. Of course we

wanted to know what we were doing and did nothing contrary to her desire our coming involved an expense of several hundred dollars in our own car fare and that of my my maid and brother who was a member of our household and the bringing of a car load of household goods. As soon as Council convened in Nov. '93 my husband went to Talequah to see about being readmitted, again. He first consulted the Chief, he being the highest authority to whom he could appeal and he told him it would be unnecessary for him to be readmitted again, as the rolls that were being made would be carefully passed upon by Council and if any objection was made he himself would notify him, which he never did. It was securing a home in 1889.

did not fulfil the requirements of
 the law, should not this recognition
 of his name on the rolls
 as a citizen be equivalent to re-
 admission otherwise than by
 special act; for it seems to me
 the Cherokee laws indicate that
 there are other ways of being
 admitted to citizenship than by
 special act - or I do not under-
 stand the meaning of the word
otherwise, occurring on the bottom
 of page 270 of the Cherokee laws
 where it says that "Be it enacted
 by the National Council: That all
 those persons, who have, by special
 act - or otherwise been readmitted
 etc." Further I might say that
 my little son Glydes, name was
 placed on the rolls by special act
 of the Council of 1894 that my
 husband was given "permits" to

That his name was placed on the
rolls of '93rd and '96, and on the "Old Settlers" Roll
when he received his proportion of the money
due his Mother + Sisters as Old Settlers.

employ white citizens, that he has
always been permitted to vote
without a question, that our
children have always been
granted the privileges of the Chen-
ohee schools, that we never in
any way have been looked upon
by the Whites as other than
Cherokee citizens. We only want
what we are justly entitled to
and do not want in any
way to violate law, and certainly
a great injustice has been done
us if we have been permitted
for 10 years to reside here with
our citizenship unquestioned where
we have no right here, as Sec. 128
Article XXV⁽²³⁾ of the Cherokee Consti-
tution plainly says that we should have
been reported for removal ^{if we were here unlawfully} and certainly
by it has been the height of in-
justice to permit us unquestioned

to give 10 of the best years of
 our lives to making us a home
 and putting improvements upon
 land that was not our own with
 several things the value of the land
 and have been ever since returning
 We are now living upon the land
 secured in 1889 and by reference
 to the maps of the geological survey
 of '96 you can see of improvements
 none of importance enough to be noted
 I might have said that Doctor's
 oldest brother returned to the old
 homestead at the close of the war
 but the ^{original} ^{could find the exact date from a copy of letter}
^{dated 1881} ^{summed up the homestead} ^{to Dr. Benge}
 and made his home there till
 when he sold it and bought other
 land with the money.

Now we know the Commission
 is composed of honorable men who
 desire to be just with even the
 humblest citizen, and if our case
 can only be properly presented
 to bring out the facts
 as it is, we are certain only one

conclusion can be reached and with the knowledge of the justice of our cause and your desire to meet with justice I have presumed to write this lengthy letter. Of course if our names have already been removed from the doubtful list - this letter is of no consequence. But if no decision has been reached I hope this letter will assist you to at least some extent in reaching a conclusion and that we will receive early information as to same.

Very Respectfully

Chas. H. Maxwell.

Braggs.

Ind. Ter.

P.S. If the other act of readmission is found kindly return this copy.

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COMMISSION TO FIVE TRIBES.

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NOV 5 1902

Maxwell Ora H.
Braggs St
Oct 29 - 1902

THE ABOVE.
Enc Copy - Action of
National Council - Re
Admission of Dr B. F
Maxwell as Cherokee
Citizen

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
NOV 4 1902


ACTING CHAIRMAN

Cherokee D-1155.

Muskogee, Indian Territory, January 8, 1903.

Philip G. Reuter,

Clerk in Charge of the Cherokee Land Office,

Vinita, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Benjamin F. Maxwell and his minor children, Alfred J., Blanche A., Clyde B., Florence E. and Mary G. Maxwell, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Ora H. Maxwell, as a citizen by intermarriage of said Nation, it appears that part of the applicants are identified on the 1896 Cherokee roll and that no other enrollment is shown in the record. Benjamin F. Maxwell was admitted to citizenship by an Act of the Cherokee National Council, on November 23, 1888; and you are requested to cause an examination of the rolls to be made with a view of identifying the applicants on the Cherokee tribal rolls other than 1896, and to advise the Cherokee Enrollment Division of the result of such examination.

Respectfully,

Acting Chairman.

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

ALLISON L. AYLESWORTH,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1135

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Vinita, Indian Territory, January 12, 1903.

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

Gentlemen:

Receipt is hereby acknowledged of the Commission's letter of January 8, requesting that the rolls of the Cherokee Nation since 1888, other than the 1896 census roll, be examined for the names of Benjamin F. Maxwell and family, Cherokee card D-1135.

In reply you are advised that neither Benjamin F. Maxwell nor any of the members of his family are identified upon the 1890 roll. They are identified upon the 1894 pay roll as follows:

Benjamin F. Maxwell, on page 802, No. 1211, Illinois District, as Benjamin Maxwell.

Alfred Maxwell, on page 802, No. 1212, Illinois District, as Alfred L. Maxwell.

Blanche A. Maxwell, on page 802, No. 1213, Illinois District, as Blanche Maxwell.

The three youngest children, Clyde B., Florence E. and Mary G. Maxwell, are too young to appear upon this roll. Ora H. Maxwell, appears upon the Commission's records as an intermarried citizen and she, of course, is not identified on the 1894 roll.

Respectfully,

RP


Clerk in Charge.

INDEXED.

COMMISSION TO FIVE TRIBES.

NO.	Received	ANSWERED	
15	JAN 14 1903	Book	Page
1903			

Cherokee Land Office,
Vinita, I. T.,
Jan. 12, 1903.

Ack. receipt of Com's.
letter asking if names
of family of Benj. F.
Maxwell appear on rolls,
other than '96. Report
on investigation.

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

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1135.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 9, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

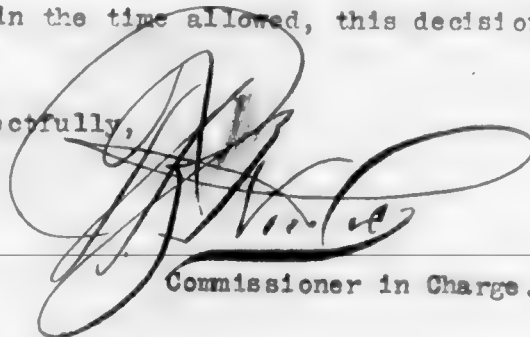
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 1, 1903, granting the application of Benjamin F. Maxwell for the enrollment of himself and his five minor children, Alfred L., Blanche A., Clyde B., Florence E. and Mary G. Maxwell, 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,



Commissioner in Charge.

Enc. H-8.

COPY.

Cherokee D-1135

Muskogee, Indian Territory, July 28, 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 Benjamin F. Maxwell for the enrollment of himself and his five minor children, Alfred L., Blanche A., Clyde B., Florence E. and Mary G. Maxwell, as citizens by blood of the Cherokee Nation, including the Commission's decision dated June 1, 1903, granting said application.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

I. D. Needles,

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-113

COPY:

Cherokee D-1136

Muskogee, Indian Territory, July 28, 1903.

G. W. Benge,
Attorney for Benjamin F. Maxwell et al.,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 1, 1903, granting the application of Benjamin F. Maxwell for the enrollment of himself and his five minor children, Alfred L., Blanche A., Clyde B., Florence E. and Mary G. Maxwell, as citizens by blood of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been served upon the applicants.

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

COPY.

-2-

Will be made known to you as soon as the Commission is informed of
the same.

Respectfully,

I. B. Needles

Commissioner in Charge.

No. D-112

Register.

COPY.

Cherokee D-1136

Muskogee, Indian Territory, July 28, 1903.

Benjamin F. Maxwell,
Braggs, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 1, 1903, granting your application for the enrollment of yourself and your five minor children, Alfred L., Blanche A., Clyde B., Florence E. and Mary G. Maxwell, as citizens by blood of the Cherokee Nation. There has heretofore been furnished your attorney, G. W. Benge, Tahlequah, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

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

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

COPY.

-2-

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

Respectfully,

I. S. Woodlee,

Commissioner in Charge.

Enc. D-111

Register.

Refer in reply to the following:
Land. 48552-1903
52433-1903.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.
WASHINGTON, Sept. 8, 1903.

(COPY)

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Benjamin F. Maxwell, for the enrollment of himself and his minor children, Alfred, Blanche, Clyde, Florence, and Mary Maxwell, as citizens by blood of the Cherokee Nation.

On June 1, 1903, the Commission rendered a decision in this case, finding that this application was made on August 24, 1900, and further finding that the application also included Ora H. Maxwell, for enrollment as a citizen by inter-marriage of the Cherokee Nation, but that her status as such is not passed upon at this time, and that she is not embraced in said decision.

The Commission further finds from the evidence that the applicant Benjamin F. Maxwell, among others, was admitted to citizenship in the Cherokee Nation by an act of the Cherokee National Council, approved November 23, 1888, upon condition that he return to said Nation within one year after the passage of said Act; that it further appears that on March 15, 1889 the said Benjamin F. Maxwell was married to Ora H. Maxwell (nee Hackendorf), a white woman, and that the said minor children are the issue of such marriage; that it further

appears that Benjamin F. Maxwell, Blanche A., and Alfred L., are identified on the 1894 Cherokee Strip Payment Roll, and that Benjamin F. Maxwell, Alfred L. Maxwell, by the name of Leonard A. Maxwell, Blanche A. Maxwell, and Clyde B. Maxwell, are identified on the 1896 Cherokee census roll; that the said Florence E. and Mary G. Maxwell 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 Commission further finds from the evidence that at the date of his admission to citizenship the said Benjamin F. Maxwell was residing in the State of Ohio and that he returned to the Cherokee Nation in 1893; that he has lived in the Cherokee Nation continuously since 1893, and that it is considered that the minor applicants have resided in the Cherokee Nation all their lives. The Commission then quotes an Act of the Cherokee Council of December 4, 1894, which provides,

"That all persons who have been or may hereafter be readmitted to citizenship in the Cherokee Nation are hereby required to permanently locate within the limits of the Cherokee Nation within six months from the passage of this act or from the date of readmission of persons hereafter readmitted, or no rights whatever shall accrue to such persons by reason of such readmission: Provided that nothing in this act shall bar minors and orphans."

By reason of the foregoing facts and the provisions of said act, the Commission is of the opinion that those applicants 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). An examination of the record in this case by the office shows that the Cherokee Nation has filed a protest against the admission of these applicants as citizens of the Cherokee Nation, upon the ground that the readmission to citizenship in the

Cherokee Nation of said Benjamin F. Maxwell by the act of the National Council of the Cherokee Nation of Nov. 23, 1888, was upon the specific condition that he must remove to and permanently locate within the limits of the Cherokee Nation within one year from the date of his readmission, and that since the evidence shows that he did not return to the Cherokee Nation until 1893, or about four years after his said readmission it is now too late for him to acquire citizenship thereunder. The office does not consider this protest of the Nation well taken for the reason that said Act of the National Council of the Cherokee Nation, passed December 4, 1894, supersedes and takes the place of said act admitting this applicant to citizenship, in so far as it relates to the time within which the party so admitted should return to the Cherokee Nation. The act admitting this applicant to citizenship was special, while the act passed December 4, 1894, is a general Act, and by reason of the terms therein stated becomes applicable to all persons who have theretofore been admitted to citizenship in the Cherokee Nation, and since said Act of December 4, 1894, provides that all persons who have been or may hereafter be readmitted to citizenship in the Cherokee Nation are hereby required to permanently locate within the limits of the Cherokee Nation within six months from the passage of this Act or no rights whatever shall accrue to such persons by reason of such readmission, and since the evidence shows that this applicant did return and locate within the limits of the Cherokee Nation as early as 1893, the office considers that he is entitled to being enrolled as a citizen of the said Nation, and it is, therefore, recommended that said

decision of the Commission be affirmed by the Department.

Very respectfully,

A.C. Tonner,

Acting Commissioner.

WCB/LES.

Copy. FHX.

I.T.D.

DEPARTMENT OF THE INTERIOR.

S.V.P

6896-1903.OFFICE OF THE ASSISTANT ATTORNEY GENERAL.

J.R.W.

W.C.P.

Washington, December 19, 1903.

The Secretary of the Interior.

Sir:

I am in receipt, by reference of the Acting Secretary of October 12, 1903, of the papers for my opinion in the matter, in the case of Benjamin F. Maxwell, applicant before the Commission to the Five Civilized Tribes for enrollment of himself and his five minor children as citizens by blood of the Cherokee Nation, and for enrollment of his wife, Ora H. Maxwell, a white woman, as a citizen by intermarriage.

The testimony shows that the applicant William F. Maxwell was a native Cherokee, born in the nation near Ft. Gibson about 1864; that his father, a loyal Cherokee, was forced to remove from the territory during the war of the rebellion, and, abandoning his farm and some forty head of horses and cattle, sought refuge with his family in the State of Ohio, where he and his wife died. B. F. Maxwell, the applicant, remained in Ohio in attendance, as student and teacher, at the Normal University, at Lebanon, until 1893, when he returned to the territory, having, in 1889, with his brothers, bought the improvements and rights to a tract of land upon which, in 1893, he settled and has ever since resided without objection by

the national authorities. The Commission found that he:

was admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council, approved November 23, 1888, upon condition that he return to said nation within one year after the passage of said act.

It further appears that on March 16, 1889, the said Benjamin F. Maxwell was married to Ora H. Maxwell (nee Hackendorf), a white woman, and that the said minor children are the issue of such marriage.

It further appears that Benjamin F. Maxwell, Blanche A. Maxwell and Alfred L. Maxwell are identified on the 1894 Cherokee strip payment roll; and that Benjamin F. Maxwell, Alfred L. Maxwell, by the name of Leonard A. Maxwell, Blanche A. Maxwell and Clyde B. Maxwell are identified on the 1896 Cherokee census roll. The said Florence H. and Mary G. Maxwell are too young to appear upon any of the tribal rolls, but are identified by birth affidavits made a part of the record herein.

The evidence further shows that at the date of his admission to citizenship, the said Benjamin F. Maxwell was residing in the State of Ohio, and that he returned to the Cherokee Nation in 1893. It further appears that he has lived in the Cherokee Nation continuously since 1893. It is considered that the minor applicants have resided in said Cherokee Nation all their lives. An Act of the Cherokee Council of December 4, 1894, provides:

"That all persons who have been or may hereafter be readmitted to citizenship in the Cherokee Nation are hereby required to permanently locate within the limits of the Cherokee Nation within six months from the passage of this act, or from the date of readmission of persons hereafter readmitted, or no rights whatever shall accrue to such persons by reason of such readmission: Provided, That nothing in this act shall bar minors and orphans."

It is therefore, the opinion of this Commission that Benjamin F. Maxwell, Alfred L. Maxwell, Blanche A. Maxwell, Clyde B. Maxwell, Florence H. Maxwell and Mary G. Maxwell 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.

It is not necessary to consider whether the purchase of a place of residence in the Territory with intent to return thereto, made within the time limited by the act of 1888 readmitting the applicant to citizenship, followed by an actual removal to the Territory after expiration of the time limited, was a sufficient compliance with the terms of his readmission. It was competent for the National Council to waive the condition or to extend the time for compliance.

He was within the terms of the act of December 4, 1894, set out by the Commission, being theretofore one who had been readmitted to citizenship. By the terms of that act, the condition of his readmission was waived and the time therefor was extended to six months thereafter, or until June 4, 1895. As he had already removed to the nation, and then was and has ever since been resident, his default was cured by the act of 1894.

He was, moreover, an eligible person, a natural born citizen, whose readmission might at any time properly be permitted by the Cherokee Council. His enrollment upon the strip payment rolls of 1894, approved by the Council, was a sufficient recognition of his rights of nationality by the legislative authority of the nation. This, with his recognition by the Cherokee authorities and enrollment upon the census roll of 1896 authorized the Commission to recognize him to be a Cherokee citizen and to allow his application. I am of opinion that the Commission to the Five Civilized Tribes committed no error in overruling the protest of the nation and in granting his application for enrollment.

Very respectfully,

Frank L. Campbell,
Assistant Attorney-General.

Approved: December 19, 1903.

N.A.Hitchcock,
Secretary.

B.C.No.76.

FILE. LRB.

I.T.D.6696-1903.
8970- "

DEPARTMENT OF THE INTERIOR,

WASHINGTON, December 24, 1903.

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

Gentlemen:

There is inclosed herewith, for your information, a copy of an opinion of the Assistant Attorney General of December 19, 1903, approved by the Secretary of the Interior on the same day, in the matter of the application of Benjamin F. Maxwell for the enrollment of himself and his five minor children as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Ora H. Maxwell, as a citizen by intermarriage of said nation. Said opinion states that your Commission made no error in overruling the protest of the nation and in granting his application for enrollment. Your action is affirmed.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.


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

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D. 1135

ALLISON L. AYLESWORTH,
SECRETARY.


ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

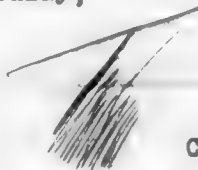
Muskogee, Indian Territory, January 6, 1904.

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

Dear Sir:

You are hereby advised that the Commission's decision dated June 1, 1903, granting the application of Benjamin F. Maxwell for the enrollment of himself and his five minor children, Alfred L., Blanche A., Clyde B., Florence E. and Mary G. Maxwell, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on December 24, 1903.

Respectfully,



Chairman.

Cherokee B 1130

Muskogee, Indian Territory, January 8, 1904.

G. W. Benge,

Attorney for Benjamin F. Maxwell, et al.,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated June 1, 1903, granting the application of Benjamin F. Maxwell for the enrollment of himself and his five minor children, Alfred L., Blanche A., Clyde B., Florence E. and Mary G. Maxwell, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on December 24, 1903.

Respectfully,

~~Chairman.~~

Cherokee B 1138

Muskogee, Indian Territory, January 6, 1904.

Benjamin F. Maxwell,
Braggs, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated June 1, 1903, granting your application for the enrollment of yourself and your five minor children, Alfred L., Blanche A., Clyde B., Florence E. and Mary G. Maxwell, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on December 24, 1903.

Respectfully,

Chairman.

Chery D 1138

Muskogee, Indian Territory, January 10, 1907.

Ora H. Maxwell,
Braggs, 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 D1135

Muskogee, Indian Territory, March 14, 1907.

Ora H. Maxwell,

Braggs, 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,

HPI

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,

Commissioner.

Encl. 5-100
LMC

Manhoye #1 3/20/02

Received from the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Benjamin F Maxwell et al

for enrollment as

citizens

of the Cherokee Nation.

W. B. Bump

Cherokee No. 20

1135

SERIES A.

Act of November 5th 1892

NO CHEROKEE NATION, District

Permission is hereby granted a citizen

of the CHEROKEE NATION, to employ as a

..... for the term of ONE MONTH from this date, 122 May 1892

FIFTY "No permit shall be issued for a longer period than Dec. 31, of the year in which the permit is issued.

CENTS.

Given under my hand and seal of office, this the day of 1892

CLERK DISTRICT.

Countersigned:

TREASURER CHEROKEE NATION.

CHEROKEE

D 1135

James Maxwell et
al.

original testimony, Aug 24, 1900

supplementary testimony, May 28, 1901

mos of applications.

~~Birth certificate Florence E. Maxwell~~

Birth certificate Mary E. Maxwell

Record of marriage.

Notice of final consideration, 3/30/01

Transferred from Cherokee
1:35
Jacket 1960

Supplemental testimony, Feb. 7, 1932

Receipt for testimony.

97 Sup. Test + Order
Chasing 3/20/00.

Jan 6, 1902, No. 12 to
inc

transferred

* Cher D 1136

Cher D 1136

DOUBTFUL.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., MARCH 1st, 1901.

IN THE MATTER OF THE APPLICATION OF Reuben W. Moore for enrollment as a citizen of the Cherokee Nation, and he being sworn and examined by Commissioner, T. B. Needles testified as follows:

- Q What is your name? A Reuben W. Moore.
Q What is your age Mr. Moore? A Forty four day before yesterday.
Q What is your Postoffice address? A Vinita, Indian Territory.
Q What district do you live in? A Coovee:coowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood or intermarriage? A Intermarriage.
Q Who do you desire to enroll? A Enroll myself.
Q What is your wife's name? A Charlotta T.
Q Is she living? A Yes, sir.
Q What was her name before you married her? A Stubbs; I married her in California.
Q What is her age? A Thirty six I believe. She should be about this time.
Q Where is your license and certificate of marriage? A I gave it to Joe Murrell; he came in the time that Act was passed here.
Q You gave it to whom? A To Joe Marrell.
Q What did he do with it? A I don't know; he is now dead.

Com'r. T. B. Needles: Applicant presents a certificate, signed by M. M. Edmonson, a notary public, under his hand and seal, dated August 27th, 1897, certifying to a copy of a license and certificate of marriage, said certified copy stating that ~~John~~ R. W. Moore, a citizen of the United States and Miss Charlotta Stubbs, a citizen of the Cherokee Nation were married on the 28th day of June, 1892, said certificate of marriage being signed by H. H. Trott and the certified copy being signed by H. H. Trott, Clerk.

- Q This is a certificate from a notary public certifying that the foregoing is a true copy of marriage license? A Yes, sir.
Q What was your wife's name before she married Mr. Stubbs? A A Martin.
Q Is she a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A By blood; she was admitted in 1890.
Q Have you any certificate? (No response)

Com'r. T. B. Needles: Applicant presents a copy of an Act of admission of John T. Tally and others to citizenship in the Cherokee Nation, said Act being approved by J. B. Mayes, Principal Chief of the Cherokee Nation on the 15th day of December, 1890, certifying that among others, Charlotta T. Martin was admitted to Cherokee citizenship.

- Q When did Charlotta Martin remove to the Cherokee Nation?
A In '90; July, 1890.
Q Is she living? A Yes, sir.
Q Are you and she living together? A No, sir.
Q You are separated? A Yes, sir.
Q Have you a certified copy of the decree of divorce? A Yes, sir.

Com'r. T. B. Needles: Applicant also presents a certified copy of divorce, judgment rendered as per stipulation this September 30, 1897, the correctness of same being certified to by B. W. Alberty, Assistant Executive Secretary of the Cherokee Nation, said divorce having been granted by T. M. Buffinton, Judge.

- Q Did you leave Charlotta Moore, or did she leave you?
A She left me.
Q She abandoned you, did she? A Yes, sir, several times.

REUBEN W. MOORE.

--2--

Q How long have you lived in the Cherokee Nation? A Eleven years.
Q Have you married since this divorce was granted? A No, sir.
Q You are a single man now? A Yes, sir; I married her in California; I didn't know she was a Cherokee when I married her.

By Mr. Emmett Starr, Cherokee Representative:

Q Did your wife Charlotta Moore institute a suit against you in 1897 for divorce? A Yes, sir.

Q She was the plaintiff in the suit? A Yes, sir.

Q And you agreed to give her divorce? A She withdrew her suit if I would give her divorce.

Q You agreed to give her a divorce? A Yes, sir, if she would withdraw her charges.

Commissioner T. B. Needles:

Q She withdrew her charges you mean? A Yes, sir.

Tribal Rolls of the Cherokee Nation examined and the name of the applicant is found upon the 1896 Census Roll as follows:

Page 315, #684, Willard R. Moore, Cooweescoowee District.

Com'r. T. B. Needles: The records show that Charlotta T. Taylor, former wife of the applicant is listed for enrollment as a Cherokee citizen on Card "D" #370.

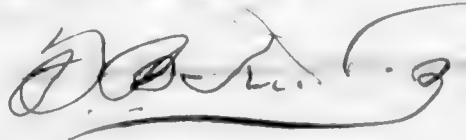
Com'r. T. B. Needles: The applicant applies for the enrollment of himself as an intermarried citizen; he presents proof of his wife's, Charlotta R. Martin, admission to Cherokee citizenship, more particularly described in the testimony and filed herewith.

He also presents a certified copy of decree of divorce between himself and his wife, Charlotta; his name is found upon the census Roll of 1896 as Willard R. Moore. Record shows that his wife, Charlotta T. Moore is listed for enrollment on Doubtful Card Number 370.

By reason of the facts set forth in the testimony, final judgment as to the enrollment of Reuben W. Moore 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 1st day of March, 1901.



COMMISSIONER.

a

10 1136

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

FILED
MAR 2 1901




ACTING CHAIRMAN

D 1136 B

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

FILED
MAR 1 1901


ACTING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION.

44 Name *Ruben H. Moore* Date *March 1 1901*
Winters T. S.

District *Govt* Year *1896* Page *315* No. *684*

Citizen by blood *no* Mother's citizenship

Intermarried citizen *yes*

Married under what law Date of marriage

86

2 License *Govt* Certificate

Wife's name *Charlotta Moore*

District Year Page No.

Citizen by blood *yes* Mother's citizenship

Intermarried citizen *no*

Married under what law Date of marriage

License Certificate

Names of Children:

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

W. 1 on 1896 rec as Hilliard R. Moore
" 1 Cert. copy of marriage license required

To All To Whom These Presents Shall Come, I, the President of the United States, do hereby certify that the following are the names of the persons who have been admitted to citizenship in the Cherokee Nation, to-wit:

Nancy Martin No. 100
18 years
Married
Charlotte, N.C.

...
...
...

A. B. ...
...

POOR ORIGINAL -
BEST AVAILABLE COPY

T

[Faint, illegible text]

I hereby certify that the above is a true copy of
of the [illegible] Council of the Cherokee Nation

B. W. Alberry

POOR ORIGINAL -
BEST AVAILABLE COPY

21136

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 1 1901

BES.

Cherokee D 1136

An Act to Admit John D. Tully and others to Citizenship in the Cherokee Nation.

Be it enacted by the National Council: That John D. Tully, Anald J. Canary, James E. Gibson William M. Gibson, Jr. Minnie L. Gibson, M. W. Gibson, and Nettie Gibson - son and Grand children of Rebeca Coleman Tully formerly a resident of Going Snake Distrift and a Cherokee by blood be and they are hereby re-admitted to the rights and privileges of citizenship in the Cherokee Nation.

Be it further enacted: That William Woodard he and he is hereby readmitted to all the rights and privileges of citizenship in the Cherokee Nation, by virtue of his Cherokee blood.

Be It Further Enacted: That Nancy Martin, nee Taylor, Mary Taft (daughter) and her children aged 8 years, Austin K. Taft 6 years, Sterling A. Taft 2 years, Nellie Taft 1 year, and Katy Martin (daughter) 21 years, and her child Ion Martin 8 years, Charlotte T. Martin (daughter) and her children, Johnnie Stubbs age 12 years, Rebecca E. Martin, now Howard, and her children, George Howard, age 11 years, Walter Howard, 8 years, Lydia Howard 6 years, William Howard 4 years, May Howard 3 years, Evans) (looks like) Howard 1 year, Julia A. Nelson (daughter) and her children Rosa Nelson, age 2 years, Edward J. Nelson, 8 months and William Wilcomer Martin, Harry C. Martin, Enas Lin Martin, John Wesley Martin, all being sons and daughters and grandchildren of Nancy Martin, that they be and are herabyadmitted to all the rights and privileges of citizenship in the Cherokee Nation by virtue of their Cherokee blood.

Be It Further Enacted: That Frances M. Jones and Dimer W. Reeves be and they are hereby readmitted to citizenship in the Cherokee Nation.

Passed the senate Dec. 13th 1890.
A. H. Norwood, Clerk of Senate. W. S. Agnew President protem senate.

Concurred in by Council Dec. 15th 1890.
Arch Spears, Clerk Council pro tem. B. F. Lamar, Speaker. pro tem Council.
Approved Dec. 15th 1890. J. B. Mayes Principal Chief C. N.

I, B. W. Alberty do hereby certify that the above is a true copy of an Act of the National Council of the Cherokee Nation passed and approved by the Principal Chief on the date indicated in this copy, as is shown by records of laws now in the Executive Office of the Cherokee Nation and in my custody as assistant Executive Secretary of said Nation.

S E A L) Given by me at Tahlequah Cherokee Nation this the 17th day of August 1900.

B. W. Alberty
Assistant Executive Secretary Cherokee Nation.

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

Muskogee, Indian Territory, August 25, 1902.

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of the certified copy of an Act of the National Council, offered in evidence in the matter of the application for enrollment of Reuben W. Moore, as a citizen of the Cherokee Nation.

Commissioner.

Marriage license was this the 28th day of June A.D. 1892 issued to Ruben W. Moore a citizen of the United States to marry Mrs Charlotte Stubbs, a citizen of the Cherokee Nation.

License signed by,

S. S. Stephens	Wm Chouteau,
John Chouteau,	J. P. Woodall,
J. A. Thompson,	T. F. Thompson,
Frank Deghane	A. B. Nichols,
W. M. Brown,	W. H. Drew,

Marriage ceremony performed by H. H. Trott, clerk of Cooweescoowee District C. N. on the 28th day of June A. D. ~~1891~~ 1892.

Recorded on this the 28th day of June 1892.

H. H. Trott,
Clk C. D. C. N.

Executive Office Cherokee Nation,
Tahlequah I. T.

I, B. W. Alberty, assistant Executive secretary of the Cherokee Nation do hereby certify that the foregoing is a true copy taken from the marriage record ~~##~~ Of Cooweescoowee District Cherokee Nation, now filed in this Office by law and is in my legal custody.

Given under my hand and the seal of the Cherokee Nation, this the 21st day of March 1902.

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

2x.

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X

FIELD
2061 #2

MARRIAGE LICENSE.

Cherokee Nation, I T
Cooweescoowee District.

TO ANY PERSON LEGALLY AUTHORIZED TO SOLEMNIZE MARRIAGE-Greeting:

You are hereby authorized to join in the Holy Bonds of Matrimony and to celebrate the Rites and ceremonies of Marriage between

Mr. Ruben W. Moore, a citizen of the United States, and Mrs. Charlotte

Stubbs, a citizen of the Cherokee Nation, according to the usual custom and laws of the Cherokee Nation; and you are required to return this license to me for record within thirty days from the celebration of such marriage, with a certificate of the same appended thereto, and signed by you

Given under my hand and seal of office this the 28th day of June, A D 1892.

(Signed) H H Trott,

Clerk Cooweescoowee District

Per W H Drew, Depty.

(SEAL)

Cherokee Nation,
I T
Cooweescoowee District.

I, H H Trott, a clerk of District hereby certify that on the 28 day of June, 1892 I joined in marriage Mr. R W Moore a citizen of the United States and Mrs. Charlotte Stubbs, a citizen of the Cherokee Nation, agreeable to the authority given in the within license, and the customs and laws of the Cherokee Nation

Given under my hand this 28 day of June, A D 1892.

H H Trott,

X

Cherokee Nation,
Indian Territory? ss

I, M M Edmiston, a Notary Public, in and for the Northern District of the Indian Territory, Certify that the foregoing are true copies of the Marriage License and certificate of Marriage of R W Moore and Charlotte Stubbs, as the same appears from the originals now in my office for reference.

Witness my hand and seal this 27th day of Aug. 1897.

M M Edmiston

Notary Public.

My Com. ex. July 28/1901.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAR 1 1901

CHAIRMAN

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Stipulation.

Charlotte Moore,
Plaintiff.

Vs.

X
R.W. Moore,
Defendant.

It is hereby agreed by and between the parties Plaintiff and defendant that in consideration of the Defendant R.W. Moore paying to Charlotte Moore the sum of fifty dollars, five dollars to be paid at the time of signing this agreement and forty-five dollars to be paid sixty days from the date hereof. And a further consideration of the said R.W. Moore paying all costs that has ~~arrows~~ been incurred in this case to this date. The said plaintiff Charlotte Moore agrees to give the defendant R.W. Moore absolute control of all the property sued for in the above styled suit and to forever relinquish all claim to any and all said property and further agrees to withdraw all charges of cruel and inhuman treatment and abuse and the allegation in the citation which relates to the forfeiture to the right of the defendant R.W. Moore as a citizen of the Cherokee Nation and to take a decree for a divorce only.

In witness whereof we hereunto set our hands this the 29th day of September 1897.

R.W. Moore,
Charlotte Moore.

Witnesses .

Jas. S. Davenport,
J. B. Merrell.

Civil Docket, *91,

Charlotte Moore, Plaintiff,

Vs.

R.W. Moore, Defendant.

Circuit Court, Reg. June term 1896.
Ready.

Judgement, rendered, as per stipulation filed,
This 9 - 30 - 1897.

T.M. Buffington,
Judge.

Executive Office Cherokee Nation,
Tahlequah, Ind. Ter.

I, B.W. Alberty, assistant Executive secretary of the Cherokee Nation, do hereby certify that the foregoing is a true copy of the original papers, stipulation and judgement, filed with Circuit Court cases of Cooweescoowee District Cherokee Nation, now filed in this office and in my custody; and that the following docket:

*91
Charlotte Moore, Ready,
Vs. 1st call.
R.W. Moore, 2 ready "

Judgement. * is copied from the Circuit court docket of Cooweescoowee District for September Term of said court 1897. Given under my hand and the seal of the Cherokee Nation this the 27th ~~1897~~ day of February 1901.

B. W. Alberty, asst. Sec. ^{Secretary}

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of the Cherokee Nation this the
of the Cherokee Nation this the
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DEPARTMENT OF THE INTERIOR
TO THE FIVE CIVILIZED TRIBES
FILED
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Executive Office Cherokee Nation
Cherokee, Indian Territory

not published
M.T.

1891 - 30 - 03 - 02

CIVIL DOCKET

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Supl.-C.D.#1136.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 24, 1902.

SUPPLEMENTAL in the matter of the enrollment of REUBEN W. MOORE
as a citizen of the Cherokee Nation.

The applicant was notified by registered letter March 1, 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 20th day of March, 1902. On said date the applicant ~~was~~ appeared by his attorney, S. F. Parks, Vinita, Indian Territory, and by agreement the case was continued until the 24th day of March, 1902. The same being this day, to-wit: the 24th day of March, 1902, called, and the applicant failing to respond either in person or by attorney, the case 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 proceedings in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

B

Cher

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 21, 1902.

In the matter of the application of REUBEN W. MOORE, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation:

Appearances:

Applicant present in person;
Cherokee Nation, by J. C. Starr.

REUBEN W. MOORE, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name ? A Reuben W. Moore.
Q What is your age and post office address ?
A My age is 45, on February 27th, last; and my post office address is now at Stella; it was at Vinita.
Q You are an applicant before the Commission for enrollment as a citizen by intermarriage, are you ? A Yes sir.
Q What is the name of your wife through whom you claim citizenship ?
A Charlotte T. Moore.
Q When were you married to her ?
A I was married to her on the 26th day of June, 1892.
Q Was she a Cherokee ? A Yes sir, she was admitted here in 1890.
Q You re-married her under Cherokee law ?
A Yes sir; I married her first in California.
Q How long did you and your wife continue to live together after you married ? A It was six years ~~in~~ the date of the first marriage till the second; it was in June, 1892, a little less than four years.
Q What was the cause of separation ?
A That's hard to tell; she was just going and coming.
Q What do you mean by going and coming ?
A Why she would say she was going away a while, and would go and stay a couple of weeks and sometimes longer.
Q How long was she gone the first time ? A Two weeks.
Q Where did she go ? A To Vinita.
Q Wasn't there some cause for that separation ? Didn't she assign any reason ? A Only that she wanted to run around.
Q Did she come back to you after the first separation ?
A Yes sir.
Q How long did you continue to live together then ?
A I can't say exactly; a year or two.
Q You separated again then ? A We didn't separate.
Q Did she leave you again ? A She went down to Fort Smith that time and was gone about a month.
Q Did she come back then ? A Yes she come back then.
Q How long did you continue to live together then ?
A That's hard to tell. I expect about--1st ms see; about six or eight months.
Q How didn't she accuse you of cruel treatment ?
A She did.
Q What was your treatment toward her ? A No sir; I went down to the trial and had witnesses, that we never eat a meal alone while we were married, without her son or somebody there.
Q What was your treatment toward her ?
A She will tell you herself she never asked for a thing that she didn't get.
Q You never abused her in any manner ? A No sir, I never abused her at all.

JOHN FRANKLIN, called as a witness, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name ? A John Franklin.
Q What is your age ? A Forty-one.
Q What is your post office address ? A Stella, I. T.
Q Are you acquainted with the applicant in this case, Reuben W. Moore ? A Yes sir.
Q How long have you known him ?
A Since about the fall of 1890.
Q Where was he living at that time ? A He moved into my neighborhood about a mile and a half south of Stella.
Q Has he been living there continuously since that time ?
A Yes sir.
Q Did you know his wife ? A Yes sir.
Q What was her name ? A Charlotte Moore. Lottie they called her.
Q Do you know how long they continued to live as man and wife after you knew them ? A Several years; I don't know.
Q Have you ever visited at their house while they were living together ? A Yes sir.
Q Do you know what was the cause of their separation ?
A She seemed to be dissatisfied and mad, and she left several times. She left before the Cherokee payment and come back, and left several times.
Q What was Mr. Moore's treatment of her before separation ?
A He treated her good so far as I know.
Q Did you ever hear of his abusing her, or did you ever see him abuse her ? A No sir.
Q Where is she now ? A I don't know.
Q Do you know whether or not Mr. Moore ever tried to induce her to come back to him after separation ? A I don't know.
Q She left him did she ? A She always left, and always come back.
Q He still lives on the place where they were living ? A Yes sir

Examined by J. C. STARR:

- Q Do you know anything about the direct cause of their separation ?
A She was a woman that just wanted to run around a good deal, and just got up and left.

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

E. C. Bagwell

Subscribed and sworn to before me this August 22, 1902.

Philip J. Ruter
Notary Public.

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


In the matter of the application of Reuben W. Moore for enrollment as a citizen by intermarriage of the Cherokee Nation; he being duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A Reuben W. Moore.
Q What is your age at this time? A 45.
Q What is your postoffice? A Estella, Now.
Q Indian Territory? A Yes, Indian Territory.
Q Are you the same Reuben W. Moore that applied to this Commission on March 1, 1901, for enrollment as an intermarried citizen?
A Yes, sir.
Q You claim as an intermarried citizen? A Yes, sir.
Q What is your wife's name? A Charlotte T. Stubbs, before I married her.
Q Was she a citizen by blood? A Yes, sir.
Q Is she living at this time? A I believe she is, she was two weeks ago.
Q When ~~was~~ were you and she married? A We were married in California in '90, February 3, and in the Cherokee Nation June 28, 1892.
Q Were you married this last time under a Cherokee license? A Yes, sir.
Q Were you ever married prior to your marriage to this wife? A No, sir.
Q Was she ever married prior to her marriage to you? Yes, sir.
Q How many times had she been married? A Once.
Q Was that husband living or dead when you married her? A He was dead.
Q Did you and she live together as husband and wife from the time of your marriage up until the present time? A No, sir, we lived together six years to the day, only four years under the Cherokee license.
Q So you have been separated now about six years? A Yes, sir.
Q Where were you living when you separated? A On Pawpaw, nine miles west of Vinita, I am living there still.
Q Did she leave you or you leave her? A She left me.
Q What was the cause of her leaving you? A Well, I couldn't tell, just because she wanted to run around.
Q You never gave her any cause? A No, sir, she never asked for anything but what was granted her.
Q Since you and your wife separated have you been divorced?
A Yes, sir.
Q Who obtained the divorce? A She obtained the divorce.
Q Through what Court? A Through the Cherokee Court at Claremore.
Q Did you make any appearance? A Yes, sir.
Q You fought the case? A I fought the case.
Q And the divorce was granted her or you? A It was granted to her, I finally submitted and let her have the divorce by withdrawing charges, I granted it to her.
Q By agreement the divorce was finally granted to her? A Yes, sir.
Q Since that divorce was granted have you ever married again?
A Yes, sir.
Q When were you married this last time? A On January 20, 1902.
Q What is that wife's name? A Lissie Wood.
Q Is she a citizen of the Cherokee Nation by blood? A Yes, sir; a citizen by blood.
Q What is her father's name? A Her father's name was Smith, he died when she was a little girl, she was raised down here in the Orphan Asylum.

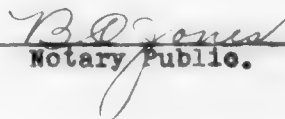
Reuben W. Moore, --2.

- Q What was her mother's name? A I never heard her say; she has brothers, John and Walter Smith, and a sister, Josephine Smith.
- Q What was your wife's name when you married her? A Wood.
- Q What was her maiden name? A Smith.
- Q Her first husband was dead when she married you? A Yes, sir.
- Q Did she have any children? A She had a child; she applies for that with her.
- Q How long have you lived in the Cherokee Nation? A I came here in July, '90.
- Q Have you lived in the Cherokee Nation all the time since then? A Continually.
- Q Were living here on the first day of September, 1902? A Yes, sir.
- Q You were here in June, 1898? A Yes, sir.
- Q How long did your first wife live in the Cherokee Nation? A I brought her here in '90.
- Q Was she admitted? A She was admitted by the Cherokee council.
- Q And after she was admitted you were married under Cherokee law? A Yes, sir, then we married under Cherokee law.

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



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



Notary Public.

Doubtful No "D 1136.

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

In the matter of the application
of Reuben W. Moore for the enrollment
of himself.

Statement of Facts.

The testimony in this case shows that the applicant, Reuben W. Moore is a white man; that on the 23th day of June 1892, he married one Miss Char~~lotta~~ Stubbs, a Cherokee woman; that said marriage was consummated under and in compliance with the laws of the Cherokee Nation governing intermarriage of Cherokee women with foreigners and white men; that the said Charlotta Stubbs, whom the applicant afterwards married, was admitted to citizenship by an Act of the National Council on December 15th, 1890, as Charlotta T. Martin and that the said Charlotta T. Martin moved to the Cherokee Nation in July 1890, prior to the time of her admission to Cherokee citizenship and that on the 20th day of September 1897, a divorce was granted dissolving the bonds of matrimony then existing, between the said Reuben W. Moore and his wife Charlotta Moore,

A r g u m e n t.

The applicant, Reuben W. Moore contends that under the existing laws governing the enrollment of citizens of the Cherokee Nation by the Commission to the Five Civilized Tribes, it is incumbent upon the Commission to enroll him as an adopted citizen; that he acquired his citizenship through his wife, Charlotta Moore, a Cherokee citizen by marrying her in compliance with the laws of the Cherokee Nation, governing intermarriage. This contention is upheld by the certificate of marriage showing

that the applicant, married his then wife, under and in compliance with the laws of the Cherokee Nation, by first obtaining his license from H. H. Trott, the then District clerk of Cooweescoowee District, Cherokee Nation.

The testimony shows that the applicant sued his then wife, Charlotta Moore for a divorce in a court of competent and exclusive jurisdiction and that a decree of divorce was granted on the 30th day of September 1897 in the Cherokee Court, dissolving the Bonds of matrimony then existing; that the applicant, was the plaintiff in that action and the grounds for his divorce, was abandonment.

This action on part of applicant in suing for and obtaining a divorce, would not militate against him nor against his interests as an adopted citizen of the Cherokee Nation. The decree of divorce does not change his status as an adopted citizen.

After becoming a citizen of the Cherokee Nation by adoption, the applicant contends that there are only three ways by which he could forfeit his citizenship, viz:

1. Abandon his wife.
2. Marry a white person or woman as the case may be who has no rights of Cherokee citizenship.
3. Remove, with his effects without the limits of the Cherokee Nation and become a citizen elsewhere.

There is no contention on part of the Cherokee Nation that the applicant has done either, but the proof does show that his wife did abandon him.

While it is not in the proof, the applicant since his original application was made, has married a Cherokee woman, who is a recognized citizen of the Cherokee Nation, this however would not change his status.

Respectfully Submitted.

J. J. Parke

Attorney for applicant.

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D 1136.

In the matter of the application
for the enrollment of Reuben
W. Moore.

Brief and Argument.

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S. F. Parks.

Attorney for Applicant.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Muskogee I. T. June 10, 1902.

In the matter of the application of Reuben W. Moore for enrollment
as a citizen of the Cherokee Nation by intermarriage.
Cherokee D 1136.

Brief on part of the Cherokee Nation.

The applicant Reuben W Moore married a citizen of the Cherokee Nation
in accordance with the laws of the Cherokee Nation, provided the Commis-
sion is willing to accept a second copy of the marriage license and
marriage certificate instead of having required the applicant to get a
certified copy of the original from the Executive Department of the Chero-
kee nation, on the 28th day of June 1892 and the testimony further shows
that his wife instituted a suit against him for a divorce and that the
same was granted in 1897; and while there was a stipulation on file agree-
ing that the divorce should be granted and while the wife agreed to
withdraw the allegation requesting the forfeiture of citizenship of
Reuben W Moore yet the Cherokee Nation was not a party to that suit and
contends that its interests can not be adjudicated against it by the
wife and that if he had abandoned her which he must have confessed, that
his citizenship should be declared forfeited by this Commission and he
should not be enrolled as a citizen of the Cherokee Nation.. We contend
that the same principle applies as does in a criminal case where the
party is wronged before the United states Court; while the aggrieved party
may agree to a dismissal of the charges against the defendant yet the
Government itself is interested in the prosecution of them and in this
case the Cherokee Nation is interested in having the citizenship of Reuben
W. Moore declared forfeited as provided in section 666 of the Compiled
Laws of the Cherokee nation, 1892.. In the event he abandoned his wife
which is confessed by the granting of a divorce in this case as the charge
of cruel and inhuman treatment and abuse was withdrawn.

Respectfully Submitted,

W. W. Hastings, J. C. S.
Attorney for the Cherokee nation.

J. C. S.

C. D. 1136.

Reuben W. Moore,

Brief on part of the
Cherokee Nation.

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

In the matter of the application of Reuben W. Moore for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

DECISION.

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The record in this case shows that on March 1, 1901, Reuben W. Moore appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had on August 21, 1902, at Muskogee, Indian Territory.

The evidence in this case shows that Reuben W. Moore, a white man, was lawfully married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, on June 28, 1892, to Charlotte Stubbs, a citizen by blood of the Cherokee Nation, who was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, on December 15, 1890. A few years after their marriage Reuben W. Moore and his wife, Charlotte Moore, separated, Charlotte Moore leaving her husband, and on September 30, 1897 a decree of divorce was granted Charlotte Moore upon a stipulation entered into between Reuben W. Moore and his wife, Charlotte Moore. Reuben W. Moore is identified on the Cherokee Census roll of 1896.

The evidence further shows that the said Reuben W. Moore has resided in the Cherokee Nation ever since the year 1890.

It is, therefore, the opinion of this Commission that Reuben W. Moore 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 _____

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

In the matter of the application of Reuben W. Moore 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 March 1, 1901, Reuben W. Moore appeared before the Commission at Muskogee, Indian Territory, and made application for his enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on August 21, and September 29, 1902.

The evidence in this case shows that Reuben W. Moore, a white man, was lawfully married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation, on June 28, 1892, to Charlotte Stubbs, a citizen by blood of the Cherokee Nation, who was admitted to citizenship in the Cherokee Nation by its duly constituted authorities, on December 15, 1890. It appears that the applicant and his said wife lived together for about four years following their marriage and that they then separated, the said Charlotte Moore leaving her husband, and on September 30, 1897, a decree of divorce was granted Charlotte Moore on a stipulation entered into between her and her said husband, Reuben W. Moore. Reuben W. Moore is identified on the Cherokee census roll of 1896.

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

Section 606 of the Compiled Laws of the Cherokee Nation 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 his or her rights acquired under the provisions of this act shall cease."

It appears that the said Reuben W. Moore acquired rights of Cherokee citizenship by his marriage to Charlotte Stubbs, and that since the divorce between him and his said wife, Charlotte, he has mar-

ried his present wife, Lizzie, who, on examination of the records of this Commission is found to have been enrolled on Cherokee Roll Card, No. 2754 under the name of Lizzie Wood, as a citizen of the Cherokee Nation of Delaware blood.

The evidence further shows that the said Reuben W. Moore has resided in the Cherokee Nation ever since 1890.

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

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this _____

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., February 24, 1903.

In the matter of the application of REUBEN W. MOORE, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation:

CHARLOTTE TAYLOR, being first duly sworn, and examined, testified as follows:

Examined by the Commission:

- Q State your name ? A Charlotte Taylor.
Q What is your age ? A Thirty eight I think is my age.
Q What is your post office ? A Vinita.
Q Do you know Reuben W. Moore ? A Yes sir.
Q You were his wife at one time were you ? A Yes sir.
Q He is a white man ? A Yes sir.
Q I understand he is claiming his citizenship through his marriage to you, is he ? A Yes sir.
Q When were you married to him ? A I was married to him in California, I disremember what year, I think I have my marriage certificate here.
Q Its sometime before you came to the Cherokee Nation ?
A Yes sir.
Q Before you were readmitted ? A Yes sir.
Q Was he married to you after that under a Cherokee license ?
A Here in the Territory ?
Q Yes ? A Yes sir.
Q Do you remember what year that was ?
A It was about three or four years after we come here.
Q He got out a Cherokee license and married you under that license ? A Yes sir.
Q How long did you continue to live together after that second marriage ? A We didn't live together but two or three months.
Q Separated did you ? A Yes sir.
Q What was the cause of the separation ?
A Why he got to be mean to me, and drove my boy away from home twice.
Q Was that his boy also ? A No sir, my first husband's boy.
Q Moore was your second husband ? A Yes sir.
Q Was your first husband dead when you married him ?
A Yes sir.
Q You say he was mean to you, what did he do to you ?
A He was always fussing and cussing at me.
Q Did he ever strike you ? A Yes sir.
Q With his hand ? A Yes sir.
Q Did he ever strike you with any weapon ?
A Why he throwed a teacup at me.
Q Did he throw it at your head ? A He throwed to kill me he said.
Q Did he throw it with great force ? A Yes sir, it broke all to pieces.
Q What else did he do ? A He was accusing me of running with other men all the time.
Q That was not true was it ? A No sir, it was not.
Q Did he strike you on more than one occasion ?
A Yes sir he set me down on a sack of corn one day, and pushed me down on it, and shook me up and down on it, and he liked to have broke my back.

- Q He made life pretty miserable for you ?
 A Yes sir, he made it so miserable I couldn't stay at home.
- Q Did he ever choke you ? A Yes sir, he choked the pallet of my tongue out. He pulled me loose from the door facing, and set right straddle of me, and took his fingers and choked my throat until my throat was raw.
- Q Did you have to have your throat treated by a doctor after that as a consequence of that choking he gave you ? A Yes sir.
- Q Did all this happen after your second marriage ?
 A Yes sir. There couldn't a man come on the place, or a mule track or a horse track on the place, but what he would come in and abuse me about it. I used to run off from home after night to keep peace.
- Q Did he leave the house or did you leave it ?
 A I left it.
- Q You felt obliged to leave it ? A Yes sir.
- Q Did you tell him you were going to leave ? A Yes sir.
- Q Did you tell him why ? A Yes sir.
- Q Where did you go ? A I went to my mother's.
- Q You have never lived with him since that time ?
 A Yes sir, I lived with him once, I went back to him because I was destitute.
- Q Did he ask you to come ? A No.
- Q Did you live with him as husband and wife then ?
 A No sir, we didn't, I just stayed there on the place.
- Q How long did you stay there ? A About four months, and done his cooking and work, but I never lived with him as his wife.
- Q Has your husband married again since then ? A Yes sir.
- Q You were divorced then, were you ? A Yes sir.
- Q Who brought suit ? A Why he did.
- Q He brought suit ? A Yes sir, I was trying to get the place, and he brought suit for divorce.
- Q What did he sue you for, what ground did he allege for divorce ?
 A He brought suit, and then I got me a lawyer and put in for a divorce.
- Q What did you charge in your bill ? A Cruel treatment.
- Q Who got the divorce, you or he ? A Why I got the divorce; I think I was granted the divorce.
- Q Did you have some children by him ? A No sir, never had any by him.
- Q Now what was your conduct as a wife, were you faithful to him ?
 A Yes sir I was.
- Q Affectionate ? A No sir, I wasn't with him; no sir, I never was with him.
- Q You were not ? A No sir.
- Q But you treated him right ? A Yes sir. I thought the world of him when I married him, and married him to live with him and treat him right. He tried to slander me there in the neighborhood, everywhere I went I heard that he had been talking about me.
- Q You don't consider, then, that it was your fault at all that you separated ? A No sir. I tried to live with him, and my folks tried to get me to live with him, until they knew how he done, and then they told me to go away. Mr. White has seen him strike me, but he is not here now.
- Q Your husband says you wanted to run around all the time ?
 A Well, he was the cause of it.
- Q You went away from home to get some peace ? A Yes sir I did.
- Q How long would you stay away ? A Sometimes a month or two, and sometimes two or three weeks. Sometimes I would go and work out. I worked for Dr. Foreman, and others.
- Q How often would you go away ? A Every time he would get mad with me.

- Q You say his treatment of you that you complain of wasn't begun until after you were married the second time ?
 A Not so much so.
- Q It had been before that ? A No sir, we never had so much trouble until after those Hendricks girls come to the house.
- Q That was after you were married the second time ?
 A Yes sir.
- Q After you were married under the Cherokee law, how often would you go away from home before you finally separated ?
 A I went away four or five times.
- Q How long were you away at a time ? A Sometimes a month or two, and sometimes two or three weeks.
- Q Did you say you only lived together four or five months after you were married the second time ? A No sir, we lived together four or five years; while we lived up there on the place, the first trouble we had was when I drew my strip money.
- Q Did your husband ever speak to you about this running around ?
 A No sir, he never did.
- Q Did he never complain about it ? A No sir.
- Q Did you tell him what you left him for ?
 A He knewed what I left him for.
- Q I mean at those times when you went away and came back ?
 A He never seemed to grumble much about it.
- Q Would you tell your husband you were going ?
 A When I come to town I would tell him that I was going away if he didn't behave himself, and he said he didn't give a damn where I went to.
- Q You went off and worked for people ? A Yes sir.
- Q You say the reason why you did you wanted to get away from your husband a while ? A Yes sir.
- Q Was that all ? A Yes sir, it was disagreeable to me, I couldn't stay there, and he wouldn't let my boy stay there.
- Q You finally had to quit him on account of his treatment of you ?
 A Yes sir.

Examined by J. C. Starr:

- Q You say he choked you at one time ? A Yes sir.
- Q Choked you so bad you had to have a doctor to treat you ?
 A Yes sir.
- Q What doctor did you have treat you ? A Dr. Clinkscapes.
- Q How long was that before the separation ?
 A Why it was right at the time.
- Q The time you separated the last time ? A Yes sir.
- Q Was that the cause of the separation at that time ?
 A Yes sir, well I was going to leave him anyway, but after he choked me I left him.
- Q Had he been abusive to you before when you would go away ?
 A Yes sir.
- Q That was the cause of your leaving at the times he says you were running around ? A Yes sir.

Examined by the Commission:

- Q How long was it after he choked you before you finally left him ?
 A I left the third day after that. He was going to town with the wagon.
- Q So that it was this fact, that he choked you, that was the immediate cause of your separation finally, was it ?
 A Not exactly, I would have left him anyway, but of course that drove me from home quicker.
- Q Were you quarreling about something at the time he choked you ?

A Yes sir; we was quarreling about a razor he had under his pillow; I found it under there and pulled it out and carried it in my bosom, and he would look around the bed and I asked him what he was looking for, and he said none of my damn business, and finally I dropped it one day, and he said "I knowed you had that razor", and I said "You did, did you, you had it there to kill me", and then he grabbed me and choked me. I expect I have got a terrible name in this country on account of him, but I really don't deserve it.

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 April 1, 1903.

Samuel Foreman

Notary Public.

1134

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 2 1903



CHAIRMAN

APR 2 1903
RECORDED

the foregoing is an accurate transcript of all the proceedings had in the
feet and proceedings had in the above mentioned cases and that
Commission to the Five Civilized Tribes, by the order of the
B. G. Bennett, Secretary of the Commission, at the

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verifiable name in this case, on account of which, and I
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Bennett, and I don't know of the other cases. I don't
think I don't know of the other cases. I don't know
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in the presence of the year, and he was not in the presence of

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

CHEROKEE ENROLLMENT OFFICE.

Vinita, I. T. T., APR 1- 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-1136 ✓	Reuben H. Moore		46

All appear upon the records of the Commission to the Five Civilized Tribes as applicants for enrollment as citizens of the Cherokee Nation.

In the event that said persons are finally enrolled as citizens of said Nation, a certificate of citizenship in the usual form will be issued.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

[Signature]

Enrollment Clerk.

[Signature]

CHAIRMAN

Chairman.

J.P.

91136.

COMMISSION

200

FILED

APR 7 1933

CHAIRMAN

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	2119
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 Crutehfield	2224
Lena Sittingdown	1511	Henry E. Lee	2251
Tim Creeden	1513	Sarah Gritts	2256
Odie Pideock	1517	John A. Madden	2261
Silas A. Saterfield	1529	Henry C. Pennel	2271
Laura J. Jeremiah	1530	Matilda S. Cleland	2302
Etta Hicks	1540	Dona 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 Baldrige	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. Eggleston	2668	Emma McAffrey	3543
Elisha M. Gray	2686	William T. Huit	3570
Jessie M. Ballard	2694	Myra F. Cheuteau	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

Roxie J. Ketchum 4623
 Lizzie Love 4626
 Robert K. Wann 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. 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. Sutherland 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. Brook 5645
 Mary J. Newcomb 5650
 George W. Seigel 5660
 Martha A. Parks 5666
 Zelta 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 Wylie 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 Recse	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	6276
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	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 Sanders	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 Usrey	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	6680	Maggie McCoy	7112
Lillie B. Blackstone	6714	Mary Belle Cordry	7113
Mary Lillard	6715	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 Cumpston	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 Baldrige	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	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	9590	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
Phaney 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	16023
Robert E. Dry	9875	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. Lawrence	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 Baldrige	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. Pardee	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. Fields	10214	Adolphus J. Hallum	D 483
Susie Henderson	10216	Alexander Walker	D 490
Charles H. Rienhardt	10218	Albert J. High	D 491
William H. Watkins	10221	America Matoy	D 501
Frank M. Rucker	10222	Moses L. Grazier	D 503
Henry C. Reed	10224	Myrtle Hall	D 509
Laura B. Timberlake	10226	Wallace Thursday	D 544
George A. Brown	10228	Thomas W. Baker	D 546
Drucilla Lowrey	10232	Mattie E. Keys	D 550
Almira Mouse	D 9	William S. Edwards	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. Hawkins	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 J. Dupree	D 403	Charles A. Robison	D 799
Willia 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 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. Collier	D 1367
Nellie C. Heterbrand	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 Crauc	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 2608
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	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 Tauuneacie	D 2831
William R. Lipsey	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
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

Lue Fish	D	3081	Della Baldrige	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 Bengé	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,
TAMM 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-1136

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, **March 1,** 1902.

Mr. Reuben W. Moore,

Vinita, 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

March 20, 1902.

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

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

You are required to supply the Commission with original marriage license and certificate or copy thereof from the official having the records in charge.

Register.

Yours truly,

~~Acting Chairman~~
Commissioner in Charge.

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RECEIVED
MAR 1 1902

[Handwritten Signature]
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

No. F. D. C. D. 1136.

VINITA, IND. TER. 100

Muskogee, I. T., March 12, 1902.

Mrs. Charlotte Taylor,

Vinita, I. T.

Dear Madam:

Enclosed herewith find a subpoena for your attendance before the Daves Commission at Muskogee on the 20th day of March, 1902. Please accept service of the same by signing your name in the blank stamped in red ink at the bottom of the subpoena, and advise us if you will be here at that time. Please return the subpoena to us in the enclosed envelope by first mail.

Yours truly,

W. H. M.

SPR

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

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

REFER IN REPLY TO THE FOLLOWING
Cherokee D-1136.

ALLISON AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

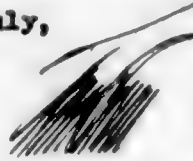
Muskogee, Indian Territory, July 11, 1902.

Charlotta Moore,
Vinita, Indian Territory.

Madam:

In the matter of the application of Reuben W. Moore for enrollment as a citizen of the Cherokee Nation, you are directed to appear before the Commission at Muskogee, Indian Territory, on or before July 29, 1902, and testify as to the circumstances attending your separation from your husband, Reuben W. Moore.

Yours truly,



Acting Chairman.

Register.

George H. Rains,

Mustang, Indian Territory, July 21, 1908.

Robert V. Moore,

Vinita, Indian Territory.

Sir:

In the matter of your application for enrollment as a citizen of the Cherokee Nation, you are directed to furnish additional personal testimony, other than your own, showing whether or not you ever abandoned your wife, Charlotte Moore.

This testimony must be furnished to the Commission at Mustang, Indian Territory, on or before July 29, 1908.

Yours truly,

Registrar,

Acting Chairman.

Muskogee, Indian Territory, August 12, 1902.

S. F. Parks,

Attorney for Reuben W. Moore,

Vinita, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of August 7, stating that Reuben W. Moore did not receive in time for him to comply therewith, the Commission's notice requesting him to furnish additional testimony on July 29, 1902, in the matter of his application for enrollment as a citizen of the Cherokee Nation.

You are hereby advised that you will be allowed ten days from date of this letter within which to furnish testimony as called for in Commission's letter of July 29, 1902.

Yours truly,

Acting Chairman.

Vinita, Indian Territory, January 20, 1903.

Charlotte T. Taylor,

Vinita, Indian Territory.

Dear Madam:

In the matter of the application of Reuben W. Moore for enrollment as a citizen by intermarriage of the Cherokee Nation, your testimony is desired as to the cause of the separation of yourself and said Reuben W. Moore, your former husband.

You are requested to appear before the Cherokee Land Office of this Commission at Vinita, Indian Territory, on or before February 20, 1903, for the purpose of giving this testimony.

When you appear, please present this letter.

Respectfully

Acting Chairman.

CRS

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

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

REFER IN REPLY TO THE FOLLOWING
Cher. D-1136.

ALLISON L. AVLESWORTH,
SECRETARY.

WJC

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Tahlequah, Indian Territory, November 7, 1903.

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

Gentlemen:-

There is transmitted herewith for your consideration and appropriate action the complete record in the matter of the application of Reuben W. Moore for enrollment as a Cherokee citizen by intermarriage, Cherokee D-1136.

The original card in this case is at the general offices at Muskogee.

Respectfully,

C. R. Breckinridge

Commissioner in Charge
Cherokee Land Office.

Enc. C-9.
JOC.

INDEXED.

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NO.	RECEIVED	DATE	
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30979			
1909			

Cherokee Land Office,
Tahlequah, I. T.,
Nov. 7, 1903.

Transmits complete record in
Cherokee D-1136 Reuben W. Moore.

Cher. D 1135

Muskogee, Indian Territory, January 10, 1907.

Reuben W. Moore,
Estella, 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 D1133

Muskogee, Indian Territory, March 14, 1907.

Ruben W. Moore,

Estella, 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.

Waukegee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,
Waukegee, 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

Cher. D 1136.

Try to procure
ex-wife's testimony
as to separation

J. H.

Letter 7/11/02 - 705

Received from the Commission to the Five Civilized Tribes one copy of the testimony in the
matter of the application of James H. [unclear]

for enrollment as

Dr. J. H. [unclear] of the Cherokee Nation.

Cherokee No.

Cher D 1137

Cher D 1137

2.

DOUBTFUL.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., MARCH 1st, 1901.

IN THE MATTER OF THE APPLICATION OF John Davis 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 John Davis.
Q Any middle name? A No, sir.
Q What is your age? A Thirty six I believe.
Q What is your Postoffice address? A Texanna.
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 Myself, wife and five children.
Q What is your wife's name? A Bessie.
Q Is she a citizen by blood? A No, sir.
Q What was her name before you married her? A Saterwhite.
Q What is her age? A About thirty I believe.
Q Have you a certificate of marriage? A No, sir.
Q When did you marry her? A Married in '88.
Q Have you any proof of your marriage? A No proof here; it is in the Clerk's office of Canadian District.
Q Is Bessie Davis your first wife? A Yes, sir.
Q Are you her first husband? A Yes, sir.
Q Are you and she living together now? A Yes, sir.
Q Have you lived with her continuously since you married her? A Yes, sir.
Q What is the name of your oldest child? A Susan J.
Q How old is Susan? A Born in '89.
Q What's the name of the next one? A Joe.
Q How old is Joe? A Born in '92.
Q Next one? A Samuel T.
Q How old is he? A Born in '93.
Q Well? A Caroline.
Q How old is she? A Born in '95; and the last one is Jack.
Q How old is he? A Born in '98.
Q Are you on the roll of 1880? A No, sir.
Q What proof have you of citizenship? A I was admitted in '70 or '71.
Q Why is your name not on the roll of '80? A I was at school at that time.
Q Where? A In Georgia.

■ Tribal Rolls of the Cherokee Nation examined and the names of the applicants appear thereon as follows:

1896 Census Roll; page 18, #504, Jack Davis, Canadian dist.
1896 Census Roll; page 18, #508, Susan J. Davis, Canadian Dist.
1896 Census Roll; page 18, #506, Joel I. Davis, Canadian Dist.
1896 Census Roll; page 18, #507, Samuel T. Davis, Canadian "
1896 Census Roll; page 18, #508, Caroline Davis, Canadian "
1896 Census Roll; page 36, #58, Bessie Davis, Canadian "

- Q Have you any proof of birth of this youngest child made out?
A No, sir.
Q How long have you lived in the Cherokee Nation? A Twenty years.
Q Continuously? A Yes, sir.

BY MR. BIGGEST STARR, Cherokee Representative:

- Q You came after 1880 did you? A Yes, sir; I came in '81.

BY COMMISSIONER T. B. NEEDLES:

- Q Are these children all living at this time? A Yes, sir.

Q Did your father ever come to this country?

A Yes, sir, he used to live here.

Q Is his name on the roll of 1890? A I don't know.

Q You say your father was admitted when? A Then I reckon.

Q When were you born? A '64 or '5.

Com'r. T. B. Needles:- The name of John Davis is found upon the Census Roll of 1896 as Jack Davis, and he is fully identified as the applicant; he avers that he was married to one, Bessie Saterwhite, a non citizen in the year 1886, but presents no proof of marriage; he avers that by said marriage he has Susan J., Joe L., Samuel T. and Caroline Davis, whose names appear upon the census roll of 1896; he avers that he has one child, Jack, three years of age, whose name does not appear upon the census roll of 1896 having been born since said roll was compiled. The applicant presents what he proposes to be a certificate of admission, which is filed herewith. The records of the Cherokee Nation show that John Davis aged 74 was re-admitted by the Commission on Citizenship on the 18th day of May, 1887, he being now deceased and that the applicant's brother, Robert, and his sister, Jane, were readmitted at the same time. The applicant at that time being about 22 or 23 years of age. He presents no satisfactory proof of marriage to his wife, Jessie, or proof of birth as to Jack T. By reason of the facts stated in the testimony final judgment as to the enrollment of John Davis and his children, as enumerated as Cherokee citizen by blood and his wife, Bessie Davis, will be suspended and their names will be placed upon a doubtful card, awaiting satisfactory proof of citizenship, satisfactory proof of marriage and satisfactory proof of birth as to his youngest child.

---000000000---

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

Subscribed and sworn to before me this 1st day of March, 1901.



Commissioner.

101137

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

FILED
MAR 2 1901



ACTING CHAIRMAN

Supl.-C.D.#1137.

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

SUPPLEMENTAL in the matter of the enrollment of John Davis,
et al., as citizens of the Cherokee Nation:

The applicant was notified by registered letter March 1, 1902, that his application for the enrollment of himself and others as citizens of the Cherokee Nation would be taken up by the Commission for final consideration at its offices in Muskogee, Indian Territory, on the 20th day of March, 1902, that on said day he could appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any further testimony affecting his application. The applicant having this day, to-wit: the 20th day of March, 1902, been called and failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---00000000---

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

J. O. Rosson

C-10113-7

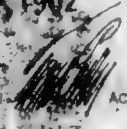
1902-1-10-100

COMMISSIONER OF THE INTERIOR
WASHINGTON, D. C.

TO THE COMMISSIONER OF THE INTERIOR
FROM THE CHIEF OF BUREAU OF INDIAN AFFAIRS

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAR 27 1902



ACTING CHAIRMAN

1902-1-10-100

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 4, 1902.

In the matter of the application of John Davis for the enrollment of himself and children, Susan J., Joe L., Samuel T., Caroline and Jack Davis, as citizens by blood, and for the enrollment of his wife, Bessie Davis, as a citizen by intermarriage of the Cherokee Nation; said Bessie Davis, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Bessie Davis.
Q What is your age at this time? A Thirty-four.
Q What is your postoffice? A Texanna.
Q Are you the same Bessie Davis for whom application was made for enrollment as an intermarried citizen on March 1, 1901? A Yes sir.
Q What is your husband's name? A John Davis; we call him Jack.
Q He is a citizen by blood? A Yes sir.
Q When were you and John Davis married? A In '88, May 20.
Q Were you ever married prior to your marriage to John Davis? A No sir.
Q Was he ever married prior to his marriage to you? A No sir.
Q You his first wife? A Yes sir.
Q He is your first husband? A Yes sir.
Q Have you and John Davis lived together all the time since your marriage up until the present time as husband and wife? A Yes sir.
Q Never have been separated? A No sir.
Q You have never been married to any other man? A No sir.
Q You were living together as husband and wife on the first day of September, 1902? A Yes sir.
Q How long have you lived in the Cherokee Nation? A Fourteen years.
Q All the time for the last fourteen years? A Yes sir.
Q Has your husband lived in the Cherokee Nation with you for the last fourteen years? A Yes sir.
Q Are these children, Susan J., Joe L., Samuel, Caroline and Jack your children by your husband, John Davis? A Yes sir.
Q Are these children all living at this time? A Yes sir, they are all living.
Q Have they lived in the Cherokee Nation all their lives? 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.

B. G. Rothenberger

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

B. E. Jones
Notary Public.

8174
Cherokee D-1137.

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

In the matter of the application of John Davis for the enrollment of himself and his minor children, Susan J., Joe L., Samuel T., Caroline and Jack Davis, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Bessie Davis, 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 March 1, 1901, John Davis appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself and his minor children, Susan J., Joe L., Samuel T., Caroline and Jack Davis, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Bessie Davis, as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 4, 1902.

The evidence shows that John Davis is a Cherokee Indian, and it appears that the right of the principal applicant and his family as Cherokees, was recognized by the Supreme Court of the Cherokee Nation on June 2, 1871. He is not identified on the authenticated Cherokee tribal roll of 1880, but an examination of the tribal rolls in the possession of this Commission shows that John Davis is identified on the Cherokee pay rolls of 1886 and 1894, and the Cherokee census rolls of 1890 and 1896, as a Cherokee by blood. The evidence further shows that Bessie Davis was lawfully married to the said John Davis on May 20, 1888. She is identified on the Cherokee census roll of 1896, and the above named children, excepting Jack, are also identified on that roll. Jack Davis is identified by a birth affidavit made a part of the record herein.

It further appears that the said John Davis has resided in the Cherokee Nation for twenty years immediately prior to the date of this application; that his wife, Bessie Davis, has lived with her husband in said Nation ever since they were married, and that their children have lived in said Nation all their lives.

It is, therefore, the opinion of this Commission that John Davis, Susan J. Davis, Joe L. Davis, Samuel T. Davis, Caroline Davis and Jack Davis should be enrolled as citizens by blood, and that Bessie Davis should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

WEDD

Sam D. Kirby
Acting Chairman.

Commissioner.

C. B. Brantley
Commissioner.

Muskogee, Indian Territory,

this JAN 30 1903

COMMISSIONERS.
HENRY L. DAWES.
TANS 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 B-1157

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 31, 1903.

W. V. 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 John Davis for the enrollment of himself and his minor children, Susan J., Joe L., Samuel T., Caroline and Jack Davis, as citizens by blood, and for the enrollment of his wife, Bessie Davis, 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~~ 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-9174

John Davis et al

A. Oregon's independence, Mar. 1, 1901.

B. Union's independence, Mar. 1, 1901.

C.

Marriage Certificate.

Affidavit of birth, Jack Davis,

Notice of consideration, 3/30/02

Cher D 1138

Cher D 1138

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., March 4th, 1901.

In the matter of the application of George W. Fields for the enrollment of himself as a Cherokee citizen; he being first duly sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A George W. Fields.
Q What is your age? A 53.
Q What is your post office address? A ~~Kinkknox~~ Fairland.
Q To what district do you belong? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood or intermarriage? A Intermarriage.
Q Who do you desire to enroll? A Just myself.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Kliza J., she is dead now.
Q What was her maiden name? A Elize J. McGhee.
Q How old would she be now? A If she was living she would be 53 years old.
Q Was she a Cherokee citizen by blood? A Yes, sir.
Q When did she die, A The 21st day of April, a year ago.
Q Have you a certificate of marriage? A Yes, sir.
Q Please present it? A

Com'r Needles:--Applicant presents a duly authenticated marriage license and marriage certificate certifying that he was married on the 26th day of December, 1869, to one Kliza J. McGhee.

- Q Did you live with her from the time of your marriage until her death? A No, sir.
Q Were you separated from her? A Yes, sir.
Q When? A Don't know exactly how long it was before she died.
Q About how long was it? A I think it was from about August until she died that we separated.
Q Did you live with her continuously from the time of your marriage until then? A Yes, sir.
Q Have you married since her death? A No, sir.
Q Did you get a divorce? A No, sir.
Q Did you leave her or did she leave you? A We just agreed to separate and divided the place; we lived on the same farm; she lived in one house and I lived in another.
Q Did you have any children? A Yes, sir.
Q Are they living? A Yes, sir.
Q Grown? A Yes, sir; all except one.

Upon examination of the 1860 Authenticated Roll of the Cherokee Nation there is found on page 100, #1028, the name of W. W. Fields, in Coowescoowee district. Upon page 100, #1029, appears the name of Eliza Fields, in Coowescoowee district.

Upon examination of the 1896 Census Roll of the Cherokee Nation there is found the name of George W. Fields on page 582, #172, in Delaware district. On page 468, #1072, appears the name of Eliza Jane Fields, in Delaware District.

- Q The only trouble appears to be about this separation; did I understand you to say that you lived with her continuously from the time you married her until about a year before she died?
A Until about August before she died in April, a year ago.
Q Have you always lived in the Cherokee Nation? A Ever since the War I have made my home there, I have been out some.
Q For how long a time have you been out? A Well, I have been out several times; one time for over a year.

George W. Fields--2.

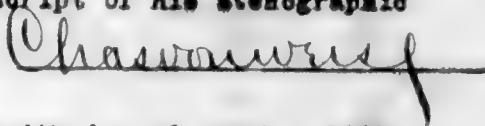
Q Did you make your home anywhere else during that time? A No, sir.

Q Did you take your family out with you? A No, sir; just went by myself with a tent and camping outfit.

Com'r Needles:--The name of George W. Fields appears upon the authenticated roll of 1880 as an intermarried white, and the name of his wife, Eliza J. Fields, appears upon the authenticated roll of 1880 as a Cherokee citizen by blood. Her maiden name is Eliza J. McGhee. Both the applicant and his wife appear upon the census roll of 1896. The applicant avers that he lived with his wife from the date of their marriage in 1869 up until about a year before her death and he states that they agreed between them to separate and divided their farm and other property and that he lived in one house and she in another on the same farm. The applicant is duly identified and makes satisfactory proof as to residence. Because of his separation from his wife, final judgment as to his enrollment as a Cherokee citizen by intermarriage will be suspended and his name will be placed upon a doubtful card.

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



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



Commissioner.

01138

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAR 4 1901

[Handwritten signature]

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[Faint, mostly illegible text, possibly a letter or report]

[Faint, mostly illegible text, possibly a second letter or report]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 20, 1908.

In the matter of the application of George W. Fields 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 March 1st, 1908, 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 20th day of March, 1908. Receipt has not been acknowledged of the Commission's letter.

J. G. STARR, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A J. G. Starr. Postoffice Vinita, I. T. Age 31.

Q Are you stenographer for the Cherokee Nation? A Yes, sir.
Q Did you try to get any arrives on the applicant, George W. Fields?
A Yes, sir, I registered a notice to him at his postoffice at Fairland, I. T., the notice was returned by the postmaster saying that George W. Fields didn't get his mail at that point, and that his postoffice address was unknown.

MR. HASTINGS: The Cherokee Nation now moves to take some testimony in the above case without any further notice, as it is shown that he doesn't reside at the place where he gave his postoffice address when he applied to the Commission.

COMMISSION: The motion of the Cherokee Nation will be entertained and the testimony heard.

DAVID W. VANN, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A David W. Vann.

Q What is your postoffice? A Fairland, I. T.

Q What is your age? A My age is 44 years.

Q Are you a Cherokee? A Yes, sir.

Q Do you know the applicant, George W. Fields? A Yes, sir, George W. Fields, Sr, it was George W. Fields, Jr.

Q Is he a white man? A Yes, sir.

Q Did you know his wife? A Yes, sir.

Q Where did George W. Fields formerly live? A He lived there right close to Fairland.

Q What become of him? A Why he left the country two or three years ago.

Q Did he take his wife with him? A No, his wife died after he left, he left his wife with her father.

Q She was living when he left? A Yes, sir, she was living.

Q Do you know who he went off with? A No, sir.

Q Do you know whether he went off with another woman? A I have heard it said that he did, a woman left the neighborhood about that time.

Q That is the report? A Yes, sir, that is the report.

Q Was she a white woman? A Yes, sir, she was a white woman.

Q And he left his Cherokee wife there? A Yes, sir.

Q Do you know where he went to? A I don't know where he went to, it was kept a kind of a secret.

JOHN COLLINS, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A John Collins.
Q What is your postoffice? A Siloam Springs, Arkansas.
Q Has it always been Siloam Springs? A No, sir.
Q You lived around Fairland once? A Yes, sir.
Q Did you know George W. Fields? A Yes, sir.
Q When did you last know him? A In 1898.
Q Was he living near Fairland then? A Yes, sir.
Q Where did he go? A I don't know.
Q Did he leave that neighborhood? A Yes, sir.
Q Do you know with whom he left? A Why I suppose it was my wife.
Q Was she a white woman? A Yes, sir.
Q They went off together? A Yes, sir.
Q At the same time? A Yes, sir.
Q You have never seen nor heard of her since? A No, her sister-in-law told me that they went off together.
Q This man was a white man and your wife was a white woman? A Yes, sir.
Q Well, he had a wife there, didn't he? A Yes, sir.
Q Did she run off and leave her? A Yes, sir.
Q Left her there in the neighborhood? A She died.
A Since, or do you know? A Yes, sir, I was there when she died.

JEFF MCGHEE, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Jeff McGhee.
Q Your postoffice? A Daves Postoffice.
Q Do you know this applicant, George W. Fields? A Yes, sir.
Q Did he marry a relative of yours? A Yes, sir, married my sister.
Q Used to live near Fairland? A He lived about two miles south of Fairland, yes, sir.
Q and he left her? A Yes, sir.
Q Do you know where he went to? A No, sir, I do not.
Q Do you know of his going off with a former wife of Mr. Collins?
A I don't know, the report is that he went off with her, Collins' wife.
Q Well, he isn't living up there now? A No, sir.
Q He left his Cherokee wife? A Yes, sir.
Q She died since? A She died in the spring.

The applicant having this day been called, and failing to respond either in person or by attorney, it is deemed that the record in this case is completed, and the same 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 the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

Arthur G. Croninger

23
J.H.P.
D1138

loh

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

In the matter of the application of George W. Fields for enrollment as a citizen by intermarriage of the Cherokee Nation.

DECISION.

--oOo--

The record in this case shows that on March 4, 1901, George W. Fields appeared before the Commission at Muskogee, Indian Territory, and made application for his enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory on March 20, 1902.

The evidence shows that the said George W. Fields was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on December 26, 1869 to Eliza McGhee. The said George W. Fields is identified on the authenticated tribal roll of 1880, and on the Cherokee Census roll of 1896.

It further appears from the evidence that the said George W. Fields lived with his said wife for thirty years following their marriage, and that in August 1899 they separated. Applicant testifies that they agreed to separate and divided the place; that they lived on the same farm, applicant living in one house and his wife in another. His said wife died in April, 1900.

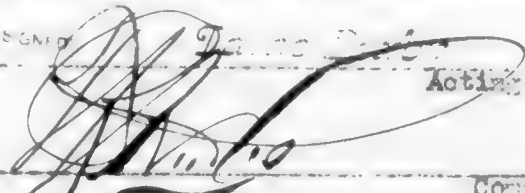
Section 21 of the Act of Congress approved June 20, 1898 (30 Stats., 495), provides for the enrollment of Cherokee citizens, "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 667 of the Compiled Laws of the Cherokee Nation (1892) provides:

"Every person who shall lawfully marry under the provisions of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation."

It is the opinion of this Commission that George W. Fields 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 therefore be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED:  Acting Chairman.

 Commissioner.

 Commissioner.

Dated at Muskogee, Indian Territory,
this OCT 26 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.

O. D. 1138

VINITA, IND. TER.

190

Muskogee, I. T. March, 18, 1902.

Mr. Oge Harlin,

Dodge, I. T.

Dear Sir:-

A man by the name of George W. Fields has applied to the United States Commission for enrollment as a citizen of the Cherokee Nation by inter-marriage. His wife's maiden name was, Elizabeth J. McGee.

He claims to have lived with her continuously from the time they were married to a short time before she died, but they were separated, and were not living together when she died. Please advise us the cause of this separation, if you know, and any facts that you may know, that would effect his rights to enrollment as a citizen of the Cherokee Nation by inter-marriage.

Yours very truly,

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 Indian Territory, on 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

.....
.....
Attorneys for the Cherokee Nation.

C D. 1138

**INDIAN TERRITORY,
CHEROKEE NATION.**

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 190...

Given under my hand this.....
day of A. D. 190.

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
..... day of , 190 . .

.....
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to
.....
on the day of A. D. 190 ...

Subscribed and sworn to before me
this

.....
Notary Public.

Fairland N.Y. 3/13 02

J. C. Starr

Mr. Stogger N.Y.

In ans. to yours of 3/12 In regard
^{Reg} to Letter addressed to G. N. Fields I will
return same as soon as it arrives.

~~You~~ We also have a Letter ^{Reg} with your
Return Card on it addressed to
Thomas J. Tragly. (Reg)

I do not know of any such Person
here what shall I do with it

Yours Resp
Carroll Moore P.M.

London

21st Dec 1812

My dear Mother

I received your kind letter of the 14th

and was glad to hear from you

and to hear that you are well

and that you are all happy

and that you are all well

and that you are all happy

and that you are all well

and that you are all happy

and that you are all well

and that you are all happy

moved his bedding in
 another room & said
 that
 I should be sure to
 get all it was worth
 out by the end of
 the week as he had
 he must do so because
 that is all.

I was very sorry
 about it & said
 he "Allegre Hand" &
 I was what was
 so I was not
 also I was not
 very much
 at all

now before he got home
 for good he would
 all he had a few cents
 to get there in the night
 he got some food in
 the hall & some fields
 and in a short time
 he home he got some
 money and some more
 till the day was dead
 some time. Now all I have
 told you is what she
 told me at that time

any more people
 can tell more than
 I can

Lizzie Fields & George
Hickson, would it be
kind to please to send
to me a copy of the world's
roll, I wish you would
do it, most any roll but
need not ^{be} ~~be~~ you
will be pleased to send
them to me at once
I am
All yours
D. L. H.

March the 16) 1902

Friend Cole
wonted to know where
John Calus was he
is in Silome Springs -
Ark he is run a Barber
Shop in Silome Springs
and Gory full is in Colorado
But I dont know where but I
will find out and write
you as soon as I find out
what his post ofst is

A. V. Arvey

SUBPOENA.

INDIAN TERRITORY,)
Cherokee Nation.) SS.

TO ANY LAWFUL OFFICER:

You are commanded, in the name of the Cherokee Nation, by authority of an Act of the National Council of the Cherokee Nation, entitled "An Act making provision for the representation of the Cherokee Nation in the completion of the roll of the citizens of the Cherokee Nation, and for other purposes," approved by the Principal Chief of the Cherokee Nation, December 19, 1901, and by the President of the United States, January 20, 1902, to summons

John Collins,

Siloam Springs, Ark.

to be and appear before the United States Commission to the Five Civilized Tribes, at Muskogee, I. T., on the 20th day of March, A. D. 1902, then and there to give evidence in such contested citizenship cases as the representatives of the Cherokee Nation may desire.

Dated **March 20th 1902.**

W W Hastings JCS

No. C. D. 1138.

Attorneys for the Cherokee Nation.

I hereby Certify that I served the within
Subpoena on the within named John Collins by
delivering ^{to him} a true and exact copy thereof in the
City of Silvan Springs, Arkansas, on the 14th day
of March 1902, I also Certify that I am the Marshall
of said City duly elected qualified and acting,
Attest, F. C.
Fred Hill, Marshall

CD 1138

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

ALLISON L. AYLESWORTH,
SECRETARY.

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D - 1128.

Muskogee, Indian Territory, October 28, 1902.

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

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 27, 1902, rejecting the application of George W. Fields for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with the record 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,

C. R. Breckinridge

Acting Chairman.
Commissioner in Charge.

Enclosure C. No. 231

COMMISSIONERS:
HENRY L. DAWES,
TANS BIXBY,
THOMAS B. NEEDLES,
C. E. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1138

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

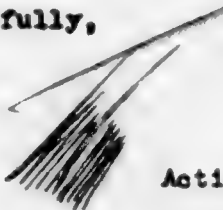
Muskogee, Indian Territory, January 29, 1903.

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

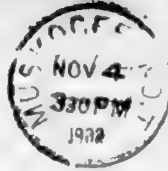
Dear Sir:-

You are hereby advised that the Commission's decision,
dated October 27, 1902, rejecting the application of George W.
Fields for the enrollment of himself as a citizen by intermarriage
of the Cherokee Nation, was affirmed by the Secretary of the
Interior January 19, 1903.

Respectfully,



Acting Chairman.



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

W. W. Hastings,

Muskogee, I. T.

After 10 days, return to

MUSKOGEE, IND. T.



W. W. Field

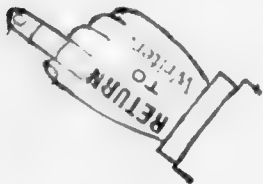
W. W. Hastings

Muskogee, I. T.

Starr

ogee, I. T.

2221
1873



26
/26



delivered.

I. T.



Returned By Request of Sender

D1138

George W. B's kids

[Faint, mostly illegible handwritten text]

Notes: ... 1/09

Sup test & oral closing held 2/29/09

[Large handwritten flourish or signature]

Cher D 1139

Cher D 1139

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

In the matter of the application of Sarah J. Ray for the enrollment of her son, Tony J. Parris, as a Cherokee citizen; she being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Sarah J. Ray.
Q How old are you? A I am 34.
Q What is your postoffice address? A Sallisaw.
Q What district do you live in? A In Sequoyah district.
Q For whom do you apply now to have enrolled; your son? A Yes sir.
Q What is his name? A Tony J. Parris.
Q How old is he? A Ten years old.
Q What is his father's name? A William Parris.
Q Is he living? A No sir.
Q He is a citizen by blood? A Yes sir.
Q You are his mother? A Yes sir.
Q Are you a Cherokee citizen by blood? A No sir.
Q White woman? A Yes sir.
Q Were you ever married to Mr. Parris? A Yes sir.
Q Have you a certificate of marriage? A It got burned.
Q Have you any proof of your marriage? A I got witnesses, but I haven't got them here.
Q You say Mr. Parris, your first husband, is dead? A Yes sir.
Q Since then you have remarried? A Yes sir.
Q Your present husband is a white man? A Yes sir.
Q Consequently, by marrying him you lost your rights? A Yes sir.
Q That is the reason you don't apply for yourself? A Yes sir, that is the reason I don't apply for myself.
Q When did William Parris die? A In 1886.
Q When were you married to him? A I was married in 1886. No, I am mistaken, he died in 1888.
Q You were married in 1888? A Yes sir.

The Cherokee authenticated roll of 1880 examined and the name of the applicant's husband and father of the child is found on page 462, No. 1332, as Wm. Parris, in Goingsnake District.

- Q When were you married again? A I was married in '90, I think.

The Cherokee census roll of 1896 examined and the name of the applicant's child is found on page 779, No. 1671, as Tony J. Parris, in Goingsnake District.

- Q Where was Tony born? A He was born in Arkansas, Lawrence County.
Q When was he born; about ten years ago? A Yes sir.
Q He would be born then in '91 - You say Mr. Parris died in what year? A He just lived with me five years. You can count from 1886. He died in 1888 I reckon.
Q He died in '88 and Tony wasn't born until '91, that would show that Tony was born two years after your husband died? A He was eight months old when my husband died.
Q Did you live with your husband until he died? A Yes sir.
Q And you were living in Arkansas? A No sir, I am living here.
Q But you were living in Arkansas when this child was born? A Yes sir.
Q How long were you living there? A I was born and raised there.
Q Did you ever live in the Cherokee Nation? A Not until after the death of Mr. Parris. The child was a little over a year old when I come here.
Q Mr. Parris and you were married in the State of Arkansas? A Yes sir.
Q And always lived there? A Yes sir.

2- S.J.R.

- Q You know what degree of blood he had? A I think a quarter is what he claimed.
- Q Mr. Farris died in the State of Arkansas? A Yes sir.
- Q How long had he lived in the State of Arkansas, do you know, before he married you? A But hardly a year.
- Q What part of Arkansas, do you recollect the county? A We was married in Sharp County; we was living in Lawrence County when the child was born.
- Q How far from the line of the Indian Territory? A Something like two-hundred miles.
- Q Is Tony J. Farris living now? A Yes sir.
- Q Living in the Indian Territory? A Yes sir, living with me.
- Q About how old would William Farris be if he was alive now? A I think he would be about 38 or 39.
- Q You say you have no proof of your marriage? A No sir, not here.
- Q If you were married in the State of Arkansas you could get a certificate from the record? A Yes sir, I thought I would if I have to have one.

Commissioner- You have to have that, of course.

By J. L. Baugh, representative of the Cherokee Nation-

- Q Did you know this William Farris was a Cherokee Indian when you married him? A Yes sir. I have just known oh it this way. I wasn't positive. I couldn't say I was satisfied, but he told me he was, and sometimes young men joke. He would joke around with the girls that he was and then that he wasn't. He told me that he was. He didn't show it much.

Applicant- His (her husband) age on the license was 26 years of age.

Examination continued by Mr. Baugh-

- Q Did he have any brothers or sisters living in the Cherokee Nation? A Yes sir.
- Q Who was his brother? A Jim Farris and Bud Farris, and a right smart connection here.

Commissioner-

- Q His parents living? A No sir, they are dead. His father was George Farris.
- Q He died when? A A few years ago. Three or four years ago.

By J. L. Baugh-

- Q He lived continuously with you after you were married in the State of Arkansas, did he? A Yes sir.
- Q Well, when you come to this country with your child, did you find any property that he had here? A No sir, I didn't. I didn't hardly leave Arkansas to come with his people. I didn't have any acquaintance with them. I come and proved up the child's right.
- Q In the Council? A Yes sir.

Commissioner-

- Q You say you proved the child's right in the Cherokee Council? A Yes sir.
- Q Have you a certificate of that? A I have a certificate, I believe.
- Q You haven't got it with you? A No sir.

Commissioner- It will be necessary for you to have that.

Commissioner Needles-

The name of Tony J. Parris is found upon the census roll of 1896. The applicant, Sarah J. Ray, avers that she was formerly Sarah J. Parris; avers that she is the mother of Tony J. Parris; she avers that she was married to one William Parris in the year 1886 in the State of Arkansas, and that she resided with said William Parris in the State of Arkansas until his death, which was in the year 1891, and that eight months prior to the death of her husband, said Tony J. Parris was born. The name of one William Parris is found upon the authenticated roll of 1890; he is not fully identified as the William Parris who applicant avers was her husband. The name of Tony J. Parris is found upon the census roll of 1896. Applicant avers that she had the rights of her son, Tony J. Parris, established by the Cherokee Council, but presents no satisfactory proof or certificate of the same. Applicant also avers from the time of her marriage to the death of her husband, William Parris, she resided in the State of Arkansas, and that said Tony J. Parris was born in the State of Arkansas. Applicant presents no proof of her marriage to said William Parris; she avers that she is a white woman, and that she has since married one Ray, a white man, and therefore does not apply for the enrollment of herself as an intermarried white. By reason of the fact that William Parris is not fully identified on the roll of 1890, and of the further fact that no proof of marriage is presented, and additional fact that no certificate of admission by the authorities of the Cherokee Council as to Tony J. Parris is presented, applicant averring that said Tony J. Parris was admitted by said Cherokee Council, final judgment as to the enrollment of said Tony J. Parris will be suspended, and his name will be placed upon a doubtful card, awaiting proof of marriage between applicant and her husband, William Parris, her satisfactory identification, and that William Parris being a citizen of the Cherokee Nation, and proof as to the admittance of said Tony J. Parris to the right to Cherokee citizenship by the Cherokee Council.

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.

Subscribed and sworn to before me this 12th day of March, 1901.

E. K. Rothberger
[Signature]

Commissioner.

1039

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 18 1901



ACTING CHAIRMAN

Supl.-C.D.#1139.

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

SUPPLEMENTAL in the matter of the enrollment of TONKY J. PARRIS
as a citizen of the Cherokee Nation:

The applicant's mother, Mrs. Sarah J. Ray, was notified by registered letter on March 1, 1902, that her application for the enrollment of her son, Tonky J. Parris, 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, and that on said day she might appear before the Commission either in person or by attorney when an opportunity would be given her to introduce any further testimony affecting said application. Receipt has been acknowledged of Commission's letter. The applicant's mother having this day been called and failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---00000000---

I, J. O. Henson, 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. Henson

201189

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
MAY 27 1902

ACTING CHAIRMAN

110

Cherokee-D-1139.

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

In the matter of the application for the enrollment of
Tony J. Parris as a citizen by blood of the Cherokee Nation.

D E C I S I O N .

It appears from the record herein that on March 12, 1901 Sarah J. Ray appeared before this Commission, at Muskogee, Indian Territory, and made application for the enrollment of her minor son, Tony J. Parris, as a citizen by blood of the Cherokee Nation. Additional proceedings were had in the matter of the above application, at Muskogee, Indian Territory, on March 20, 1902.

It appears from the evidence in this case that the applicant, who is identified upon the 1894 Cherokee Leased District Payment Roll, and also upon the 1896 Cherokee Census Roll, is a Cherokee by blood, and the son of William Parris, a Cherokee by blood, who is identified upon the 1880 Cherokee Authenticated Roll, and Sarah J. Ray (formerly Parris), a non-citizen white woman.

The evidence in this case further shows that William Parris, the father of the applicant herein, in 1885, removed to the State of Arkansas where, in 1886, he married Sarah J. Ray (formerly Parris); that the said William Parris resided continuously in the State of Arkansas from 1885 until his death, in 1891; and that during said time he possessed no property located in the Cherokee Nation.

In view of the above facts, it is considered that the said William Parris forfeited his right to citizenship in the Cherokee Nation, under the provision of Section two of Article one of the Cherokee Constitution, which, in part, provides:

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

The applicant herein was born subsequent to the forfeiture of his father's Cherokee citizenship, and possesses no right to enrollment as a citizen of the Cherokee Nation other than through his

father.

Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), in part, provides:

" . . . and they (the Commission) 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."

It is, therefore, the opinion of this Commission that the enrollment of the applicant on the 1894 Cherokee Leased District Payment Roll and the 1896 Cherokee Census Roll was without authority of law, and should be eliminated and stricken therefrom; and that the application made for the enrollment of Tony J. Parris as a citizen by blood of the Cherokee Nation should be denied, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

James Bixby.

(SIGNED)

Chairman.

T. B. Needles.

(SIGNED)

Commissioner.

C. R. Breckinridge.

(SIGNED)

Commissioner.

Muskogee, Indian Territory,

JUN 28 1905

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

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

Cherokee
REFER IN REPLY TO THE FOLLOWING:
Cherokee D-1139

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 2, 1904.

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

Dear Sir:

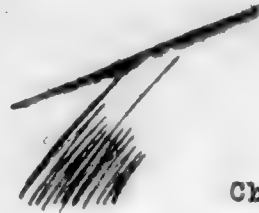
In the matter of the application of Sarah Ray for the enrollment of her son, Tony J. Parris, as a citizen by blood of the Cherokee Nation, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to the citizenship of William Parris, father of said Tony J. Parris; also testimony showing that William Parris, father of Tony J. Parris, is the William Parris whose name appears upon the 1880 roll; the date of his removal to Arkansas; how long he lived there and whether or not he owned any property in the Cherokee Nation during the time of his residence in said state.

Sarah Ray has, therefore, been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Friday, December 23, 1904, and introduce testimony touching the points above indicated.

-2-

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

Respectfully,

A handwritten signature consisting of a long, sweeping horizontal stroke followed by several vertical, parallel lines of varying lengths, creating a stylized, somewhat abstract mark.

Chairman.

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

WM. O. BRALL,
Secretary.

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

REFER IN REPLY TO THE FOLLOWING:
Cherokee D-1139.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 28, 1905.

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

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 28, 1905, rejecting the application for the enrollment of Tony J. Parris as a citizen by blood of the Cherokee Nation.

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

Respectfully,

Incl. 8-17


Chairman.

(COPY)

Refer in reply
to the following
Land
50323-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON. July 18, 1905

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 28, 1905, transmitting the record of the application for enrollment as a citizen by blood of the Cherokee Nation by Tony J. Parris.

June 28, 1905, the Commission decided adversely to the applicant.

The record shows that the applicant, who is identified upon the 1894 Cherokee Lease District Payment Roll and the 1896 Cherokee Census Roll, is a Cherokee by blood and the son of William Parris, a Cherokee by blood, who is identified upon the 1860 authenticated Cherokee roll, and Sarah J. Ray (formerly Parris), a non-citizen white woman.

It is further shown that William Parris in 1885 removed to the State of Arkansas where, in 1886, he married Sarah J. Ray; that William Parris resided continuously in the State of Arkansas from 1885 until his death in 1891; and that during that time he possessed no property in the Cherokee Nation.

The applicant was born subsequent to the forfeiture of his father's Cherokee citizenship, and possesses no rights to enrollment other than through his father.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee
Acting Commissioner

M.N.M.

V.

D.C.
37597-1905

(COPY)

W C F
F M S

I.T.D.
2608-1905
Y.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON?

August 1, 1906.

The Commissioner to the
Five Civilized Tribes,
Muskogee, Ind. Ter.

Sir:-

The Commission to the Five Civilized Tribes transmitted on June 28, 1905, the record in the matter of the application for enrollment as a citizen by blood of the Cherokee Nation, of Tony J. Parris, including the Commission's decision of same date rejecting the applicant.

Reporting July 13, 1905, the Indian Office recommended that the Commission's decision be approved. Copy of its letter is inclosed.

The Department concurs in the recommendation of the Indian Office, and the decision of the Commission is affirmed.

Respectfully,

(Signed)

THOS RYAN
Acting Secretary

1 inclosure

NEVER IN REPLY TO THE FOLLOWING:

Cherokee
D-1139.

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

Muskogee, Indian Territory, August 11, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

For your information there is inclosed herewith a copy of Departmental letter of August 1, 1905, affirming the decision of the Commission to the Five Civilized Tribes, dated June 28, 1905, rejecting the application for the enrollment of Tony J. Parris, as a citizen by blood of the Cherokee Nation.

Respectfully,

W. O. Beall

Incl. L-196.

Acting Commissioner.

GHL

THE MATTER OF THE APPLICATION OF

Henry J. Conrad

CITIZENS

Original Certificate No. 12, 1901

Wm. H. ... 12, 1901

Notice of final consideration, 3/20/02

letter rel to enrollment.

Cancel ... referred to.

Cher D 1140

Cher D 1140

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES
TAHEQUAH, I.T., DECEMBER 14th, 1900.

IN THE MATTER OF THE APPLICATION OF Cherokee Morton for the enrollment of her mother, Sarah A. Rogers as a citizen of the Cherokee Nation, and she being sworn and examined by Commissioner, C. R. Breekinridge, testified as follows:

- Q Give me your name? A Cherokee Morton.
Q Your age? A Twenty six.
Q Your district? A Goingsnake.
Q Your Postoffice? A Sexton, Arkansas.
Q Whom do you wish to apply for now; your mother? A Yes sir.
Q What is her name? A Sarah A. Rogers.
Q How old is she? A Fifty six.
Q Why does she not apply for herself? A She is not able; She is old and unable.
Q She is very infirm, is she? A Yes sir.
Q How far does she live from here? A About thirty five miles I reckon.
Q Is it a very rough mountain road? A Yes sir; very rough.
Q And you think she is physically unable to stand that trip?
A Yes sir.
Q Her husband is living, is he not? A Yes sir.
Q Are they living together? A No sir.
Q Is she a Cherokee by blood? A Yes sir.
Q Is her husband a white man? A Yes sir.
Q How long have they been separated? A About four years.
Q What is his name? A John Rogers.
Q Have they been divorced? A No sir.
Q Did he abandon her? A He quit furnishing her something to eat and she had to leave.
Q Did she come to your house? A Yes sir.
Q And has been living with you ever since? A Yes sir.
Q How long has she been in a state of ill health? A Several years.
Q And he quit supporting her, did he? A Yes sir.
Q Did he go away from her? A No sir; He just locked up what he had to eat, and would not let her have it.
Q Would not let her eat? A Yes sir.
Q And she had to go somewhere and get something to eat? A Yes sir.
Q How long has your mother lived in the Cherokee Nation? A ~~Yes sir.~~
A All her life.
Q When was she married to your father? A I do not know.
Q She is on the roll of 1880 as a Rogers, is she? A Yes sir.
Q Also on the roll of 1896? A Yes sir

(1880 Roll, Page 465, #1371, Sarah Rogers, Goingsnake D'st)
(1896 Roll, Page 1013, #1037, Sarah A. Rogers, Saline D'st)

- Q Where is your father living now? A In Saline I reckon; He was to the last account I had of him.
Q Farming there? A No sir; he is not doing anything. He is a pensioner.
Q A pensioner on the Government? A Yes sir.
Q An old soldier? A Yes sir.
Q Your mother's Postoffice is the same as your's? A Yes sir.

Com'r. C. R. Breekinridge: The applicant applies for the enrollment of her mother, who is shown to be incapable of making application for herself, owing to her physical condition and the condition of the roads from her home to this place. Her mother, Sarah A. Rogers is identified on the rolls of 1880 and 1896, as a native Cherokee; She is living with the applicant, who is her daughter; She has lived in the Cherokee Nation all her life, and she will now be listed for enrollment as a Cherokee by blood.

6-8-7
J. R. R. [unclear]

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.

J. R. R. [unclear]

COMMISSIONER.

1172
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JAN 10 1902

MAR 12 1902

*Not ordered
filed in this
case*

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 13, 1901.

In the matter of the application of John Rogers 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 Rogers.
Q What is your age, Mr. Rogers? A 67 years old last September.
Q What is your postoffice address? A Kansas.
Q Indian Territory? A Yes sir.
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 or intermarriage? A By intermarriage.
Q Who do you desire to enroll? A Myself; nobody else.
Q You apply for enrollment as a Cherokee citizen? A Yes sir.
Q What is the name of your wife? A Sallie.
Q She living? A Yes sir.
Q She a Cherokee by blood? A Yes sir.
Q When were you married to her? A In '80.
Q What was her name before you married her? A Garrett.
Q What is her age? A She is 56 years old last November.
Q You living with her at this time? A No sir, haven't been for four years.
Q Is your name on the roll of 1880? A Yes sir.

The authenticated and census rolls of the Cherokee Nation have been examined and the name of the applicant is found thereon, as follows:
1880 roll; page 465, No. 1370, John Rogers, Goingsnake District.
1896 roll; page 1035, No. 27, John Rogers, Saline District.

- Q How long have you lived in the Cherokee Nation? A I come here in '80.
Q Lived here continuously ever since? A Yes sir, ever since.
Q You say you are not living with your wife? A No sir, not for a little over four years.
Q Have you a divorce from her? A No sir.
Q Not remarried to anyone else? A No sir.
Q What is the cause of your separation? A We couldn't agree.
Q Did you leave her or did she leave you? A She left me.
Q Where does she live now? A She is living with her youngest daughter on Baron Fork, Goingsnake district.

By J. L. Baugh, representative of the Cherokee Nation-

- Q In your separation did you still retain the place that you and she were living on? A Not now, I sold the place when she left me.

Commissioner-

- Q Did you try to get her to live with you? A No sir, I never tried to get her to live with me since she left.
Q Did she leave the place that you and she were living on together?
A She left me, yes sir.

By J. L. Baugh-

- Q Did you at all times purport yourself as a husband should to his wife? A Yes sir.
Q It was through no cause of yours that she left you? A No sir.

Witness, Charles H. Rogers, being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Charles H. Rogers.
Q How old are you? A 22 years old.
Q What is your father's name? A John Rogers.
Q What is your mother's name? A Sallie Rogers.

2- J.R.

- Q Your father and mother living together at this time? A No sir.
Q You know the cause of their separation? A Well sir, they couldn't get along. They were too high strung.
Q They lived together a long time, didn't they? A Yes sir.
Q Did he abandon her, or did she abandon him? A She abandoned him.
Q Is that all you know about it? A Yes sir.
Q What was your mother's health at the time she left? A Very poor.
Q Had it been poor long? A Yes sir, quite awhile.
Q Did your father supply her with the necessities of life; plenty of food and everything to eat? A Yes sir, seemed to.
Q Did you and your mother eat at the same table? A Yes sir.
Q Did you have plenty to eat? A Yes sir.

By J. L. Baugh-

- Q Did your mother have to perform the work around the house; the cooking, washing, etc. A Yes sir.
Q Did she have any help furnished her? A No sir, no one but me.

Commissioner-

- Q Her health was bad, I understand? A Yes sir.

By J. L. Baugh-

- Q At that time, did your father and mother seem to get along all-right up to the time she left him? A No sir, they never did get along very well.
Q In those little quarrels or disputes who seemed to be to blame in the matter? A I couldn't say.

Commissioner further examines the applicant-

- Q How long did you and your wife live together? A Thirty odd years.
Q Never separated until this time? A Yes, we separated directly after we married for a short while, and then lived together until this young man was about grown.
Q How long has she been sick? A She never enjoyed her good health since this fellow was born. Sometimes she was better, and sometimes worse.
Q Was she physically able to perform her household duties? A She was able; we always was poor, and there were but three in the family then.
Q How many children had she reared for you? A Five.
Q The other children are older than this boy here on the stand?
A Yes sir, this is the baby.

Commissioner Needles-

The name of John Rogers is found upon the authenticated roll of 1880 as an intermarried white, and upon the census roll of 1896. He is duly identified, and makes satisfactory proof as to his residence. He avers in his testimony that he is not living with his Indian wife, but that she abandoned him. *Be cause of* the fact of the separation, final judgment as to the enrollment of John Rogers will be suspended, and his name will be placed upon a doubtful card.

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

Subscribed and sworn to before me this 15th day of March, 1901.

J. F. Rothberger
J. F. Rothberger
Commissioner.

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

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FILED
MAR 13 '901


ACTING CHAIRMAN

Supl.-C.D.#1140.

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

SUPPLEMENTAL in the matter of the enrollment of JOHN ROGERS
as a citizen of the Cherokee Nation:

The applicant was notified by registered letter March 1, 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 20th day of March, 1902, and that on said day 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 case. The applicant has this day, to-wit: the 20th day of March, 1902, been called and fails to respond either in person or by attorney.

The 1880 Authenticated roll of Cherokee citizens examined and name of applicant appears thereon, page 465, #1370, John Rogers, Goingsnake district, adopted white, 35 years of age.

Commission: It is directed that a copy of the testimony had in the matter of the application of Sarah A. Rogers, #6672, be filed with and made part of the record in this case.

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.

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I, J. O. Rossen, 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. Rossen

R.
Cher. D-1140.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., September 18, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of JOHN ROGERS as a citizen by intermarriage of the Cherokee Nation.

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

BY COMMISSIONER: What is your name? A John Rogers.

Q How old are you? A Going on seventy now.

Q What is your post office address? A Kansas.

Q You are an applicant for enrollment as a citizen by intermarriage of the Cherokee Nation? A Yes sir.

Q You are a white man, are you? A Yes sir.

Q Were you married to a citizen by blood of the Cherokee Nation?

A Yes sir.

Q What was the name of your Cherokee wife through whom you claim citizenship? A Sallie Garrett.

Q Is she living? A Yes sir.

Q Are you and she living together? A No sir.

Q How long since you and she separated? A It is either five or six years, I am not sure which. It is a little over five, maybe six, I am not certain.

Q Did you leave her, or did she leave you? A She left me.

Q What was the cause of your separation? A I could hardly tell you. Both a little ill arranged, I guess. We never did get along together, and after the youngest child was grown she left. That's all the cause I know.

Q Where were you and she living when you separated? A Living on ~~Blackjakk Prairie~~ Blackjakk Prairie, Saline District.

Q Did you have a home there? A Yes sir.

Q After you separated, who continued to reside at that home?

A My youngest son and me, for nearly a year before he left me.

Q Did you continue to reside there? A Yes sir, for some time I did I don't live there now.

Q Who lives there now? A I think the widow Davis.

Q Who owns the place? A The Widow Davis.

Q Did you sell it? A I sold it to John Scott, and he sold it to the Widow Davis.

Q Did your wife Sallie ever live on the place after you and she separated? A No sir, never lived there, and never was on the place after we separated.

Q Did you and your wife Sallie share the proceeds of the sale of that place? A I did.

Q She didn't get any of the money from the sale of the place?

A No sir.

Q Were you ever married before you married her? A Yes sir.

Q What was the name of your former wife? A My first wife was named Mary Lester.

Q Was she living at the time you married Sallie, the first wife?

A She died.

Q Was that the only time you were married? A No, married three times. She was a widow woman, the widow Ketley(?)

Q Was she living when you married Sallie? Was that the only time you had been married? A Only three times.

Q Was your wife Sallie ever married before she married you?

A Yes sir, I think so. I believe she married a Schrimsher. I don't know, but I think so.

Q Was he living when you and your wife married? A No sir.

Q What cause did you give your wife Sallie for leaving you?
 A Could not tell you for my life. She always did want her way about things, and of course I always wanted my way about my own affairs. She said she was a Cherokee and ought to be the head of the family.

Q And you thought you were a white man and ought to be the head of the family? A Yes sir.

Q What was the trouble just before she left you? A There wasn't any. She told her youngest son a good while before she left, that if he would buy a place she would come and keep house for him.

Q Did she just simply pick up and leave you without any trouble whatever? A Yes sir, she stayed with her daughter for a week or so, she was sick. Then she came home and stayed two or three days, and Jim Martin, that's my daughter's step-son, came after her and said that Lucy was worse. I didn't blame her for wanting to go back, and she went down and stayed. I went down there two or three times, and aft r my daughter got so she could knock around I asked when she was coming home, and she said she never was going to come until she could jump the fence backwards, and that's all there was to it.

Q Did she ever come home since? A No sir.

Q Did you and she have a quarrel? A No sir.

Q Did you have after that time? A No sir, never spoke a word to her but once after that, and that was just good evening.

Q Had you and she quarrelled before that? A We had had our jars all through life, every once in a while.

Q Did you treat her in a husbandlike manner? A I think I did.

Q Do you think she was the cause of the separation? A I do.

Q Has your wife Sallie married since she left you? A No sir.

Q How long did you continue to live on the place where you were living after she left you? A Two or three years, I guess, pretty near three years, maybe a little over three years.

Q She never came back there at all? A No sir, never did.

Q Have you any further testimony you want to introduce in regard to your separation? A There is Mr. Leach and my son. I was required by that letter to bring up testimony, and they know as much about it as anybody.

Q Were you married to your wife according to the Cherokee law?
 A Yes sir.

Q Did you get out a petition for a license? A I did.

ANDREW J. ROGERS, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Andrew J. Rogers.

Q How old are you? A Thirty-three.

Q What is your post office address? A Leach, I. T.

Q Do you know John Rogers? A Yes sir.

Q Did you know his former wife Sallie? A Yes sir.

Q Are they related to you? A They are my father and mother.

Q Do you know anything about the cause of their separation?
 A Not personally, I don't. Only just what I have heard. I was not living with them when they separated. I know my mother left, and what she told me she left for.

Q With whom did your mother live after she and your father separated?
 A Lived with my youngest brother for a while, and now she is living with my youngest sister.

Q What did your mother say the cause of the separation was?
 A Said she was not able to keep house. She had raised her family, and didn't feel like she wanted to keep house any more.

Q How old is your mother? A Could not tell you, somewhere in fifty.

Q Has your mother married since she and your father separated?
 A No sir.

Q Did you ever hear of your father mistreating her in any way?
 A I heard them quarrel all my life, every once in a while they would have a spat.
 Q Which one seemed to be to blame for these quarrels?
 A Seemed like sometimes one and sometimes the other; sometimes one would raise the quarrel, and then again the other one.
 Q You think then, they were both to blame? A Yes sir.
 Q Did you ever know of your mother mistreating your father, or treating him in any way that a wife should not? A Nothing more than just fussing at him.
 Q She left your father, I believe? A Yes sir.
 Q Are you the youngest son? A No sir, I am the oldest living.
 Q Did you hear of any quarrel they had just before she left?
 A No sir, I did not.

JOHN R. LEACH, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A John R. Leach.
 Q How old are you? A Forty years old the 27th of last June.
 Q What is your post office address? A Leach.
 Q Are you a Cherokee by blood? A Yes sir.
 Q Do you know John Rogers? A Yes sir.
 Q Do you know his former wife Sallie? A Yes sir.
 Q How far did you live from them when they were living together?
 A A mile and a half.
 Q Were you at their house frequently? A No sir, very little. I stopped at the gate several times. I was there a few times, very little, though.
 Q Do you know anything about their domestic troubles? A No sir, only what I have heard, and what I have heard of Mrs. Rogers. She was a great friend of my mother's, she was at our house. They are both old ladies, and they were great friends.
 Q About how old is Mrs. Rogers? A Could not tell you, never heard anyone say, she is quite an old lady.
 Q Did you ever hear her say what the cause of the separation was?
 A No sir, never heard her say since, because she moved off to her children's. But I heard her say--she was talking in my presence, but not to me--we was all around the fire-- she said she was going to live with her children as soon as Charley married. They lived right on the road, and the old man was always taking someone in, and she was tired of keeping house.
 Q Did you ever hear of John Rogers mistreating her? A No sir, never heard of any difficulty between them at all.
 Q Do you know of their having any trouble just immediately before this happened? A No sir, the last time I saw them together they passed my house going to their son-in-law's. He was sitting in the spring seat, and she was sitting in a chair behind. It was not but a few days until I heard she had left. The old man came up, he was telling me a few days afterwards what his wife said, that as soon as she could jump the fence backwards she would come home. She is at her daughter's now, near my house.
 Q Is she a woman of sound mind? A Yes sir, nice old lady. Her and my mother are great friends.

This testimony will be filed with and made a part of the record in the matter of the enrollment of John Rogers as a citizen by intermarriage of the Cherokee Nation, Cherokee Doubtful Card, Field No. 1140.

 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 19th day of September, 1902.

John Ross
Notary public.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Muskegee, I.T., October 27, 1902.

In the matter of the application of John Rogers for enrollment as a citizen by intermarriage of the Cherokee nation.

John Rogers, being first duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A John Rogers.
- Q What is your age at this time? A 69, going on 70.
- Q What is your postoffice address? A Kansas, I. T.
- Q You are the same John Rogers that applied to this Commission for enrollment as an intermarried citizen in March, 1901? A Yes sir.
- Q What is your wife's name? A Sally Garrett before I married her.
- Q Is she living at this time? A Yes, she is living, yes.
- Q When were you married to your wife Sally? A In the spring of 1880?
- Q You appear on the roll with her--the 1880 roll--as her husband? A Yes.
- Q Have you and your wife Sally lived together as husband and wife since 1880 up to the present time? A No sir.
- Q She is living isn't she? A Yes, we have been separated about five years.
- Q You have been separated about five years? A Yes sir.
- Q Where were you living when you separated? A In Saline district on Black Jack prairie.
- Q On a farm? A Yes sir.
- Q What was the cause of your separation? A She wanted to live with her children was one thing, and then, we didn't get along very well. Each one a little ill, I suppose, and contrary.
- Q You and she did get along together for fifteen years? A Yes, until we raised our children all grown--that is, we didn't get along very well, but we stuck together.
- Q Are the children all gone? A Yes sir.
- Q How did you finally come to separate? A She told her youngest son if he would give her a place she would go and keep house for him, and then she went to her youngest daughters and has been there ever since.
- Q Did she leave you at the old home and go away? A Yes, in the first place she went to another one of her daughters when she was sick; then she come home to stay, and in a couple of weeks or three, they went after her. Her daughter got sick--and my daughter too--and the last time I ever spoke to her, except to say Good Morning. I asked her one day when she was coming back home; my daughter was getting better. As I was getting on my horse I asked her when she was coming home, and she said as soon as she could jump the fence backwards. I turned and rode off, and she never did come home any more.
- Q You staid at the same place where you and she had been living
- A Yes, five or six years we had been living there.
- Q You never had any other falling out? A Yes, every once in awhile.
- Q I mean at the time she quit? A Yes, that was all the trouble we had then.
- Q You have lived with her since? A No, she hasn't been to my house since.
- Q Do you ever go to see her? A No, I seen her a couple of times. I went to my daughters when the child was sick, and once when my daughter was sick.
- Q That is your daughter by this wife? A Yes sir.
- Q You have been separated about five years? A Five or 6 years--nearly 6.
- Q Have you been divorced from her? A No sir.
- Q You never have applied for a divorce? A No.
- Q Has she ever applied for a divorce? A Not that I know of.
- Q Then in the eyes of the law she is still your wife? A Yes, in the eyes of the law.

2-Cher-D-1140.

- Q And she was your wife on the first day of September, 1902? A Yes, she was my wife, but she was not living with me.
- Q And you know of no reason for her leaving whatever, other than what you have stated? A No, only what I have stated.
- Q You never mistreated or abused her? A No, I never abused her.
- Q Have you lived in the Cherokee nation from 1880 up to the present time? A Yes, never have lived out.

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

Frances R. Lane

~~Subscribed~~ and sworn to before me this November 4, 1902.

B. O. Jones
Notary Public.

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

In the matter of the application of John Rogers for enrollment as a citizen by intermarriage of the Cherokee Nation.

DECISION.

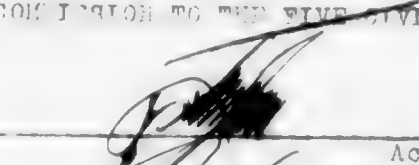
The record in this case shows that on March 13, 1901, John Rogers appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application, at Muskogee, Indian Territory, on March 20, 1902, at Tahlequah, Indian Territory, on September 18, 1902, and again at Muskogee, Indian Territory, on October 27, 1902. A copy of the testimony taken at Tahlequah, Indian Territory, on December 14, 1900, in the matter of the application of Sarah A. Rogers, has been filed herewith and is a part of the record herein.

The evidence shows that said John Rogers was married to one Callie Barrett, in 1880, and he is identified on the authenticated tribal roll of 1880 and also on the Cherokee census roll of 1886. The evidence further shows that John Rogers and his said wife, Callie, separated about 1886, but there is no evidence that he abandoned his said wife, and it appears that he has not remarried since the separation.

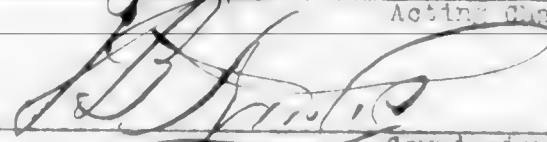
The evidence further shows that the said John Rogers has resided in the Cherokee Nation since 1881.

It is, therefore, the opinion of this Commission that John Rogers 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.

Witness my hand and seal, Muskogee, Indian Territory,

this 14th day of April, 1903

Cherokee D 1140.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,

Vinita, I. T. January 2nd 1903.

In the matter of the application of John Rogers for enrollment as a citizen by intermarriage of the Cherokee Nation.

MOTION.

Comes now the Cherokee nation and moves the Commission to set aside its judgment rendered in this cause on January 12th 1903 and to reopen said case and set it down for hearing at some convenient date before the Commission at Vinita, Indian Territory in order that the Cherokee nation be afforded an opportunity to introduce testimony to disprove applicants right to be enrolled as a citizen of the Cherokee Nation.

The Cherokee nation expects to prove by Cherokee Morton, Charles Rogers, Sarah A Rogers, ~~Charissa~~ Andrew Rogers and others that the applicant John Rogers was to blame for the separation and that said separation was caused by his cruel and inhuman treatment toward his wife; that he refused to provide for her or to furnish her any support and she got her support from her son Charles for some time before the separation; that she was in poor health and Rogers failed to provide for her or to treat her as his wife at a time, in sickness when it was his duty to provide for her and that he is wholly at fault for the separation.

The Cherokee Nation contends that by reason of this forced abandonment caused by the applicant, which the testimony to be adduced by the Cherokee Nation will show, that this applicant should be denied and now moves the Commission to reopen this case in order that testimony be introduced to show the facts in the case to be as above set forth.

respectfully,

W. W. Hastings
Attorney for the Cherokee Nation.

Cherokee D-1140.

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

In the matter of the application for the enrollment of
John Rogers as a citizen by intermarriage of the Cherokee Nation.

O R D E R.

It appears from the record in this case that a decision was rendered by the Commission on the 12th day of January, 1903, enrolling the applicant as a citizen by intermarriage of the Cherokee Nation. Thereafter the Cherokee Nation filed a motion with the Commission to set aside said judgment and to re-open the case for the purpose of submitting additional testimony tending to disprove the applicant's right to enrollment.

It also appears that the grounds for the motion to re-open this case are well taken, and it is therefore ordered by the Commission that the said motion be, and the same is, hereby sustained, and that the decision of the Commission, rendered on the 12th day of January, 1903, be, and the same is, hereby set aside, and said cause is re-opened for the purpose of taking such additional testimony as the Nation and the applicant may desire to offer. And it is ordered that said cause be set down for hearing, upon a notice of the time and place of the taking of the testimony to be given to the applicant, by the Cherokee Nation, at least ten days prior to said hearing.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

CS/

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this MAR 19 1903

COPY

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of John Rogers 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 Muskogee, Indian Territory, March 15, 1901, application was received by the Commission to the Five Civilized Tribes for the enrollment of John Rogers as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 20, 1902, Tahlequah, Indian Territory, September 18, 1902 and Muskogee, Indian Territory October 27, 1902; that on January 12, 1903, the Commission to the Five Civilized Tribes rendered its decision herein granting the application of John Rogers for enrollment as a citizen by intermarriage of the Cherokee Nation; that thereafter the Cherokee Nation filed a motion with the Commission to set aside said judgment and to re-open said case; that on March 19, 1903, the Commission to the Five Civilized Tribes made its order herein granting said motion made on behalf of the Cherokee Nation and ordering that said case be set for hearing upon ten days notice to said applicant.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant John Rogers, is a white man and is identified on the Cherokee authenticated tribal roll of 1880, Going Snake District, Page 466, No. 1370, and neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation other than such right as he may have acquired by virtue of his marriage to Sarah Rogers, nee Garrett, a recognized and enrolled citizen by blood of the Cherokee Nation, her name being found opposite No. 15954 upon the approved partial roll of citizens by blood of the Cherokee Nation, in the Spring of 1860. 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 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, John Rogers, is not entitled under the provisions of section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495) to enrollment as a citizen by intermarriage of the Cherokee Nation, and his application for enrollment as such is accordingly denied.

Dated at Muskogee, Indian Territory

Commissioner

this FEB 19 1903

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D1140

FILED
MAR 1 1902

 ACTING CHURMAN



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

ALLISON L. AYLESWORTH,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1140

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, **March 1,** 1902.

Mr. John Rogers,

Kansas, 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

March 20, 1902.

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

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

Register.

Yours truly,

Acting Chairman.
~~Commissioner~~
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

C. D. 1140.

No. F. D.

VINITA, IND. TER.

190

Muskogee, I. T., March 12, 1902.

Dr. J. H. Todd,
Kansas I. T.

Dear Friend:

Enclosed herewith find a Cherokee Notice, which kindly have served by some person by delivering one copy of it to John Rogers, and swear to the return before a Notary Public, and send it to me with your bill for the service, and I will be pleased to remit. We have sent a registered letter to John Rogers, which contains a notice just like this one; and of course if he lives right there and gets his registered letter promptly it will not be necessary to serve the notice on him; so you can tell about that, and if he lives in the country and there is no chance for him to get the registered letter in time for the return card to get back here by the 20th we want some one to go at once and serve the paper on him.

Yours truly,

ATTORNEYS

E. B. HELL

W. W. HASTINGS

J. C. DAVENPORT

J. C. STARR, CLERK

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.

C. D. 1140.

VINITA, IND. TER.

190

Muskogee, I. T., March 12, 1902.

Mrs. Sarah A. Rogers,

Sexton, Ark.

Dear Madam:

Enclosed herewith please find a subpoena for your attendance before the Dawes Commission at Muskogee on March 20th, 1902. Please accept service of the subpoena by signing the blank stamped in red ink at the bottom of the same, and return to us at once; and advise us if you will be here promptly at that time.

Yours truly,

E no. subpoena.

Narrans I. D. 3/17/82
Mr. J. C. Starr

Muscogee I. S.

Dear Friend:

Mr J. C. Rogers
reflects me to state to you
that he will not appear in
person or by atty either,
before your Commission
in behalf of his rights.

Your Friend

J. H. Todd

NOTICE!

IN THE MATTER OF the application of John Rogers,
for enrollment as Cherokee citizens:

Case No. D 1140.

To John Rogers, Kansas, 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, Indian Territory, on March 20, 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 12, 1902.

.....
.....
Attorneys for the Cherokee Nation.

C. D. 1140

10

1140

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 190.....

Given under my hand this.....
day of..... A. D. 190.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
..... day of, 190.....

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 190.....

Subscribed and sworn to before me
this

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAR 19 1902



ACTING CHAIRMAN.

AFFIDAVIT,

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } SS
NORTHERN DISTRICT. }

In the matter of the application of _____

John Rogers for enrollment as a Cherokee Freedman.

No. F. D. *1141*

J. C. STARR, of lawful age, being duly sworn on

oath states that on the *10th* day of *March*, A. D. 190*2* he registered

to *John Rogers* whose postoffice is *Lawson*

Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto

attaches the receipt of the Postmaster at *Muskegee* Indian Territory;

and that on the *14* day of *March*, 1901, he received the return

card which is hereto attached, signed by the said *John Rogers*, showing that he had received said notice.

Subscribed and sworn to before me on this the *14* day of *March* A. D. 190*2*

J. C. Starr
Notary Public.

Cherokee D 1140.

Muskogee, Indian Territory, September 11, 1902.

John O. Rosson,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby notified that John Rogers, of Kansas, Indian Territory, has been directed to appear before you within fifteen days from date hereof, and introduce evidence as to the cause of his separation from his wife, Sallie, and whether or not he abandoned her.

Said testimony is to be made a part of the record in the matter of the application of John Rogers for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, - Cherokee roll card, field No. 1140.

Yours truly,

Acting Chairman.

Cherokee D 1140.

Muskogee, Indian Territory, September 11, 1902.

John Rogers,
Kansas, Indian Territory.

Dear Sir:

You are hereby notified to appear before the Commission to the Five Civilized Tribes, at Tablequah, Indian Territory, within fifteen days from date hereof, and submit evidence as to the cause of your separation from your wife, Sallie, and whether or not you abandoned her.

Unless the Commission is furnished with the evidence as above indicated, no further action will be taken as regards your application for enrollment.

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-1140

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 12, 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 12, 1903, granting the application of John Rogers 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. M-20

ATTORNEYS

L. B. BELL

W. W. HASTINGS

J. S. DAVENPORT

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

J. C. STARR, SECRETARY

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.

MUSKOGEE, IND. TER.

190

Vinita I. T. Jan 14 1903.

Mary A Martin,

Siloam Springs Ark.

Dear madam:

We want to know the cause of the separation of John Rogers and his wife Sarah A Rogers. I wish you would write me fully the cause of the separation and who was to blame in the matter and also give me the names of some witnesses and what they will swear. We have been advised that John Rogers locked up the provisions and would not let your mother have any thing to eat that she was practically an invalid at that time and he in this manner actually forced her to leave him. Please write me if this be true and write fully all the circumstances of the Separation.

Respectfully,



ATTORNEYS

L. B. BELL
W. W. HASTINGS
J. S. DAVENPORT

J. C. STAHR, SECRETARY

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.

MUSKOGEE, IND. TER.

190

Vinita I. T. Jan 14 1903.

Andrew Rogers Esq (C. S 2428.)

Leach I. T.

Dear Sir:

We are anxious to know something of the causes of the Separation of John Rogers and Sarah A Rogers and as you perhaps know I wish you would write me fully the entire circumstances. I have been told that your mother was in poor health and that Rogers locked up the provisions and would not let her have anything to eat and was cruel and abusive to her and in that way actually forced her to leave her home.

Write me fully the circumstances and by whom we can prove these facts.

Yours truly,

ATTORNEYS

L. B. BELL

W. W. HASTINGS

J. S. DAVENPORT

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

J. C. STARR, SECRETARY

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.

MUSKOGEE, IND. TER.

190

Vinita I. T. January 14 1904

Susie J. Martin

Teach I. T.

Dear Madam:

We want to know the exact cause of the separation of John Rogers and his wife Sarah A Rogers. We have been advised that John Rogers was abusive to his wife that he locked up the provisions and would not provide for her and forced her to leave him. Please write us fully what you know about the case and also give me the names of some one else who would know about it.

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.

MUSKOGEE, IND. TER.

190

Vinita I. T. Jan 15 1903.

Cherokee Morton,
Sexton, Ark.

Dear Madam:

In the case of John Rogers
~~Respondent~~ who at one time was the husband of your
mother we would like to know by first mail what were
the causes of the separation. I notice that you state
that he locked the provisions up and tried to starve
your mother out and forced her to leave him and if
this be true please give us the names of witnesses
by whom we can prove his treatment to her;

We want the names of persons by whom we could
prove that he was abusive to her and that he locked
up the provisions and in that manner forced her away
from her home and that she was not in good health
when he did this.

Respectfully,

Please answer quick as we are in a hurry.

Letter J

I have the honor to receive
 your letter of the 10th inst. and
 in reply to inform you that
 the same has been forwarded to
 the proper authorities for their
 consideration. I feel sure
 your choice what I
 swear to all I can
 you may have the
 rest of the
 I am, Sir,
 your obedient servant
 J. S.

Silvan ... of
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D-1140

Ms. J. 200

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

ALLISON S. AYLESWORTH
SECRETARY

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

Cherokee D-1140

Muskogee, Indian Territory, March 20, 1903.

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

Dear Sir:

There is herewith enclosed a copy of an order of the Commission to the Five Civilized Tribes, dated March 19, 1903, sustaining your motion of January 22, 1903, to reopen Cherokee doubtful case D-1140, John Rogers.

Your attention is called to the fact that this order gives you permission to introduce additional testimony in this case, upon at least ten days notice being given to the applicant of the time and place of the taking of said testimony.

Respectfully,



Chairman.

Enc. M-350

Cherokee
D 1140

Muskogee, Indian Territory, February 19, 1907.

John Rogers,
Kansas, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1907, denying the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

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

Respectfully,

Commissioner.

Encl.A-83
RA

Register.

Muskogee, Indian Territory, February 19, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of John Rogers as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commissioner, dated February 19, 1907, denying said application.

Respectfully,

Commissioner.

Encl. A-85
RA

Through the Commissioner
of Indian Affairs.

REFER IN REPLY TO THE FOLLOWING:

Cherokee

D 1140

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

Muskogee, Indian Territory, February 19, 1907.

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

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1907, rejecting the application for the enrollment of John Rogers as a citizen by intermarriage of the Cherokee Nation.

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

Respectfully,


Commissioner.

Encl.A-84

RA

COPY

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON.

Land.
18387-1907

February 28, 1907.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from Commissioner Bixby, dated February 19, 1907, enclosing record of proceedings in the matter of the application for the enrollment of John Rogers as an intermarried citizen of the Cherokee Nation, including the Commissioner's decision, dated February 19, 1907, denying the application.

The record shows that the applicant is a white man, and possesses no right to enrollment as a citizen of the Cherokee Nation other than such as he may have acquired by virtue of his marriage to Sarah Garnett, a recognized and enrolled citizen by blood of the Cherokee Nation in the spring of 1880. He did not therefore marry a citizen by blood of the Cherokee Nation prior to November 1, 1875, and the decision of the Commissioner adverse to his claim is in accordance with the decision of the Supreme Court of the United States in the case of Daniel Red Bird, et al., vs. the United States, and it is recommended that it be affirmed.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

FWE--SD

YF
W.H.M.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I. T. D.

5384, 5386, 5484, 5546,
5700, 5718, 5764, 5766,
5770, 5774, 5994, 6066,
6068, 6116, 6224, 6680,
6710, 6714, 6716, 6730,
6732, 6738, 6760, 6794,
6800, 6818, 6780-1907.

March 2, 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. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed:

Title of Case.	Date of your letter of transmittal.
John Thomas,	February 2, 1907.
Ezekial J. Dunagan,	February 2, 1907.
Missouri I. Ross,	February 12, 1907.
William C. Patton,	February 6, 1907.
B. F. Armstrong,	February 19, 1907.
Andrew F. Cowan,	February 19, 1907.
John A. Brown,	February 2, 1907.
John H. Eiffert,	February 2, 1907.
Jacob B. Barrow,	February 2, 1907.
Samuel L. Jones, (Johnson)	February 2, 1907.
George W. Craig,	February 15, 1907.
Jane M. Byrd,	February 19, 1907.
Elizabeth R. Rogers,	February 12, 1907.
Elmer Shafer, et al. (freedmen),	February 18, 1907.
John Rogers,	February 19, 1907.

Title of Case.	Date of year letter of transmittal/
Oiley Mayney Dunaway, et al.,	February 21, 1907.
Willie Martin, et al. (freedmen),	February 21, 1907.
John Kilworth Lushart,	February 21, 1907.
Stephen F. Wade,	February 21, 1907.
Michael S. Edmondson,	February 23, 1907.
James Brown,	February 21, 1907.
Charles H. Bacon,	February 21, 1907.
Benjamin F. Teague,	February 21, 1907.
George W. Scott,	February 21, 1907.
Walker Johnson (freedman),	February 12, 1907.
Klizabeth Lanley,	February 23, 1907.
Charles Lavin,	February 13, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse K Wilson

Assistant Secretary.

27 enclosures, and
54 enclosures to Ind. Of.,
with carbon hereof.

A F Mc
3-2-07

Cherokee
D1140

COPY

Muskogee, Indian Territory, March 12, 1907.

John Rogers,
Kansas, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1907, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Department, March 2, 1907.

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

Respectfully,

SIGNED *Tams S.*

Commissioner.

Encl.C-78
LMC

REFER IN REPLY TO THE FOLLOWING:

Cherokee
D 1140.

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

Muskogee, Indian Territory, March 12, 1907.

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

Dear Sir:

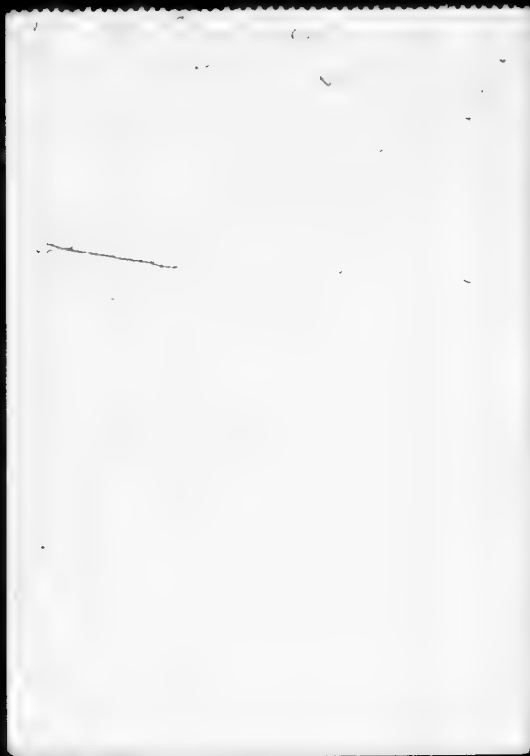
You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1907, rejecting the application for the enrollment of John Rogers, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Department, March 2, 1907.

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

Respectfully,


Commissioner.

Encl.C-79
LMC



CHEROKEE

D-1140

Jim Rogers

a. Original testimony.

March 13, 1901

b. memo of application.

March 13, 1901

c. Notice of final Consideration

D-1140

3/20/01

d. Proof of service of notice

CHEROKEE

3/20/01

116

Copy of testimony filed

With Cherokee Co.

See Cherokee Co. G.

672.

John Rogers

... 3, 19...
... 13, 19...
Notice of ... 3/20/02
... 1201

J

See Cherokee Jacket 0072

Cher D 1141

Cher D 1141

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, IT., MARCH 14th, 1901.

In the matter of the application of William D. Cook for enrollment as a citizen of the Cherokee Nation; said Cook being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A William D. Cook.
Q What is your age, Mr. Cook? A 29.
Q What is your post office address? A Vinita.
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 By blood.
Q You apply to be enrolled as a Cherokee citizen? A Yes, sir.
Q Whom do you apply for, anybody besides yourself? A No, sir; just myself.
Q Have you ever applied to be enrolled as a citizen of any other Tribe? A No, sir.
Q What is your father's name, Mr. Cook? A Henry Cook.
Q Is he living? A No, sir.
Q What is your mother's name? A Susan Sanders; that is her ~~name~~ maiden name.
Q Is she living? A Yes, sir.
Q What district were you in in 1880? A I think I was in Delaware District.

1880 Authenticated Roll of citizens of the Cherokee Nation examined and applicant's name identified thereon, page 78, #485, as Willie B. Cooks, in Cooweescoowee district.

- Q Your right initial is "D" is it? A Yes, sir.

1896 Census Roll of citizens of the Cherokee Nation and applicant's name found thereon, page 132, #988, as William D. Cook, Cooweescoowee district.

- Q How long have you lived in the Cherokee Nation? A Ever since I was born.
Q Living in the Cherokee Nation now? A Yes, sir; I am traveling now; of course I am on the road most of the time; I am delivering pictures for the National Picture Company.
Q Your home is in the Cherokee Nation? A Yes, sir.
Q Have you any property there? A Yes, sir.
Q Have you been married? A I have been married but I am divorced.

BY JOEL L. BAUGH, Cherokee Representative:

- Q Have you been living in St. Louis? A Yes, sir.
Q About eight years? A Not all the time, I have been living there at two different times.
Q When did you first go there? A In '88.
Q How long did you stay there? A I was there about three years that time.
Q And then you come back to the Cherokee Nation? A I come back to Vinita.
Q How long did you stay? A About six months.
Q And then where did you go? A St. Louis.
Q How long did you live there that time? A I was there about two years.
Q And then you returned? A Yes, sir.
Q Have you ever made a permanent home in the Cherokee Nation, lived here permanently, since you went there in 1888? A Well, I haven't lived here for any great length of time since that time.
Q Where were you married at, Mr. Cook? A St. Louis.

William D. Cook.--2.

Q You and your wife lived there afterwards until you separated?
A Yes, sir; we only lived together a short time.

COM MISSIONER NEEDLES:

Q Where were you living in 1898? A I was on the road in '98.
Q Had no permanent residence anywhere? A No, sir, mostly up in northern Kansas at that time.
Q The fact is then that you have had no actual, permanent residence in the Cherokee nation since 1888? A You might say I had no; unless I had called the Nation my home; I had no other home.
Q How long since you were divorced from your wife? A Six years I believe.
Q Before that you were living with her in St. Louis? A Yes, sir.
Q Have you ever voted in any state? A No, sir.
Q Never voted? (No response.)
APPLICANT: I always had property here in the Cherokee Nation whether I was here or not.

BY JOEL L. BAUGH:

Q Where did you get your divorce, at St. Louis? A She got it, I never got it.
Q She sued you? A She got the divorce by default.

BY COMMISSIONER NEEDLES:

Q Did she get service on you? A Through the news paper.

Com'r Needles:--The name of William D. Cook is found upon the authenticated roll of 1880 as Willie B. Cook and he is duly identified as the applicant. His name is found upon the census roll of 1896 as William D. Cook. He is duly identified according to the page and number of the rolls as indicated in the testimony; but by reason of the fact of residence as set forth in his testimony, final judgment as to the enrollment of said William D. Cook, as a Cherokee citizen by blood will be suspended and his name will be placed upon a doubtful card.

---000000000---

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

J. O. Rosson

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


[Signature]

Commissioner.

101141

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAR 16 1901



Supl.-C.D.#1141.

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

SUPPLEMENTAL in the matter of the enrollment of WILLIAM D. COOK
as a citizen of the Cherokee Nation:

The applicant in this case was notified by registered letter March 1, 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 20th day of March, 1902, and that on said date he might appear before the commission either in person or by attorney when an opportunity would be given him to introduce any further testimony affecting his application. The applicant having this day, to-wit: the 20th day of March, 1902, been called and failing to respond either in person or by attorney, the case is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.

---0000000000---

I, J. O. Rosson, do hereby certify that as Stenographer to the Commission to the five Civilized Tribes that I correctly recorded the 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

010041

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


ACTING CHAIRMAN

1000
1000

Cher
D 1141

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., January 7, 1903.

In the matter of the application of WILLIAM D. COOK, for the enrollment of himself as a citizen by blood of the Cherokee Nation:

THOMAS M. COOK, being first duly sworn, and examined, testified as follows:

Examined by the Commission:

- Q What is your name ? A Thomas M. Cook.
Q How old are you ? A I will be twenty two the 22nd day of July.
Q What is your post office ? A Vinita.
Q Are you a citizen of the Cherokee Nation ? A Yes sir.
Q Do you know one William D. Cook, who is an applicant to be enrolled as a Cherokee citizen ? A Yes sir.
Q What relation, if any, is he to you ? A Brother.
Q Is William D. Cook on the authenticated roll of 1880 ?
A Yes sir; well now, that's what mother says, I have never seen his name on there.
Q Has he lived in the Cherokee Nation all his life ?
A He lived here in the Nation until mother sent him up to school.
Q He lived in the Cherokee Nation from 1880 until he was sent to school ? A Yes sir.
Q When did he go to school ? A I don't know.
Q How many years ago ? A I don't know.
Q He is older than you are ? A Yes sir.
Q Have you lived with your mother since you were born ?
A Yes sir.
Q Is the Cherokee Nation ? A Yes sir.
Q Your brother William D. Cook lived with your mother until he went off to school ? A Yes sir.
Q Don't you know how long he went to school ?
A No sir, I don't, I can't say.
Q Was it five years or ten years ? A I should judge it was about eight.
Q You were at home then ? A Yes sir.
Q You think about eight years ? A Yes sir.
Q Do you know how young he was when he went off to school ?
A No sir, I am not positive as to his age now, he is about twenty nine or thirty I think.
Q That's his age now ? A Yes sir.
Q Then he was about twenty two when he started off to school do you think ? A Yes sir.
Q Where did he go to school ? A To Bryant and Stratton College at St. Louis.
Q How long did he stay there ? A I can't say how long he was there.
Q Do you know what he was studying ? A Yes sir, bookkeeping.
Q Is he married ? A He was married; well him and his wife only lived together about three months.
Q When was he married, before he started to school ?
A No sir, after.
Q Where was he married ? A In St. Louis.
Q Married in St. Louis ? A Yes sir, and they lived together about three months.
Q In St. Louis ? A Yes sir.
Q They separated ? A Yes sir, he come back to the Nation.
Q Is he still living in St. Louis ? A No sir.

- Q What is he doing ? A He is taking scenery; he is now in California, the last letter we received from him.
- Q How long has he been in that occupation ? A Well, about a year or so.
- Q Do you remember when he came back from St. Louis ?
- A No sir, I don't. I never paid any attention to the date, I don't remember.
- Q What else has he done since he came from St. Louis ?
- A That's all since he came from St. Louis.
- Q Do you know where he was living in the year 1898 ?
- A I am not positive, but I think he was in Wagoner.
- Q In the Creek Nation ? A Yes sir.
- Q What was he doing there ? A I think he was working there in a grocery; I am not positive what he was doing. There was quite a while we didn't hear from him; a year or so.
- Q Did you draw Cherokee Strip payment money ? A Yes sir.
- Q Do you know if your brother did also ? A Yes sir.
- Q Was your brother in the Cherokee Nation then ?
- A No sir, he was at school.
- Q How long after that before he came back ?
- A I think he come back the same year.
- Q 1894 ? A Yes sir, 1894 he come back.
- Q What did he do after he came back from St. Louis ?
- A Went up to Claremore.
- Q What did he do there ? A Nothing.
- Q How long did he stay there ? A I don't know.
- Q Then where did he go ? A Went to Muskogee.
- Q How long did he stay there ? A I don't know.
- Q Then where did he go ? A To Wagoner.
- Q How long did he stay there ? A I don't know how long he stayed there.
- Q Then where did he go ? A Come back to Vinita.
- Q How long did he stay ? A I don't know.
- Q Then where did he go ? A I think he went back to St. Louis, I aint positive.
- Q Do you know what year it was ? A No sir I don't.
- Q Where is he now, in California ? A Yes sir.
- Q When was the last time he was in the Cherokee Nation ?
- A Last summer.
- Q Did he make application for his enrollment ? A Yes sir.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the foregoing is an accurate transcript of the stenographic notes of the testimony and proceedings had in the above entitled ~~xxxxxxx~~ cause, as the same were taken by Jesse O. Carr, stenographer, and by him read to me.

Subscribed and sworn to before me this February 9, 1903.

E. C. Bagwell

Samuel Foreman

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., January 8, 1903.

In the matter of the application of WILLIAM D. COCK, for the enrollment of himself as a citizen by blood of the Cherokee Nation:

SUSAN SANDERS, being first duly sworn, and examined, testified as follows:

Examined by the Commission:

- Q What is your name ? A I sign my name Susan Sanders, but I am enrolled as Susan Cook, and on the roll as --
- Q How old are you ? A Now you are asking me something I don't know.
- Q About ? A I don't know.
- Q What is your post office ? A Vinita.
- Q Are you the mother of William D. Cook who is an applicant to be enrolled as a citizen by blood of the Cherokee Nation ?
- A Yes sir.
- Q Where has your son been living since 1880 ?
- A He has lived here in Vinita.
- Q All the time ? A Well, he's been going around just one place and then another.
- Q Didn't he go to Missouri ? A Went to St. Louis to school.
- Q How old was he then ? A I can't tell you that.
- Q About how old was he then ? A He was about sixteen as well as I can remember now. R
- Q He went to St. Louis to school ? A Yes sir.
- Q How long did he stay up there ? A I can't tell you that, because I borrowed money to send him; he stayed there until my money lasted out.
- Q Was it two years ? A He went six months one place, and six months another. He was at Bryant-Stratton College.
- Q Was he married ? A He told me so, I wouldn't swear that he told the truth; he got a woman in trouble and had to marry her.
- Q Did he bring her back to the Cherokee Nation ? A No sir.
- Q When did he come back to the Cherokee Nation ?
- A He's been back so much I can't tell you.
- Q Did he draw strip money in 1894 ? A Yes sir.
- Q Was he in the Cherokee Nation at that time ?
- A Yes sir, he was working at Swain's.
- Q Where has he been since that time ? A Why, Muskogee, Wagoner, with a man there. He went and married this girl; he had to; he married her after the payment.
- Q Did he live with her up there ? A He didn't live with her, he only married her and stayed around town there a while.
- Q You mean St. Louis ? A Yes sir.
- Q How long ? A I can't tell that; he quit her; he had to leave.
- Q Was it a year or two ? A No sir.
- Q A month or two ? A Yes sir.
- Q Then he came back to the Cherokee Nation ? A Yes sir.
- Q Where did he go ? A I don't know how long he was with this man Resmer selling horses, he travelled everywhere.
- Q After he quit selling horses where did he go to ?
- A He come back here.
- Q How long did he stay here ? A I can't tell you, I didn't pay any attention to this, I didn't think I would have to swear.
- Q Was he here a month ? A Longer than that.

- Q A year ? A Well, he went to Oklahoma.
- Q How long did he stay there ? A I don't know, about a month.
- Q What did he do ? A Just around there visiting, and then he went down in the lower part of the Nation, I don't know just where.
- Q What was he doing there ? A Just working for this man, paying his way and his expenses, I don't know what they were paying him.
- Q Was he the man with the horses ? A No sir, he left this man. He was taking pictures.
- Q Where is he now ? A The last letter I got from him he was in California.
- Q How long has he been out of the Cherokee Nation ? A I can't tell you that. He was sick, they had him to a nigger man's house, he had small-pox.
- Q How long has he been in California ? A Been there about a year.
- Q He left the Cherokee Nation sometime ago ? A He was in Des Moines, Iowa.
- Q I want to know when he left the Cherokee Nation ? A About two years ago; he was just like I tell you, he was going all over, I don't know.
- Q Where was he four years ago ? A I can't tell you, I didn't notice the time.
- Q Was he in the Cherokee Nation or in the States ? A I don't remember where he was four years ago, it aint long ago he was here though. He went from here to Des Moines, Iowa.
- Q How long was he gone ? A I can't tell you; he went to St. Louis. He has been traveling ever since he left school. He went to Klondike.
- Q When did he go to Klondike ? A I can't tell you.
- Q How old was he when he quit school ? A I don't know that.
- Q How many years was he going there ? A I told you six months he was going to Bryant-Stratton College, then he went to this public school.
- Q Was he twenty one before he quit school ? A I don't know that; he was about sixteen when he left home.
- Q Did he go to school five years there ? A Oh no.
- Q He's been traveling around ever since he left ? A Just working for whatever he could get.
- Q You don't know where he has been ? A I know where he has been; knew part of the time.
- Q Is he living with his wife yet ? A Oh no, he had to quit and run off, he didn't want to marry, he was too young.
- Q He hasn't married again ? A If he has I don't know it. I don't see how he could take care of a wife.
- Q Why didn't he come back here himself ? A Since he had the smallpox he had to work for what he could get; my boy here has been trying to get work and couldn't, he's been working for \$3.50. That way he can get a little to help me some. I am getting too old and crippled with the rheumatism, I must be over fifty four; I was here along before the war.
- Q How old is William Cook ? A I don't know.
- Q Is he over thirty years old ? A I don't know; I don't know the age of none of them. I never went to school a day in my life.
- Q Do you remember where he made application for enrollment ? A You mean this last enrollment ?
- Q Yes. A He enrolled at Muskogee, I believe.
- Q That was a year ago wasn't it ? A That's when he liked to died here; he was sick with the smallpox, that's when he had small-pox.
- Q Was he out in the States before that time ? A Yes sir.

- Q How long has he been living in the Cherokee Nation ?
 A Well he has never been out of the Nation, just in and out, like I tell you. He never lived anywhere else, that is, to form a home.
 Q What was the longest time he was away from here altogether ?
 A I can't tell you that; I never paid any attention.
 Q Do you know whether he has been gone a year ?
 A I guess he was gone a year, I wouldn't swear that, I just have to guess at it. I never paid any attention to the time.

I, K. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the foregoing is an accurate transcript of the testimony and proceedings had in the above entitled cause, as the same were reported by Jesse O. Carr, stenographer, and by him read to me.

K. C. Bagwell

Subscribed and sworn to before me this February 9, 1903.

Samuel Foreman
 Notary Public.

17115

D114

Cherokee D 1141

A. J. M. C.
Adk.

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

In the matter of the application of William D. Cook,
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 March 14, 1901 William D. Cook appeared before the Commission at Muskogee, Indian Territory, 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 Vinita, Indian Territory, on January 7, and 8, 1903.

The evidence herein shows that the applicant is a Cherokee by blood, was born in the Cherokee Nation, is duly identified on the Cherokee a thenticated tribal roll of 1880, and Cherokee census roll of 1896, and, except as below noted, has continuously lived in the Cherokee Nation since birth.

It appears that for the purpose of attending school, and by reason of business engagements that carried him to different parts of the United States, said applicant, during a part of the time since the year 1888, has resided at different points outside the limits of the Indian Territory; but as it further appears that said applicant has not become a citizen of any other government, and has always claimed the Cherokee Nation as his home, it is considered by this Commission that, under the ruling of the Department in the case of Joseph D. Yeargain, et al., (I. T. D. 2900-03), said applicant has not forfeited his rights to citizenship in said Nation.

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the Yeargain case, William D. Cook 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) *Tame Dixby.*

Chairman

(SIGNED) *T. B. Needles.*

Commissioner

(SIGNED) *O. T. Brockinridge.*

Commissioner

MAR 21 1901

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

WM O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

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

1640

REFER IN REPLY TO THE FOLLOWING: Cherokee D-1141.

Muskogee, Indian Territory, March 21, 1905.

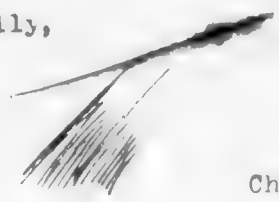
W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 21, 1905, granting the application for the enrollment of William D. Cook as a citizen by blood of the Cherokee Nation.

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

Respectfully,



Incl. S-53.

Chairman.

D 124E

IN THE MATTER OF THE APPLICATION OF

William D. Cook

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

White Boy & land
" in. 2/11/11

CHEROKEE

D. 114

William D. Cook

Received and
Recorded in 1877

Cher D 1142

Cher D 1142

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 14, 1901.

In the matter of the application of Mary J. Beck for the enrollment of her children, Harvey M., Gertrude B., Walter R., William A., and Stella M. Beck, as Cherokee citizens; she being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Mary J. Beck.
Q How old are you? A 38 years old.
Q What is your postoffice address? A Lenapah, Indian Territory.
Q What district do you live in? A Cooweescoowee district.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A No sir, by adoption. I come to see about my children; about enrolling my children. I am a descendant from a freedman, but my children are Cherokees.
Q Do you apply for the enrollment of these children? A Yes sir.
Q What are the names of your children? A Harvey M.
Q How old is Harvey M.? A 17 years old.
Q What is the name of the next child? A Gertrude B.
Q How old is she? A She's 16.
Q Next child? A Walter R.
Q How old is Walter R.? A He's 15.
Q Next child? A William A.
Q How old is he? A He's 11 years old.
Q Next? A Stella M.
Q How old? A She's 6.
Q What is the name of the father of these children? A John W. Beck.
Q Is he living? A He's dead.
Q He a Cherokee citizen by blood? A Yes sir.
Q Were you married to him? A Yes sir.
Q Have you any certificate of marriage? A No sir, I haven't only just the Bible record.
Q When were you married to him? A I was married in '88.
Q When did he die? A He died in June, '95.
Q You lived with him continuously as his wife? A Yes sir.
Q Until his death? A Up until his death; yes sir.
Q Do you claim Cherokee citizenship yourself? A I haven't been enrolled. I have never been recognized. I was enrolled with him. But before I was married, I never was enrolled.
Q You are colored by blood? A Yes sir.

The authenticated roll of 1880 of the Cherokee Nation examined, and the name of the applicant's husband is found on page 72, No. 326, as John W. Beck, in Cooweescoowee District. (Dead)

The census roll of 1896 of the Cherokee Nation examined and the names of the applicant's children are found thereon, as follows:

- On page 121, No. 666, as Harvey M. Beck, Cooweescoowee Dist.
On page 121, No. 669, as Gertrude Beck, Cooweescoowee Dist.
On page 121, No. 670, as Walter R. Beck, Cooweescoowee Dist.
On page 121, No. 671, as William A. Beck, Cooweescoowee Dist.
On page 121, No. 672, as Stella M. Beck, Cooweescoowee Dist.

- Q Have you no proof whatever of your marriage? A Well, I have no witnesses here, but still I could get a hundred witnesses to the marriage.
Q Where do you live yourself? A I live at Lenapah. I was living there when he died.
Q Are the witnesses to your marriage living? A Yes sir.
Q Those that saw you married? A Yes sir, I have a number of them; not here, near Vinita where we were married.

8- M.J.B.

Q These children, whose names you give now, living at this time?

A Yes sir, all of them.

Q Born and raised in the Cherokee Nation? A Yes sir.

Q Living in the Cherokee Nation now? A Yes sir.

Commissioner Needles-

Mary J. Beck applies for the enrollment of her five minor children. She avers that she was married in the year 1882 to one John H. Beck, a Cherokee citizen by blood, and the name of John H. Beck is found upon the authenticated roll of 1880. The testimony shows that he is now deceased. Applicant avers that she is by blood, colored, and does not claim Cherokee citizenship by blood. The said children are duly identified, and make satisfactory proof as to their residence; their names are found upon the census roll of 1896. No satisfactory proof is made as to the marriage of the applicant to said John H. Beck. By reason of the fact that satisfactory proof of marriage is not made, and the further fact that applicant avers that she is a colored citizen, and not a Cherokee, the names of said children, Harvey M., Gertrude E., Walter R., William A., and Stella M. Beck, will be placed upon a doubtful card, and final judgment as to their enrollment as Cherokee citizens by blood will be suspended.

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 this case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

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


Commissioner.

DEPARTMENT OF THE
COMMISSION TO THE FIVE C

FILED
MAY 15 1901

Cherokee by blood: SUPPLEMENTAL: D-1142.

Department of the Interior,
Commission to the Five Civilized Tribes,
Winnam, Ia. T. May 15, 1901.

In the matter of the application of Mary Jane Beck for the enrollment of her children as Cherokee citizens by blood; Thomas Mayfield, being sworn and examined by Commissioner Haddock, testified as follows:

- Q What is your name? A Thomas Mayfield.
Q How old are you? A About 30 some odd years old.
Q What is your post-office address? A I forget exactly the name, it is in Saline District.
Q Spay now? A Yes sir, Spaynow.
Q You know John J. Beck? A Yes sir.
Q You know where they were married or not? A Yes sir.
Q How do you know that? A I observed them.
Q Are you a minister of the Gospel? A Yes sir.
Q When did you marry them? A I can't tell.
Q About the year '88? A I guess it was, near about that time.
Q You know whether they are living together as man and wife now, since that time? A No, he is dead.
Q Did they live together as man and wife until his death? A Yes sir.

I, D. G. P., being first duly sworn, declare that a stenographer to the Commission to the Five Civilized Tribes has correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green

Subscribed and sworn to before me this 15th day of May, 1901.

Thomas Mayfield

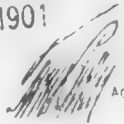
Thomas Mayfield.

POOR ORIGINAL -
BEST AVAILABLE COPY

Cher D 1142

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAY 15 1901



ACTING CHAIRMAN



Supl.-C.D.#1142.

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

SUPPLEMENTAL in the matter of the enrollment of HARVEY M. RECK,
ET AL., as citizens of the Cherokee Nation:

The applicant was notified by registered letter March 1, 1902, that his application for the enrollment of himself and others as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 20th day of March, 1902, and that on said day he might appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any further testimony affecting his application. Receipt has been acknowledged of Commission's letter. The applicant having this day, to-wit: the 20th day of March, 1902, been called and failing to respond either in person or by attorney, the case 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 upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had this day in the above application, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

CD 1142

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



ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Harvey M., Gertrude B., Walter R., William A. and Stella M. Beck as citizens by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on March 14, 1901, Mary J. Beck appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her minor children, Harvey M., Gertrude B., Walter R., William A. and Stella M. Beck as citizens by blood of the Cherokee Nation. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on May 15, 1901.

The evidence shows that the above named Harvey M., Gertrude B., Walter R., William A., and Stella M. Beck are the children of John H. Beck, a citizen by blood of the Cherokee Nation, who is duly identified on the authenticated tribal roll of 1880, and Mary J. Beck, his wife, a colored woman. All of said children are identified on the Cherokee Census roll of 1896 as Cherokees by blood, and upon examination of the tribal rolls, in the possession of this Commission, it appears that Harvey M., Gertrude B., Walter R., and William A. Beck are identified upon the Strip payment roll of 1894.

The evidence further shows that the above named children have resided in the Cherokee Nation all their lives, and that they were residents of said Nation at the date of the application herein.

It is, therefore, the opinion of this Commission that Harvey M. Beck, Gertrude B. Beck, Walter R. Beck, William A. Beck and Stella M. Beck should be enrolled as citizens by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Acting Chairman.

Commissioner

Commissioner

Dated at Muskogee, I. T.

this NOV - 0 30

JCA

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Muskogee I. T. December 2nd 1902.

In the matter of the application of Harvey M. Beck et al
for enrollment as citizens of the Cherokee nation by blood.
Cherokee D. 1142.

Protest of the Cherokee Nation.

The testimony in this case shows that Mary J. Beck, the
mother of the applicants herein, appeared before the Commission
and made application for the enrollment of her children as citi-
zens of the Cherokee nation by blood.

The father of these applicants was John Beck, now deceased,
who name appears upon the authenticated roll of eighteen hun-
dred and eighty as a citizen of the Cherokee nation by blood
and the mother of the applicants Mary J. Beck is a colored per-
son and her name was found upon the authenticated roll of eight-
teen hundred and eighty as a Cherokee freedman and she has
been listed for enrollment by the Commission on a regular
Cherokee freedman card.

The only question involved in this case is whether the
applicants should be enrolled as citizens by blood of the Chero-
kee nation or Freedman citizens of the Cherokee nation. The
Cherokee nation contends that inasmuch as the Commission to
the Five Civilized Tribes has heretofore enrolled hundreds of
children in cases like this with their mother; in cases where
the father was a recognized Cherokee and the mother a recogniz-
ed Delaware citizen of the Cherokee nation the children have
been invariably enrolled as Delaware citizens of the Cherokee
nation and in cases where the mother was a Cherokee by blood and
the father a Delaware citizen of the Cherokee nation the Chil-
dren have been enrolled as Cherokees by blood; the same preced-
ent has been established in cases where one of the parents
was of Shawnee blood and the other of Cherokee or Delaware ~~RE~~
~~XXXX~~

blood and vice versa or where one of the parents was a freed-
man and the other a Cherokee the ^{children} ~~Cherokees~~ have in all such cases
been enrolled with their mother.

We submit that if the precedents heretofore established
are to be followed that the applicants should be enrolled as
Cherokee freedmen and not as citizens of the Cherokee Nation
by blood.

Respectfully submitted,

W. W. Hastings
Attorney for the Cherokee nation.

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

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

ALLISON I. AYLESWORTH
SECRETARY

Cher. D-1142.

Muskogee, Indian Territory, November 22, 1902.

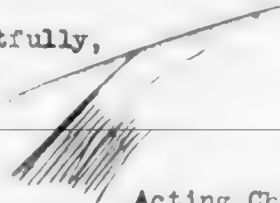
Mr. W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

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 Mary J. Beck for the enrollment of her minor children Harvey M., Gertrude B., Walter R., William A. and Stella M. Beck 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-76.

SPV

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

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

REFER IN REPLY TO THE FOLLOWING
Cherokee D 1142.

ALLISON L. AYLESWORTH,
SECRETARY.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 13, 1902.

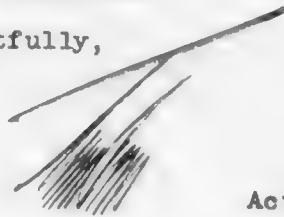
W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated November 20, 1902, granting the application of Mary J. Beck for the enrollment of her five minor children, Harvey M., Gertrude B. Walter R., William A. and Stella M. Beck, 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.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D-1142

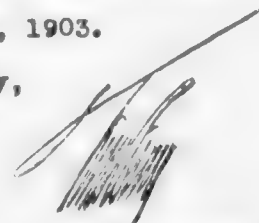
Muskogee, Indian Territory, March 9, 1903.

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

Dear Sir:

You are hereby advised that the Commission's decision, dated November 20, 1902, granting the application of Mary J. Beck for the enrollment of her five minor children, Harvey M., Gertrude B., Walter R., William A. and Stella M. Beck, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 19, 1903.

Respectfully,



Chairman.

D1142

IN THE MATTER OF THE APPLICATION OF

Harvey W. Beck et al.

COMPLAINT AND

DECLARATION OF CITIZENSHIP

5070 515

Children of John H. Beck

CH...

IN THE MATTER OF THE APPLICATION OF

Harvey M. Beck et al

Decree of divorce, 14/1901.

Supplemental testimony, 1901.

Supplemental testimony, May 5, 1901

Notice of hearing, 3/20/02



See Clarence Friedman jacket

No 833

Cher D 1143

Cher D 1143

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita, I.T. September 24th, 1906.

IN THE MATTER OF THE APPLICATION OF DARIUS BRITTON TROTH FOR THE ENROLLMENT OF HIMSELF, HIS WIFE AND CHILD RONA AS CHEROKEE CITIZENS.

The said Darius Britton Troth, being sworn and examined by Commissioner C. E. Breckinridge, testified as follows:

- Q Give me your full name please. A Darius Britton Troth.
Q How old are you? A Thirty one.
Q What is your post office? A Miles.
Q In what district do you live? A Coconino.
Q Who is it you want to have put on the roll, yourself? A Myself and wife and four children.
Q Are you a Cherokee by blood? A No, sir.
Q You are a white man? A Yes, sir.
Q Wife is a Cherokee is she? A Yes, sir.
Q What proportion of Cherokee blood do you claim for her?
A One-sixteenth.
Q Let me see your marriage license and certificate please.
A Yes, sir.

THE COMMISSIONER: The applicant presents a duly authenticated marriage license authorizing his marriage to Mrs. Susan Hart, dated October 20th, 1892, license issued by the Clerk of Goring Snake District, and the certificate shows that they were married by the said clerk of said District on the same date as that of the license. This paper is filed herewith.

- Q Now, have you lived with your wife ever since you were married to her? A Yes, sir.
Q Were you ever married before? A No, sir.
Q How old is your wife now? A Twenty-five.
Q What is the name of her father? A Jesse L. Glenn.
Q White man or Cherokee? A A Cherokee.
Q Dead or alive? A Living.
Q Give me her mother's name. A Margaret L.
Q Cherokee or white woman? A White woman.
Q Dead or living? A Dead.
Q How long has she been dead? A Three years, I believe--
I think it was in 1897.
Q Now, your wife's maiden name was Glenn? A Yes, sir.
Q She never married but one time before she married you?
A No, sir.
Q What was the name of her husband that she married?
A Lewis.
Q White man or Cherokee? A White man.
Q You say he is living? A I don't know whether he is now or not. He was when we were married.
Q Have you a copy of the decree of divorce between them?
A No, sir.
Q What proof have you that she was divorced from that man?
A The same clerk that issued the license was clerk of the Court when the decree of divorce was granted, and he could have notified them without he knew that.
Q Now give me the names of those children. A The first child

Q is a step child, her name is Maggie I. Hart.
 Q How old is that child? A She was born in 1890.
 Q How years old? A Yes, sir.
 Q What is the name of the next child? A Mary W. Troth.
 Q How old is she? A She was born in 1894.
 Q She is six years old? A Yes, sir.
 Q The next child? A Four years old.
 Q What is its name? A Beuna V. Troth.
 Q How old is she? A Four years old.
 Q The next child? A Vera L.
 Q How old is that child? A She was born in 1899.
 Q When did you say she married her husband Hart? A I think
 it was in the spring of 1890 or the winter of 1889.
 Q What district were you living in in 1896? A Delaware.
 Q In what district did your wife live in 1890? A Going
 Snake.

1880 Roll, page 435, No. 758, Susan Gleng, Going Snake District.
 1896 Roll, page 546, No. 3258, Susie E. Truth, Delaware District.
 1896 Roll, page 590, No. 533, Marius F. Truth, Delaware District.
 1896 Roll, page 488, No. 1520, Maggie-W. I. Hart, Delaware District.
 1896 Roll, page 546, No. 3259, Mary Ann Truth, Delaware District.
 1896 Roll, page 546, No. 3260, Beuna V. Truth, Delaware District.

THE COMMISSIONER: The applicant applies for the enrollment of himself, his wife and four children, one being a step child and three being children of his present marriage. His wife is identified on the rolls of 1880 and 1896 as a native Cherokee. Her change of name is established by the marriage license and certificate filed herewith, and she will be listed now for enrollment as a Cherokee by blood.

The child Maggie I. Hart, a child of her former marriage is identified with her on the roll of 1896; it is living at this time and will be listed for enrollment as a Cherokee by blood.

Of the three children of the present marriage Mary W. and Beuna V. Troth are identified with their parents on the roll of 1896. They are living at this time and will be listed now for enrollment as Cherokees by blood.

When the Commission is supplied with a proper certificate of birth of the youngest child Vera L., it also will be listed for enrollment as a Cherokee by blood.

As to the applicant himself; he is shown to have married his wife in 1892 according to the Cherokee law. He is identified with her on the roll of 1896. He stated that they have lived together ever since their marriage. He will be required to supply the Commission with a copy of the decree of divorce from her former husband and until this is done his application will be placed upon a doubtful case.

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

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

[Handwritten Signature]

Commissioner.

POOR ORIGINAL -
 BEST AVAILABLE COPY

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 14, 1901.

In the matter of the application of Louis R. Hart for enrollment as a Cherokee citizen; he being sworn and examined by Commissioner T. E. Needles, testified as follows:

- Q What is your name? A Louis R. Hart.
Q What is your age, Mr. Hart? A 33.
Q What is your postoffice address? A Chouteau.
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 Intermarriage.
Q Who do you desire to enroll? A Myself.
Q Nobody, but yourself? A No sir.
Q Just yourself? A Yes sir.

Applicant presents a marriage license and certificate of marriage certifying that he was married to one Miss Susie Glenn, a Cherokee citizen, on the 14th day of July, 1889.

- Q Your wife living? A Yes sir.
Q You living with her? A No sir.
Q What is her father's name? A Jesse Glenn.
Q He living? A Yes sir.
Q What is her mother's name? A Margaret Glenn.
Q She living? A No sir, she's dead.
Q You know the age of your wife? A She's 24.

The 1880 authenticated roll of the Cherokee Nation examined, and the name of the applicant's wife is found thereon on page 435, No. 758, as Susan Glenn, Goingsnake District.

The 1896 census roll of the Cherokee Nation examined, and the name of the applicant is not found of record thereon.

- Q Is your name on the roll of 1896, you know? A No sir.
Q How long have you lived in the Cherokee Nation? A About 14 years.
Q You were married in July, 1889? A Yes sir.
Q How long did you live with your wife? A Nearly two years.
Q You are separated from her? A Yes sir.
Q Did she abandon you, or did you abandon her? A She abandoned me.
Q Have you married since? A No sir.
Q When did you separate; in about '91? A Yes sir.
Q Where were you living about the time of the separation? A Goingsnake district.
Q Living on her place? A Yes sir, I was just putting in a new place.
Q What was the cause of the separation? A She said marriage life didn't suit her.
Q Did she leave you? A Yes sir.
Q Did you try to get her to return? A Yes sir, I talked with her.
Q Did you ever have a divorce? A Yes sir.
Q Who applied for the divorce? A She did.
Q Did you defend it? A No sir, I was just waiting for her to have the divorce.
Q Did she get the divorce in the Indian Court or United States Court? A Indian Court.
Q Have you any children? A One.
Q Who has the child? A She has it.
Q You know the reason why your name does not appear on the roll of 1896? A I was out in the Comanche country in '96, and when I come back I didn't go to have it enrolled.

2- L.R.H.

Q Been living here continuously since that time? A Yes sir; been out about four months.

Q Was Susie Glenn your first wife? A She never was married before.

Q Were you ever married before? A No sir.

Q And she wasn't married before? A No sir.

Commissioner Needles-

The name of Louis R. Hart cannot be found upon the census roll of 1896. He makes satisfactory proof of his marriage to one Susie Glenn, a Cherokee citizen by blood, on July 14th, 1889, and the name of Susie Glenn is found upon the authenticated roll of 1880 as per page and number of the roll indicated in the testimony. He avers that he has separated from his wife. By reason of the fact of the separation, final judgment as to the enrollment of the said Louis R. Hart as a Cherokee citizen by intermarriage will be suspended, and his name will be placed upon a doubtful card.

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

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


Commissioner.

DEPARTMENT OF THE
COMMISSION TO THE FIVE CITIES
FILED
MAR 15 1901

ES

U

ATTORNEYS:

L. B. BELL,
W. W. HASTINGS,
JAMES S. DAVENPORT.

OFFICE OF

ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAVES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

J. C. STARR, SEC.

Please return this letter with your reply or mention this Number: F. D.

Susan Hart vs Lewis Hart. Suit for Divorce.

Judgment is declared by the Court in default of the defendant not appearing and the bonds of matrimony is dissolved that existed between Susan Hart and Lewis Hart at defendants cost. Sept. the 5th 1892.

J. R. GARRETT, Clerk.

Executive Office,
Tahlequah, I. T.

I, B. W. Alberty, Assistant Executive Secretary of the Cherokee Nation, do hereby certify that the foregoing is a true copy taken from the record of the Circuit Court of Going Snake 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 29th day of March, 1901.

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

I will further certify that there is no Citation belonging to the above case to be found in this office.

B. W. Alberty.

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

D.#1143.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE I.T., MARCH 20th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
LOUIS R. HART as a citizen of the Cherokee Nation.

J. R. GLENN, being sworn and examined by Commissioner Needles,
testified as follows:

- Q What is your name? A J. R. Glenn.
Q What is your age, Mr. Glenn? A 49.
Q What is your post office address? A Vinita.
Q Do you know Louis R. Hart? A Yes, sir.
Q How long have you known him? A I have known him for quite a
while, he was once a son-in-law of mine.
Q Do you know his wife, Susan? A Yes, sir, Susan E. I guess.

BY J.C. STARR, Cherokee Representative:

- Q Were you present when a decree of divorce was granted to Susan
Hart from Louis R. Hart? A Yes, sir.
Q Do you know what the allegations were in that complaint? A
Cruel treatment I think were the charges.
Q Any others? A I don't remember; cruel treatment I think; I
believe that he was charged with wilful desertion, that is my
recollection; I would not be positive ~~xxx~~ about this willful deser-
tion; cruel treatment I know was in the allegation.
Q Any other facts in connection with it that you know of your own
knowledge; in connection with the cause of their separation and
divorce? A I know that he was cruel to her and didn't provide
for her and that is the reason he was charged with cruel treat-
ment.

---00000000---

J. O. Bosson, being first duly sworn, states that as stenog-
rapher to the Commission to the Five Civilized Tribes, he correctly
recorded the testimony and proceedings in this case, and that the
foregoing is a true and complete transcript of his stenographic
notes thereof.

J. O. Bosson

Subscribed and sworn to before me this 20th day of March, 1901.

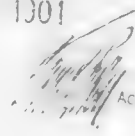
E. J. Needles

Commissioner.

2 114 3

RECEIVED
OFFICE OF THE FIVE
SEC.

FILED
MAR 25 1901


ACTING CHAIRMAN

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

In the matter of the application of Louis R. Hart 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 March 1st, 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 20th day of March, 1902. The applicant has this day, to wit the 20th day of March, 1902, been called, and fails to respond either in person or by attorney. Receipt has not been acknowledged of the Commission's letter.

J. G. STARR, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A J. G. Starr, age 31, post-office Vinita, I. T. On the 12th day of March a registered letter containing notice to Louis R. Hart at his postoffice at Chouteau, Indian Territory, to the effect that the Cherokee Nation would on the 20th day of March, 1902, introduce testimony against him contesting his right to enrollment. I have heard nothing further from the registered letter.

I. P. BLEDSOE, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A I. P. Bledsoe.
Q What is your age? A 55.
Q What is your postoffice? A Chouteau.
Q Are you pretty well acquainted in the vicinity of Chouteau? A Yes, sir.
Q Do you know this applicant, Louis R. Hart? A No, sir.
Q Is he living around in that country? A No, sir, not that I know of.
Q Did you make any inquiries up there as to where he was? A The postmaster asked me, he said he had a registered letter there, and knowing that I was pretty well acquainted around that country, and said he had attempted to try to find him, and that he couldn't possibly find him.

MR. HASTINGS: Comes now the Cherokee Nation, after introducing the above testimony, and asks permission to introduce testimony against the right of Louis R. Hart to be enrolled as a citizen of the Cherokee Nation by intermarriage without further notice.

COMMISSION: The request of the Cherokee Nation will be complied with, and the testimony heard.

SUSAN E. TROTH, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Susan E. Troth.
Q What was your name before it was Troth? A Susan Glen.
Q Were you formerly married to the applicant, Louis R. Hart? A Yes, sir.
Q How long did you live with him? A We lived together about fifteen months.
Q Did you afterwards separate? A Yes, sir, he abandoned me, went away, left me.

- Q Where did he leave you? A He left me on Neescoop Prairie.
Q Was it your place? A No, sir, that wasn't our place.
Q A rented place was it? A Yes, sir.
Q Did he leave you or you leave him? A He left me.
Q Did you ever see him after that? A Yes, sir.
Q You didn't live together as husband and wife? A No, sir, we did not.
Q Well, how long did you continue to remain there? A About three weeks.
Q He never come back? A My father took me away to his home.
Q Did you afterwards bring suit against him for divorce? A Yes, sir.
Q On what ground? A On the ground of non-maintenance and abandonment.
Q Did you get a divorce? A Yes, sir.
Q Granted, was it? A Yes, sir, granted to me.

COMMISSION: The applicant this day, to wit the 20th day of March, 1902, having been called and failing to respond, it is deemed the case is completed, and the same 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 the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

Arthur G. Croninger

Hearings

Cherokee D 1143

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

In the matter of the application of Louis R. Hart for enrollment as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on March 14, 1901, Louis R. Hart appeared before the Commission at Muskogee, Indian Territory, and made application for his enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 20, 1901, and on March 20, 1902.

The evidence shows that the said Louis R. Hart was lawfully married, under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation, on July 14, 1899, to Susie Glen, a citizen by blood of the Cherokee Nation. It further appears from the evidence that said Louis R. Hart lived with his wife about two years following their marriage; that they then separated and that on September 5, 1900, the said wife obtained a divorce from the applicant. The wife testifies that the said Louis R. Hart abandoned her.

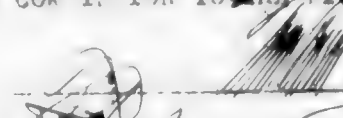
Section 21 of the Act of Congress approved June 22, 1899 (30 Stats., 495) provides for the enrollment of Cherokee citizens, "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."


Section 67 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 Louis R. Hart 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.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, I. T.

this _____

ATTORNEYS

OFFICE OF

L. B. BELL

W. W. HASTINGS

J. B. DAVENPORT

J. C. STARR, SECRETARY

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.

C. D. 1143

VINITA, IND. TER.

190

Muskogee, I. T. March, 12, 1902.

Mrs. Susan Troth,

Hiles, I. T.

Dear Madam:-

Enclosed herewith find subpoena for your attendance before the Dawes Commission at Muskogee, on March, 20, 1902. Please accept service by signing where you see the red ink stamp on the back, and advise if you will be on hand promptly on that day.

Yours very truly,

NOTICE!

IN THE MATTER OF the application of Louis R. hart,
for enrollment as Cherokee citizens:
Case No. D 1143

To Louis R. hart, Choteau, 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, 20, 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.

W. W. Hastings
Attorneys for the Cherokee Nation.

D.

**INDIAN TERRITORY,
CHEROKEE NATION.**

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
..... day of A. D. 190 ..

Given under my hand this
day of A. D. 190

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
..... day of , 190 ..

.....
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

.....
on the day of A. D. 190

.....
Subscribed and sworn to before me
this

.....
Notary Public.

SUBPOENA.

C. D. 1143

INDIAN TERRITORY, |
Cherokee Nation. | SS.

TO ANY LAWFUL OFFICER:

You are commanded, in the name of the Cherokee Nation, by authority of an Act of the National Council of the Cherokee Nation, entitled "An Act making provision for the representation of the Cherokee Nation in the completion of the roll of the citizens of the Cherokee Nation, and for other purposes," approved by the Principal Chief of the Cherokee Nation, December 19, 1901, and by the President of the United States, January 20, 1902, to summons

Susan Troth, Miles, U. T.

to be and appear before the United States Commission to the Five Civilized Tribes, at Muskogee, I. T., on the 20th day of March, A. D. 1902, then and there to give evidence in such contested citizenship cases as the representatives of the Cherokee Nation may desire.

Dated March, 12, 1902.

W. W. Hastings

Attorneys for the Cherokee Nation

No

ATTORNEYS

OFFICE OF

L. B. HELL

W. W. HASTINGS

J. S. DAVENPORT

J. C. STARR, SECRETARY

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.

C. D. 1143.

VINITA, IND. TER.

190

Muskogee, I. T., March 14, 1902.

Mrs. Susan Troth,

Miles, I. T.

Dear Madam:

Enclosed herewith find a subpoena for your attendance before the Dawes Commission at Muskogee on March 30, 1902. Kindly ~~accept~~ accept service of the same by signing the blank stamped in red ink on the back and return it to us by first mail, and advise us if you will be on hand promptly at that time.

Yours truly,

NOTICE!

IN THE MATTER OF the application of Louis R. Hart,
for enrollment as Cherokee citizens:

Case No. D 1143

To Louis R. Hart, Chouteau, 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 20, 1908, 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 14, 1908.

W. W. Hastings

Attorneys for the Cherokee Nation.

D.

**INDIAN TERRITORY,
CHEROKEE NATION.**

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 190..

Given under my hand this.....
day of A. D. 190

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
..... day of....., 190 .

.....
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

.....
on the day of A. D. 190 .

.....
Subscribed and sworn to before me
this

.....
Notary Public.

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

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 1143.

ALLISON L. AYENSWORTH
SECRETARY

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 Louis R. Hart for the enrollment of himself as a citizen by intermarriage 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. 128.

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

ALLISON I. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

OFFICE
AFTER IN REPLY TO THE FOLLOWING

Cherokee D 1143.

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 Louis R. Hart for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Yours truly,


Acting Chairman.

THE MATTER OF THE APPLICANT

ROBERT V. HARD

- A. Original Petition 1/1901
- B. Return of Petition 1/1901
- C. Answer 1/1901
- D. Supplemental testimony 5/1901
- E. Order of Dismissal 1/1902

Notice of Dismissal 1/1902
 Sup. test & order return 12/02

Transferred to i-718

See Case No. 10014 No 5000

Cher D 1144

Cher D 1144

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 13, 1901.

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

- Q What is your name? A Martha A. Hail.
Q What is your age? A 43.
Q What is your postoffice address? A Hanson.
Q What district do you live in? A Sequoyah District.
Q Do you apply for enrollment as a Cherokee citizen? A Yes sir.
Q Are you a recognized citizen by blood or intermarriage? A Intermarriage.
Q What is your husband's name? A George W. Hail.
Q Where is he? A Here he is. (Indicating)
Q Is he a citizen by blood? A Yes sir.
Q Has he been enrolled himself? A Yes sir.
Q Why didn't he enroll you when he enrolled himself? A He just made a mistake and didn't.
Q When were you married? A Married in '74.
Q Is your name on the roll of 1880? A No sir.

The authenticated roll of 1880 of the Cherokee Nation has been examined, and the name of the applicant is not found of record thereon.

- Q Have you any certificate of marriage? A No sir, I haven't got the certificate.

Witness, G. W. Hail, being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A G. W. Hail.
Q What is your age? A About 57.
Q Are you a recognized citizen of the Cherokee Nation? A I suppose so, Yes sir.
Q Why didn't you make application for your wife when you were enrolled as a citizen? A I don't know why I didn't.
Q Is your name on the roll of 1880? A No sir.

Applicant presents a certified copy of a certificate of admission to Cherokee citizenship; said original certificate having been signed by J. T. Adair, Chairman, D. W. Lipe, Commissioner, Henry Riffert, Clerk; the authenticity of the certificate being certified to by B. W. Alberty, Assistant Executive Secretary, under the seal of the Cherokee Nation, certifying that among others one George W. Hail was duly admitted to Cherokee citizenship on the 28th day of September, 1887; said certificate being filed in the matter of the application of George W. Hail et al for enrollment - Case 1052.

- By J. J. Pugh, representative of the Cherokee Nation-examines witness-
Q When were you admitted to citizenship? A In '87 or '87.
Q Where were you living at the time? A Sequoyah District.
Q Have you lived here ever since? A Yes sir.
Q Never lived out of the Cherokee Nation since then? A No sir; live within two miles of Hanson.
Q Where were you and your wife married at? A Jackson County, Ala. and.
Q What year? A In '74.
Q After you were admitted to citizenship in '87, were you and your wife ever remarried? A No sir.
Q Did you move here prior to the time of your admission? A Yes sir.

Re-direct.

B-M.A.H.

The Cherokee census roll of 1896 examined, and the name of the applicant is found thereon as follows: Page 1114, No. 74, as Martha Ann Hail, in Sequoyah District.

Q Got no proof of your marriage? A No only that. (Presents papers)

This won't do at all. You will have to get a certified copy of your marriage certificate.

Commissioner Needles-

The name of Martha A. Hail is found upon the census roll of 1896. She avers that she was married to one George W. Hail in the year 1874, a Cherokee citizen by blood. The evidence shows that said George W. Hail was ^{not} admitted to Cherokee citizenship until the year 1887, and there is no proof made to the said Martha A., his wife, who is a white person, being readmitted to citizenship at the time of his admission. Her name appears upon the census roll of 1896; she makes no satisfactory proof as to her marriage; also, she avers that she was married in 1874, and has been living with her husband since that time to the present. By reason of the fact that no proof is made as to the admission of the said Martha A. Hail to Cherokee citizenship, and the further fact that she presents no satisfactory proof as to her marriage, final judgment as to the enrollment of said Martha A. Hail will be suspended, and her name will be placed upon a doubtful card.

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

Subscribed and sworn to before me this 15th day of March, 1901.


Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAR 15 1901

[Handwritten signature]
ACTING CHIEF

Supl.-C.D.#1144.

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

SUPPLEMENTAL in the matter of the enrollment of MARTHA A. HALL as a citizen of the Cherokee Nation:

The applicant was notified by registered letter March 1, 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 20th day of March, 1902, and that on said day she could appear before the Commission either in person or by attorney when an opportunity would be given her to introduce any further testimony affecting her case. The applicant has this day, to-wit: the 20th day of March, 1902, been called and failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---000000000---

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

J. O. Rossen

0201144

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAR 27 1902

R.

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

In the matter of the application of Martha A. Hail for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

Supplemental to D-1144

MARTHA A. HAIL, being duly sworn, testified as follows:
Examination by the Commission.

- Q. State your full name? A. Martha A. Hail.
Q. How old are you? A. I will soon be 48.
Q. What is your post office? A. Hanson.
Q. You are a white woman, are you? A. Yes, sir.
Q. You are claiming as a citizen by intermarriage of the Cherokee Nation? A. Yes, sir.
Q. What is the name of the husband through whom you claim citizenship? A. George W. Hail.
Q. When were you married to George W. Hail? A. In '74.
Q. Where? A. In Alabama.
Q. When did George W. Hail come to the Cherokee Nation? A. It has been 16 years ago.
Q. He was admitted to citizenship, was he? A. Yes, sir.
Q. Do you remember when, what year? A. We came in January and he was registered in September.
Q. What year? A. 16 years ago.
Q. And has been living in the Cherokee Nation ever since? A. Ever since; yes, sir.
Q. You have been living with him as his wife ever since? A. Yes, sir.
Q. Did you have a certificate of your marriage? A. Yes, sir; we sent to Alabama and got a copy of the license.
Q. And sent it in to the Commission? A. Sent it in here; yes, sir.
Q. Were you ever married before? A. No, sir.
Q. He is your first husband? A. Yes, sir; first husband.
Q. You are his first wife? A. Yes, sir.
Q. Neither one ever married before? A. No, sir; neither one ever married before.

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

Subscribed and sworn to before me this 17th day of November, 1902.

Jesse O. Carr
B. O. Jones
Notary Public.

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

In the matter of the application of Martha A. Nail for enrollment as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record herein shows that on March 15, 1901, Martha A. Nail appeared before the Commission at Muskogee, Indian Territory, and made application for her enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 7, 1902.

The evidence shows that said Martha A. Nail was lawfully married, in the State of Alabama, on January 28, 1874, to George W. Nail, who was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said nation on September 28, 1887, as appears from the records of the Cherokee Nation in possession of this Commission. The Cherokee Supreme Court, in the cases of the Cherokee Nation vs. Nancy Rogers and Melissa Warren vs. T. A. Rogers, 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 Martha A. Nail is identified on the Cherokee census roll of 1890.

The evidence further shows that Martha A. Nail has lived with her husband, George W. Nail, and lawfully in the Cherokee Nation since his admission to citizenship, August 10, 1887, and has been on said roll of 1890.

It is, therefore, the opinion of this Commission that Martha A. Nail 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 25, 1896 (29 Stat., 485), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED,

Tommy Fisher

Acting Secretary.

SIGNED,

T. B. Needles

Commissioner.

SIGNED,

C. R. Breckinridge

Commissioner.

Date at Muskogee, Indian Territory,
this 21 FEB 1903

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

In the matter of the application for the enrollment of
Martha A. Hail as a citizen by intermarriage of the Cherokee
Nation.

DECISION

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, March 15, 1901, application was received by the Commission to the Five Civilized Tribes for the enrollment of Martha A. Hail as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 20, 1902, October 7, 1902, and January 2, 1907. The records further show that on February 2, 1903, 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, Martha A. Hail, 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 George W. Hail in the State of Alabama, January 22, 1874; that the said George W. Hail 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 29, 1887. Said applicant did not, therefore, marry a citizen by blood of the Cherokee Nation prior to November 1, 1875. Neither the said applicant, Martha A. Hail, nor her husband, the said George W. Hail, 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, February 2, 1903, granting the application for the enrollment of Martha A. Hail 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, Martha A. Hail, 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.

Commissioner.

Dated at Muskogee, Indian Territory,
this FEB 6 1907

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS D. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

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

REFERRED TO THE FOLLOWING

Cherokee D-1144

Muskogee, Indian Territory, February 7, 1903.

W. W. Hastings,

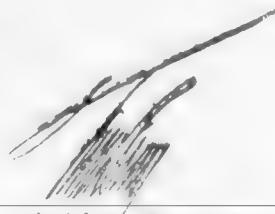
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting the application of Martha A. Hail for the enrollment of herself as a citizen by intermarriage of the Cherokee nation.

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

Respectfully,



Acting Chairman.

Enc. M-424

REFER IN REPLY TO THE FOLLOWING:

Cherokee 10154 COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,

Muskogee, Indian Territory, February 6, 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 6, 1907, rejecting the application for the enrollment of Martha A. Hall 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 the same.

Respectfully,

Commissioner.

Enc I-2

RPI

Refer in reply to the following:

COPY.

Land
13128-1907.

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

February 21, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated February 6, 1907, enclosing the record in the matter of the application for the enrollment of Martha A. Hail, as a citizen of the Cherokee Nation by intermarriage, including the decision of the Commissioner rendered February 6, 1907, adverse to the applicant.

The record shows that application was duly made to the Commission to the Five Civilized Tribes on March 15, 1901, for the enrollment Martha A. Hail as a citizen by intermarriage of the Cherokee Nation. The applicant is a white woman and bases her claim to enrollment on the grounds of her marriage to George W. Hail, who was born near Chattanooga, in the State of Tennessee. The marriage was celebrated in the State of Alabama, January 26, 1874. At that time George W. Hail was not a citizen or resident of the Cherokee Nation, but removed to that nation early in the year 1887 and was duly admitted to citizenship by the authorities thereof. On this showing the applicant was admitted to citizenship as an intermarried citizen by the Commission on February 2, 1903.

Since the applicant was not married to a citizen by blood of Cherokee Nation prior to the first of November, 1875, she does not come within the terms of the decision of the Supreme Court of the United States in the case of Daniel Red Bird et. al vs. the United States, wherein it was held that white persons lawfully married to Cherokee citizens by blood prior to November 1, 1875, were entitled to enrollment. Under this decision the Office is of the opinion the applicant is not entitled to be enrolled as an intermarried citizen, and that the decision of the Commissioner holding that the decision of the Commission of February 3, 1903, be rescinded, set aside and held for naught and denying the application of Martha A. Hall for enrollment as a citizen by intermarriage of the Cherokee Nation is correct, and it is recommended that it be affirmed.

Very respectfully,

(Signed) C. F. Larrabee,

Acting Commissioner.

EVE.

COPY.
J.Y Jr.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

D.C.12056-1907.
I.T.D.4670-1907.
L.R.S.

Direct.

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

Sir:

On February 21, 1907 (Land 13128), the Indian Office transmitted your report dated February 6, 1907, in the matter of the application for the enrollment of Martha A. Hail as a citizen by intermarriage of the Cherokee Nation, together with your decision, rescinding the decision of the Commission to the Five Civilized Tribes dated February 2, 1903, relative to this applicant, and denying said application.

The Indian Office concurs in your decision. A copy of its letter is inclosed.

The Department considers your decision correct, and it is hereby affirmed.

It is not shown whether the name of this applicant has been placed upon a roll of Cherokee citizens heretofore. It is presumed in the absence of an affirmative statement by you that no such action has been taken. However, if said applicant has been enrolled the matter should be brought to the attention of the Department promptly.

-2-

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

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

1 inc. and 2 to Ind. Of.

A. F. No.
2-28-07.

REFER IN REPLY TO THE FOLLOWING:

Cherokee
10154.

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

Muskogee, Indian Territory, March 15, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 6, 1907, rejecting the application for the enrollment of Martha A. Hail as a citizen by intermarriage of the Cherokee Nation was affirmed by the Department February 27, 1907.

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

Respectfully,

Encl.HJ-16.
HJC

Commissioner.

~~Maxwell W. ...~~

FOR ENROLLMENT AS

~~CHEMIST~~

~~A. Original ... 15,100
 B. ... 11,901
 C. Marriage license + certificate
 D. Notice of final liquidation, 3/30/02~~

~~D~~

~~X~~

~~55~~

Cher D 1145

Cher D 1145

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 18, 1901.

In the matter of the application of John Oakison 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 Oakison.
Q What is your age, Mr. Oakison? A 88.
Q What is your post office address? A Vinita.
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? A Blood.
Q Who do you desire to enroll? A Myself.
Q Have you ever made application to be enrolled in any other tribe?
A No sir.
Q What is your father's name? A John Oakison.
Q He living? A Yes sir.
Q What is your mother's name? A Sarah.
Q She living? A No.

The Cherokee authenticated roll of 1860 examined, and the name of the applicant is found on page 152, No. 2148, as John Oakerson, in Cooweescoowee district.

The Cherokee census roll of 1886 examined, and the name of the applicant is found on page 325, No. 3566, as John Oakison, in Cooweescoowee district.

- Q How long have you lived in the Cherokee Nation, Mr. Oakison?
A Since I was born, with interruptions. I was born in the Cherokee Nation; made it my home, except one - five year intervals.
Q When was that? A I was two years in California and three years in Texas when the family was away.
Q Are you married? A No sir.
Q Your father and mother living in the Cherokee Nation? A My father lives in the Cherokee Nation; my mother is dead.
Q Where have you been living since 1887? A I have been away from 1884 to College; four years at Stanford University in California, one year at Harvard, one year and a little over in New York. I have been at home during vacations in the summers of 1886 and '88.
Q Did you always consider the Cherokee Nation your home? A Yes sir.
Q How long has your father been living in the Cherokee Nation? A He lived in the Cherokee Nation over thirty years.
Q Continuously? A With the exception of those intervals I spoke of in California and Texas.
Q How long since he returned from California and Texas? A From Texas in 1887.
Q Has he been living here continuously since 1887? A Yes sir.
Q How long has your mother been dead? A About 24 years.
Q Did your father ever marry again? A Yes.
Q Has he kept house in the territory since 1887? A Yes sir.

By J. L. Faugh, Representative of the Cherokee Nation-

- Q Was he readmitted to citizenship when he returned from Texas?
A He never lost his citizenship as I understand it. On the '86 roll, we were away then, and our names appear on that.
Q You mean the 1880 roll? A We were here then.
Q What time did your father move out? A In '84; no, it was ---
We were away five years and came back in '87; we went away in '88.
Q Was away five years and never was readmitted to citizenship?
A (No answer).

Commissioner-

- Q Where were you when you arrived at your majority, twenty-one years of age? A I guess I was in California. Yes, in College.
Q How long after you were 21 years of age, which was five years ago; how long after that did you return to the territory? A One year.

3- J..0.

Q Was your father living in the territory five years ago? A Yes.

Q He wasn't in California when you were there then? A Yes, he was in California from '88 to '84, and I went to California to College in '94. When I attained my majority, I was in California and my family was here.

Q The point I was trying to get at is how soon did you return to the Cherokee Nation after you attained your majority? A That was the next summer.

Q And have you been a resident of the Cherokee Nation since that time? A Yes sir.

Q You have been away at school? A Yes sir, just at College.

Applicant states: All interests I have are in the Indian Territory, Cherokee Nation, and that I have never regarded any other place as my permanent residence. I have been away for educational purposes and that I have never been away except for educational purposes for a longer time than one year and a half; and that as I understand it that my father being away the five years extending from '88 to '87 did not lose his citizenship; that my father has no citizenship personally; that by his being away that the citizenship of his children has not been impaired.

Commissioner Needles-

The name of John Oskison is found upon the authenticated roll of 1880 as well as the census roll of 1896; he is duly identified according to page and number of the roll as indicated in the testimony. Now comes the Cherokee Nation by its representatives and protest against the listing for enrollment of the said John Oskison as a Cherokee citizen by blood, because of the fact of non-residence, and the further fact that his father was not readmitted to citizenship after an absence, more fully stated in the testimony. Consequently, final judgment as to the enrollment of said John Oskison will be suspended and his name will be placed upon a doubtful card.

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

Subscribed and sworn to before me this 16th day of March, 1901.


Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAR 18 1901

[Handwritten signature]
Special Agent

Supl.-C.D.#1145.

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

SUPPLEMENTAL in the matter of the enrollment of JOHN OSKISON
asa citizen of the Cherokee Nation:

The applicant was notified by registered letter March 1, 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 20th day of March, 1902, and that on said day he could appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any additional testimony affecting his application. The applicant has this day, to-wit: the 20th day of March, 1902, been called and failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---000000000---

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 his stenographic notes thereof.

J. O. Rosson

CD 1145

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

 ACTING CHAIRMAN

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES AT MUSCOGEE, T.T.

In the matter of the Application of John M. Oskinson, for enrollment of himself as a Cherokee citizen,
No. D-1146.

Claimant's Brief.

The evidence heretofore submitted in this case is not before us, but we are acquainted with the claimant and have heard what purport to be the facts by reason of which the claimant is listed upon a removal card. These facts are that the claimant has resided out of the Cherokee Nation for several years, out of which time was spent by him in college in California and Massachusetts. However, the testimony shows that claimant's living out of the Cherokee Nation was more in the nature of an absence than a residence. It is claimed by this absence that he has forfeited his right to participate in the allotment of the lands of the Cherokee Nation, and has lost all of his rights as a Cherokee citizen under section two, article one of the Cherokee constitution found in the compiled laws of the Cherokee Nation of 1892, which among other things give the conditions of forfeiture of citizenship as follows, to wit:-

"And 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 power to re-admit, 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 re-admission."

Under the above section, the conditions upon which a citizen may lose his rights and privileges as a citizen of the Cherokee Nation are: 1st. He must remove from the limits of the Cherokee Nation; 2d. He must become a citizen of some other government. As these are the conditions of forfeiture, all three must be performed before a forfeiture could be claimed. Now, the evidence in this case shows conclusively, that the claimant never, at any time, left the Cherokee Nation with the intention of becoming a citizen of some other government. He never took any of his effects, except what was necessary for school purposes. And he never at any time declared by word or act that he was or intended to be a citizen of some other government.

contention

Our ~~view~~ is that the claimant's removal and absence does not come within the purview of the section of the Cherokee constitution quoted. It would be against public policy, and against the very spirit of the Cherokee constitution and laws to work a forfeiture of the rights of citizenship for such a residence as this is shown to be, and we believe that the citations given in the case of Joseph T. Hill, No. 470 apply with still greater force in this case. As we have not the evidence before us we will be unable to apply the law in quote it to each particular fact in evidence, but shall merely cite the law as we have found it on citizenship, forfeiture and waiver of forfeiture.

Citizenship: The question being whether the plaintiff at a certain time changed his residence from Iowa to Illinois, the jury were correctly told that he did not gain a citizenship in Illinois when he went there unless he in good faith left Iowa and, giving up his residence there, went to Illinois, and actually and in good faith took up his permanent residence in that state at that time, Chicago & North-western Ry. Co. vs. Cus. P. Ohio, 117 U.S., Book 28-837.

Forfeiture: Forfeitures do not favor in the law, and courts are reluctant to declare and enforce them if, by reason of interpretation they can be avoided, 34 Am. St. R. 525. See notes.

Forfeiture is not favored in law or equity. Forfeitures are to receive a strict construction, when the intent is doubtful, against those for whose benefit they are intended. Courts are reluctant to enforce forfeitures if a reasonable interpretation it can be avoided, Webster vs. The Co. 52 A. St. R. 613. Forfeitures do not favor in law. They are often the means of great oppression and injustice, The Co. vs. Norton, 90 U.S. 24, 2 296. A condition will be held up to void if it is so construed with great strictness, New York Indiana, vs. U.S. 116 U.S. 24 42-927, see p. 925 & 928.

Waiver of forfeiture:- A forfeiture will be deemed to be waived by any consent, declaration, or course of action on the part of one who is injured by such forfeiture which leads the other party to believe that by conforming thereto the forfeiture will be incurred, Hudson vs. Ry. Co. 64 Am. St. R. 550 ; The Co. vs. Norton Book 24 U.S. 296.

Courts are always held to waive hold of any circumstance that might be an election to waive a forfeiture, or an agreement to do so, or any other party has been subjected, The Co. vs. Norton, 24 U.S. 296; The Co. vs. Norton, 117 U.S. 207, 2 297, p. 297.

If an insurance company, after the lapse of a period of limitation for the policy, enters into a contract or transactions with a claimant, it is deemed to have recognized the claimant's right to the insurance, and it waives its right to insist upon the expiration of the policy, The Co. vs. Norton, 117 U.S. 207, 2 297, p. 297.

Geo. E. McCulloch

Att., I. .

4855

No. D. 1145
John M. Oskinson

Brief

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


ACTING COMMISSIONER

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

In the matter of the application of John Oskison for enrollment
as a citizen by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on March 16, 1901, John Oskison appeared before the Commission at Muskogee, Indian Territory, and made application for his enrollment as a citizen by blood of the Cherokee Nation.

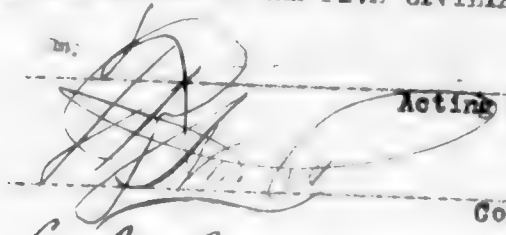
The evidence shows that John Oskison is a Cherokee Indian and is identified on the authenticated tribal roll of 1880, and also on the Cherokee Census roll of 1896.

The evidence further shows that the said John Oskison has resided in the Cherokee Nation all his life, excepting from 1894 to 1898, during which time he was attending college. He was a resident of the Cherokee Nation at the time of the application herein.

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

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

By:


Acting Chairman.


Commissioner.

Dated at Muskogee, I. T.

this SEP 11 1903

mdg

COMMISSIONERS
TAMM BIXBY,
THOMAS B NEEDLES,
C. R. BUCKENHIDGE
W. E. STANLEY

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1145

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 16, 1903.

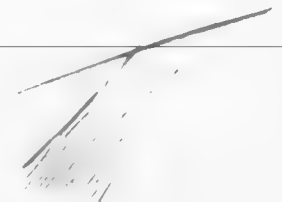
W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 11, 1903, granting the application for the enrollment of John Oskison as a citizen by blood of the Cherokee Nation.

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

Respectfully,



Enc. D-37

Chairman.

John Oskison

Dr. Oskison's testimony, March 6, 1901
 B. Memoirs of the State of Missouri, 1901.
 & Receipt for testimony
 & Notary's final consideration, 1908

[Handwritten signature]

Cher D 1146

Cher D 1146

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T., March 18th, 1901.

In the matter of the application of Cora Wilkerson for the enrollment of herself and child as citizens of the Cherokee Nation; said Wilkerson being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Cora Wilkerson.
Q What is your age? A 26.
Q What is your post office address? A Webbers Falls.
Q What district do you live in? A Canadian.
Q Are you a recognized citizen of the Cherokee Nation? A No, sir; intermarried.
Q You are a citizen by int ernal marriage? A Yes, sir.
Q Who do you desire to enroll, yourself and baby? A Yes, sir.
Q What is your husband's name? A Asa Wilkerson.
Q Is he living? A No, sir, he is dead.
Q Was he a citizen by blood? A Yes, sir.
Q When did he die? A He died in '97.
Q Do you know about what his age was? A 28 years old I think, that is what his age was when he died.
Q When did you marry him? A 1894.
Q Have you any certificate of marriage? A I have this? (Hands paper to Commissioner.)
Q Did you have any certificate of marriage? A No, sir.
Q Who married you? A George Jennings.
Q Was he a minister of the Gospel or Clerk? A Clerk.
Q Didn't he give you a certificate of marriage? A No, sir.
Q Is he living? A No, sir; he is dead.
Q Have you married since? A No, sir.
Q Still a widow? A Yes, sir.
Q What was your name before you married? A Cora Beshears.
Q Was Asa Wilkerson your first husband? A No, sir, second.
Q Was your first husband living when you married Asa Wilkerson? A Yes, sir.
Q Had you been divorced from him? A Yes, sir.
Q Have you any proof of your divorce from him? A No, sir.
Q Where were you divorced from him? A In the Choctaw Nation.
Q By what Court? A I don't know.
Q Do you know whether it was an Indian Court or United States Court? A United States Court I think.
Q Who applied for the divorce? A My husband.
Q You were never married before? A No, sir.
Q Mr. Wilkerson is your second husband? A Yes, sir.
Q What was your husband's father's name? A John Wilkerson.
Q Is he living? A No, sir, he is dead.
Q What was his mother's name? A I don't remember her name, she is dead I never did see her. There is two Asa Wilkersons, Asa Wilkerson is his uncle, he is living down there. Whitby Wilkerson that is another one of his uncles.
Q Was he a Cher kee by blood? A Yes, sir.
Q Do you know whether his name is on the roll of 1880 or not? A Yes; I guess it is.

1880 Authenticated Roll examined and applicant's husband's name found thereon, page 57, #1583, as Asa Wilkerson, in Canadian district.

- Q What is the name of the child you desire to enroll? A Klizabeth May, hers is enrolled in 1896.
Q How old is she? A Five years old.

Cora Wilkerson--2.

1896 Census Roll of citizens of the Cherokee Nation examined and applicants' names found thereon as follows:

Page 94, #299, Cora Wilkerson, Canadian District.

Page 277, #215, Mary E. Wilkerson, Canadian District.

- Q What is her (Child's) name? A Mary Elizabeth.
Q Is her name Mary now of May? A Mary.
Q How long have you lived in the Cherokee Nation? A Ten years.
Q Did you live with Mr. Wilkerson from the time of your marriage until his death? A Yes, sir.
Q Lived with him continuously? A Yes, sir.

Com'r Needles:--The name of Cora Wilkerson is found upon the census roll of 1896. She avers that she is the widow of Asa Wilkerson, a Cherokee citizen by blood, and that she was married to him in the year 1894, but presents no satisfactory proof of her marriage. The name of Asa Wilkerson, whom she avers is now deceased, is found upon the authenticated roll of 1880. Applicant avers that she has one child as a result of said marriage, named Mary E., whose name is found upon the census roll of 1896. She is fully identified and makes satisfactory proof as to her residence. Applicant avers that she was married before her marriage to said Asa Wilkerson to one (What was your first husband's name? A Henry Nichols.) Nichols, from whom she was divorced before her marriage to said Asa Wilkerson, but she presents no satisfactory proof of said divorce. By reason of the fact that no satisfactory proof of marriage, final judgment as to the enrollment of said Cora Wilkerson as a Cherokee citizen by intermarriage and her child, Mary E., as a Cherokee citizen by blood, will be suspended and their names will be placed upon a doubtful card.

---ooo000ooo---

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

J. O. Rosson

Subscribed and sworn to before me this 18th day of March, 1901.

[Handwritten signature]

Commissioner.

A

R 1146

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAR 18 1901

[Handwritten signature]
ACTING CHAIRMAN

Can.

CHEROKEES BY BLOOD AND ADOPTION.

Date MAR 18, 1901 1900.

Name Nettus James G. J.

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

²⁶ Wife's name Sora Hickerson

District Can. Year 1896 Page 94 No. 299

Citizen by blood no Mother's citizenship _____

Intermarried citizen yes.

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children:
2 Mary E. Hickerson Can.

Year	Page	No.	Age
<u>1896</u>	<u>77</u>	<u>2152</u>	<u>5</u>
Year	Page	No.	Age
Year	Page	No.	Age
Year	Page	No.	Age
Year	Page	No.	Age
Year	Page	No.	Age
Year	Page	No.	Age
Year	Page	No.	Age
Year	Page	No.	Age
Year	Page	No.	Age

No. 2 on 1896 roll as Mary E. Hickerson
No. 1. Proof of marriage to be supplied
" husband to be supplied
" divorce from first husband to be supplied

B. - 11/18
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 20 1901


ACTING CHAIRMAN

Marriage Certificate.

Cherokee Nation,)
Canadian District.)

I, George Jennings, Dist. Clerk for Canadian Dist. Cherokee Nation, do hereby certify that I did on the 13th day May, 1894, perform the marriage ceremony for Mr. Asa Wilkerson, a citizen of the Cherokee Nation, by blood, age 24 years, and Miss Cora Bershers, a citizen of the United States, age 19 years.

Given from under my hand this the 14th day of May, 1894.

George Jennings,
Dist. Clerk for Canadian Dist. C.N.

Executive Office Cherokee Nation,
Tahlequah, I.T.

I, B.W. Albery, assistant Executive secretary of the Cherokee Nation, do hereby certify that the above is a true copy from the marriage record of Canadian District Cherokee Nation now filed in this Office by law and is in my legal custody.

Given under my hand and the seal of the Cherokee Nation this the 8th day of May, 1902.

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

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

Muskogee, Ind. Ter., June 5, 1902.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application of Cora Wilkerson et al. D 1146.

R. H. Tucker

151146

X.

No. 974

Henry P. Nichols
VERSUS
Cora Nichols

FILED
MAY 19 1902

COPY OF ORDER OF COURT.

C. J. Flannery, Clerk,

By _____, Deputy.

United States of America,

INDIAN TERRITORY.

Central DISTRICT.

I, E. J. Fannin, Clerk of the District Court of the United States for the Central District of the Indian Territory, do hereby certify the foregoing to be a true copy of an order made by said Court on the 20th day of February 1894, 190, as appears from the records of said Court now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand, at my office in So. McAlester in said District, this 25th day of April 1902, A. D. 190

Clerk,

By

Deputy.

No. 277
Amy P. Nichols
UPSTAIRS
Erna Nichols

COPY OF ORDER OF COURT.

E. J. Fannin, Clerk.

Deputy.

By

X

FILED
APR 25 1902

COPY OF ORDER OF COURT.

United States of America,

INDIAN TERRITORY.

Central

DISTRICT Central

IN THE UNITED STATES COURT in the Indian Territory Central District,
at a term thereof begun and held at South McAlester in the Indian
Territory, on the 9th day of January 1894 A. D. 190 ;
Present, the Honorable Charles B. Stuart Judge of said Court.

The following order was made and entered of record, to wit:

Henry P. Nichols

Vs. No. 974

Cora Nichols

This cause came on to be heard on this 20th, day of
February 1894, upon the complaint, report of the Attorney ad litem,
the evidence and the report of the Master in Chancery to which said
cause was referred. It appearing that the complaint was filed on
the 11th, day of Sept. 1893, that on said day a warning order was
issued for the defendant and W.W. Wallis was appointed Attorney ad
litem for said defendant. It further appearing that all the
material allegations in plaintiff's complaint are sustained by the
evidence in said case, and that plaintiff was a resident of the
Second Judicial Division of the Indian Territory at the time said
suit was filed and had been for more than one year prior thereto.

The Court being well and sufficiently advised in the premises
IT IS THEREFORE ORDERED, DECREED AND ADJUDGED by the Court that the
bonds of matrimony now existing between plaintiff and defendant be
dissolved and null and void and that plaintiff be freed from the
obligations thereof.

MARRIAGE LICENSE.

---oOo---

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

ss.

No. 2387.

To Any Person Authorized by Law to Solemnize Marriage---Greeting:

You are Hereby Comanded to Solemnize the Rite and publish the Banns of Matrimony between Mr. A. D. Childs of Webbers Falls, in the Indian Territory, aged 28 years, and Mrs. Cera Wilkerson of Webbers Falls, in the Indian Territory, aged 26 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 Muscogee, Indian Territory, this 18th day of March, A. D. 1901

(SEAL)

Chas. A. Davidson

Clerk of the U. S. Court.

By Wm R Shackelford Deputy.

 C E R T I F I C A T E O F M A R R I A G E .

---oOo---

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

ss.

I, Chas. A. Davidson, Clerk DO HEREBY CERTIFY, that on the 18th day of March, 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 18th day of March, A. D. 1901
 My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book _____
 Page _____

Chas. A. Davidson, Clerk

P. M. Ford Deputy.

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).

 C E R T I F I C A T E O F R E C O R D .

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

ss.

I, Charles A. Davidson, 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 18th day of M'ch 1901, at M., and duly recorded in Book _____ K _____, Marriage Record, Page 194

Witness my hand and seal of said Court at Muscogee, in said Territory this 1st day of May, A. D. 1901

Chas. A. Davidson Clerk.

By _____ Deputy.

D 1146.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., -----

I, the undersigned, Assistant Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

Russell B. Jones
Assistant Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 5th day of November, 1902.

Charles H. Sawyer
Notary Public.

W. J. F.

Supl.-C.D.#1146.

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

SUPPLEMENTAL in the matter of the enrollment of CORA WILKER-
SON as a citizen of the Cherokee Nation:

The applicant was notified by registered letter March 1, 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 20th 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 has this day, to-wit: the 20th day of March, 1902, been called and failing to respond either in person or by attorney, the case 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 in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

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	Walter 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 Bengé	1276	Lizzie Bengé	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 Bengé	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	Dona A. Frazier	2312
Mary A. B. McKinney	1550	Laura B. Cordrey	2320

Lafayette 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. Eggleston	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 Dirthrower	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	3198	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	Roxie J. Ketchum	4623
Sydney E. Bell	4232	Lizzie Love	4626
Isaac H. Jordan	4235	Robert K. Wann	4632
Charles Parks	4244	Frederic Metzner	4633
Dora Frenchman	4262	John C. Bratcher	4634
James R. Fugate	4275	Pigrow L. Jones	4641
Maud Adams	4277	Ada Bertholf	4642
Elizabeth Black	4281	Alice Robbins	4644
Anna Thornton	4291	Jane Dougherty	4649
Robert T. Morrison	4294	Samuel Francis	4650
Perley Israel	4295	Clemon C. Peek	4652
William A. Long	4304	Mont C. Frazier	4653
Mollie Swannock	4319	Frank J. Mayberry	4656
Frances Guess	4324	Charles W. Moore	4660
Allen H. Gibson	4327	Jefferson D. Edmondson	4661
John McFall Jr.	4343	Alonzo H. Boone	4662
Albert W. Fitzsimmons	4360	Thomas C. Mock	4668
George S. Ford	4386	Sallie Allison	4669
Quinn Carr	4387	Elizabeth E. Burgess	4671
William A. Powell	4390	LaFayette Breeden	4673
Austin Hasley	4400	James M. Boling	4676
Anna Bible	4414	Francis A. Neilson	4681
Elizabeth Riley	4428	John F. Smith	4689
John P. Sudderth	4449	Rufus S. Steward	4691
Anderson Keen	4450	John I. Haddock	4694
Ida M. Adams	4451	Maggie O. Walkley	4695
Martha J. Randall	4457	George W. Talbert	4698
Mollie Conner	4477	Mary Miller	4700
Jane McGhee	4491	Henry C. White	4707
Jennie Riley	4525	Mattie E. Hill	4760
Hannah Randall	4528	Alice A. Bible	4772
Charles W. Childers	4542	Katie Coker	4785
Nannie B. Riley	4543	John Creek	4801
John W. McDaniel	4544	Ruby R. Bean	4804
Minnie Armstrong	4548	William J. Dodson	4836
Ada Chouteau	4549	Blackburn Reed	4882
Mary Thompson	4571	Viola Lowther	4891
Ota Armstrong	4593	William B. Ritchson	4910
Mary Spencer	4594	Henry D. McDonald	4950
Clarkson F. Woody	4603	Della McDaniel	4956
James M. McConnell	4604	Dorothy Rattlinggourd	4991
Annie E. Coker	4605	Ida McCay	5093
Jennie Long	4606	Henry M. Lyon	5100
Julia Gilstrap	4607	Alice J. Wofford	5101
Laura E. Smith	4608	Nancy Morris	5137
Annie Nicholas	4609	Ella Sullivan	5140
Minnie R. Taylor	4611	Winfield Williams	5144
Mary E. Rogers	4614	Bessie M. Smith	5145
Emma Downing	4615	May Humphrey	5207
William Steere	4619	Donnie Burgess	5235

Nora B. Burgess	5236	William A. Polson	5613
John E. Etter	5239	Paulina P. Pitcher	5614
Harriette Rogers	5240	Charley Headrick	5615
Amanda Foreman	5244	William N. Stinson	5616
William H. Wells	5261	Lenora A. Henry	5621
John T. Gaylor	5266	Effie M. Adams	5622
Annie Sweeten	5269	John H. Shimp	5624
Rosalee Hendricks	5278	Thomas B. Dickson	5625
Emma Chambers	5328	Minnie Henry	5628
James H. Thomas	5329	Thomas J. Simpson	5629
Melville B. Baird	5332	Cap L. Lane	5630
James R. Goodall	5356	Reuben E. DeLozier	5631
Charles Horton	5390	John Heape	5640
James W. Goddard	5417	Perry G. Brock	5645
Dora Cox	5425	Mary J. Newcomb	5650
Nannie G. Alberty	5438	George W. Seigel	5660
Sallie Ward	5455	Martha A. Parks	5666
William H. Sutherland	5484	Zelda C. Mills	5674
Lizzie Hall	5487	Lizzie Rogers	5675
Cyrus B. Essex	5489	Emma Pigeon	5676
Eda Taylor	5493	Nellie Bluejacket	5677
Laura Taylor	5494	Lucy Bacon	5679
Electer D. Miller	5496	Thomas B. Wood	5681
Emberson M. Arnold	5498	Asa W. Simerson	5683
Stella Henry	5499	William J. Kuhn	5686
William E. Oneal	5506	Elsie Couch	5688
John M. Sharp	5509	William H. Robinson	5692
John L. Davis	5514	Rachel Washington	5693
Sarah E. Downing	5518	Isaiah B. Blackwood	5700
Samantha C. Glass	5524	John R. Johnson	5701
Harry Jones	5525	Dennis W. Smith	5702
Aggie Paris	5532	William H. Chesnut	5705
James W. Hallford	5535	William H. Durham	5707
Phoebe Coker	5537	Albert B. Buckmaster	5710
Anthony K. Douglas	5538	Maud Crutchfield	5730
Joseph H. Johnson	5541	Joseph S. Layne	5731
Harvey O. Riggs	5547	Lena Bell	5737
Alice Glass	5553	Juan N. Corn	5748
Addison Reeves	5566	Robert N. Crafton	5750
Alice Coats	5572	Benjamin F. Coffee	5756
Julia Kidd	5575	Frank McSpadden	5760
William R. Greer	5576	Charles D. Pendleton	5775
Rosa M. Sixkiller	5581	Harden H. Green	5776
Nancy Inlow	5587	Emma J. Ward	5778
Daisey H. Owen	5599	Robert C. Fuller	5781
Annie R. C. Owen	5600	Henry F. Extine	5796
Jesse McKnight	5602	Ida Wyly	5802
Cicero J. Strange	5610	Richard L. Fite	5815
Henry Westenbaver	5611	Edward Lutz	5816
Emma H. Roach	5612	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. 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	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 Sanders	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	6441	Mary R. Tadpole	6801
George E. Marrs	6441	Magnus A. McSpadden	6811
Ulysses S. Reeves	6443	Sarah F. Pathkiller	6824
Daniel A. Smith	6447	Clara 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 Mayes	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	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	Iga M. Davis	9266
Frances B. Perry	7191	Nora Crapp	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 Baldrige	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	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	9590	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	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. Lawrence	10148
Wiley B. McElhaney	10062	Dora E. Hays	10150
Naney 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 Baldrige	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. Seudder	10104	Flora A. Terrill	10204
Henry Odell	10105	Talesphora A. Pardee	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. Fields	10214	Adolphus J. Hallum	D 483
Susie Henderson	10216	Alexander Walker	D 490
Charles H. Rienhardt	10218	Albert J. High	D 491
William H. Watkins	10221	America Matoy	D 501
Frank M. Rucker	10222	Moses L. Grazier	D 503
Henry C. Reed	10224	Myrtle Hall	D 509
Laura B. Timberlake	10226	Wallace Thursday	D 544
George A. Brown	10228	Thomas W. Baker	D 546
Drucilla Lowrey	10232	Mattie E. Keys	D 550
Almira Mouse	D 9	William S. Edwards	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. Hawkins	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 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. Collier	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. K. 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	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 Tauuneacie	D 2831
William R. Lipsey	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
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

Lue Fish	D	3081	Della Baldrige	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 Bengé	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E. Thornton	D	3183	Dora Crane	R	628
Mamie Thompson	R	4	Andrew Sittrell	R	642
Jimmie G. Thompson	R	5	John Sittrell	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.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1146

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 1, 1902.

Mrs. Cora Wilkerson,

Webbers Falls, Indian Territory,

Madam:-

You are hereby notified that the application of yourself and one minor child

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

March 20, 1902.

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

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

You are required to supply the Commission with your certificate of marriage to Asa Wilkerson, or certified copy thereof; also certified copy of your decree of divorce from your former husband, Henry Nichols.

Register.

Yours truly,

x Acting Chairman.
XXXXXXXXXX
Commissioner in Charge.

✓

D1146

MAR 1 1902

[Handwritten signature]
ACTING SECRETARY

✓

W. Letters J. Co ID

Oct 11 1902

Commission to the Five
Civilized Tribes I received
your letter the 6
and I am very sorry
to say I am not able to
deal at your office for
just now I haven't
got ~~no~~ no way just
now you wanted to know
if I had married I married
~~the~~ citizen of the
United States since I
put in my application
for enrollment I believe
I ~~am~~ ^{am} Be Gore J. B. Buckham
at Webbers Falls, T. in

18150

regard to my marry
if so it will oblige
me vera much I Do
not no the Chrofee
Larus I may Disobade they
But How ewer Pear do not
Forget my Childa
Lizzie Milkerson

lit me no at once
your Truly

Coru Milkerson

~~Copy~~

Webbers Falls I T Oct 11 1902

Commission to the Five Civilized Tribes

I recieved your letter the 6 and I am vearly soro to say I
am not Able to Cale at your Offices Just now I Havent got no way
Just now you wanted to no if I Had married I married Citizen of the
united State since I Put in my Application For inrollment Colent I
sware Be Fore J. C. Buokhanan at Webbers Falls I T in regard to my
marrig if so it will oblige me vera much I Do not no the Cherokee
Laws I may Disobade them But how ever Peas do not forget my Child
Lizzie Wilkerson

Lit me no at once

Your Truly

Cora Wilkerson

Cherokee D-1140

Muskogee, Indian Territory, October 16, 1902.

Cora Wilkerson,

Webbers Falls, Indian Territory.

Dear Madam:-

The Commission is in receipt of your letter of October 11, relative to the introduction of further testimony in the matter of your application for enrollment as a citizen by intermarriage of the Cherokee Nation, you stating that you have married a non-citizen of the Cherokee Nation since your application for enrollment.

You are requested to supply the Commission with the original or certified copy of marriage license and certificate, showing your marriage as above stated. Upon receipt of same, you will be advised further as to the necessity for the introduction of further testimony in your case.

Respectfully,

Commissioner in Charge.

Cherokee D-1148

Muskogee, Indian Territory, November 7, 1902.

Mrs. Cora Childs,

In care of A. D. Childs,

Webbers Falls, Indian Territory.

Dear Madam:-

The marriage license and certificate forwarded to the Commission, showing your marriage on March 18, 1901, to A. D. Childs, is herewith returned to you, a copy having been made and filed with your application for enrollment as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Acting Chairman.

Enc. M-150

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 1146

Vinita, Indian Territory, January 26, 1903.

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

Gentlemen:

Referring to the list of Cherokee cases held for further testimony, transmitted with the Commission's recent letter, the following note appears thereon as to case D 1146, Cora Childs, et al.-
"Evidence as to status on September 1, 1902."

The record in this case shows that the applicant, Cora Childs, claims as a citizen by intermarriage. A marriage license and certificate on file in this case shows that since the date of her application for enrollment (under the name of Cora Wilkerson) as a citizen by intermarriage of the Cherokee Nation, she has married one A. D. Childs, this marriage having taken place on March 18, 1901.

A letter on file in this case from the principal applicant, states that she has "married out" and the records in this office show that A. D. Childs is not an applicant for enrollment as a citizen of the Cherokee Nation, nor does his name appear upon any of the tribal rolls of the Cherokee Nation in the possession of this Commission.

In view of the above explanation, I desire to be advised

if further testimony as to the right of Cora Wilkerson to enrollment
is required.

Respectfully,


Clerk in Charge.

GRS

INDEXED.

COMMISSION TO FILE TIMES.			
NO.	RECEIVED	RECORDED	
		Book	Page
12200			
1903	JAN 27 1903		

Cherokee Land Office,
Vinita, I. T.,
Jan. 26, 1903.

CHEROKEE ENROLLMENT.

Wants to know if further evidence
is required in re application
for enrollment of Cora Wilkerson.

r/m

[Handwritten initials]

181146

COMMISSIONERS
TAMM 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 NO

Cherokee D-1146.

Muskogee, Indian Territory, July 9, 1903.

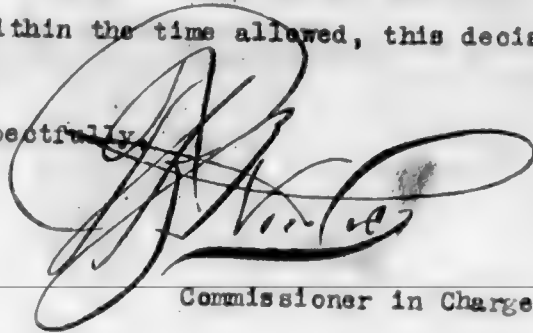
W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 1, 1903, granting the application of Cora Wilkerson for the enrollment of her child, Mary E. Wilkerson, as a citizen by blood of the Cherokee Nation.

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

Respectfully,



Commissioner in Charge.

Enc. H-20.

Tahlequah, Indian Territory, September 10, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

I have the honor to transmit herewith the original cards and jackets in Cherokee cases:

D- 52
D- 103
D- 169
D- 262
D- 486

D- 649
D- 786
D-1029
D-1049
D-1146.

The Commission has heretofore rendered decisions granting the applications of some of the applicants in each case. The applicants embraced in the Commission's decisions have been transferred as shown by notes on the cards, and the original cards and jackets are returned herewith for the preparation of decisions as to the remaining applicants.

Respectfully,

Clerk in Charge,
Cherokee Land Office.

Encl-S-35
GRS

Cher. D 1146

Muskogee, Indian Territory, January 10, 1907.

Gera Childs,

Webbers Falls, 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.

Muskogee, Indian Territory, March 14, 1907.

Cora Childs,

Webbers Falls, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 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,

Commissioner.

Encl. C-100
LMG

INDEXED.

COMMISSION TO FIVE TRIBES.	
No.	Received
18159	
1902	OCT 13 1902

10/16/02

Wilkerson, Cora,
Webber's Falls, I.T.,
Oct. 11, 1902.

CHEROKEE.

States that she is unable
to appear before the Commission to
testify concerning her right as an
intermarried citizen.

CHEROKEE

D 1146

Cora Walker et al.

No. Transcript to Cherokee
10278

A Original testimony March
18, 1901.

B. Memo of application, March
14/1901

C. Notice of Consideration
3/20/01.

Copy of testimony filed
with Cherokee Nation

Cher D 1147

Cher D 1147

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., MARCH 16th, 1901.

In the matter of the application of James L. Ross for the enrollment of himself and children as citizens of the Cherokee Nation; said Ross being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Jim Ross.
Q Any middle name? A Yes, sir; "L."
Q James L. Ross? A Yes, sir.
Q What is your age, Mr. Ross? A I don't know my age.
Q About how old? A About 53.
Q What is your post office address? A Muskogee.
Q What district do you live in? A Canadian.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood or intermarriage? A By blood.
Q Who do you desire to enroll? A Jim Ross.
Q Anybody else? A Mary Ross.
Q Who is Mary Ross, your wife? A No, sir, my wife is Percilla.
Q Whom do you apply for? A Myself and two children.
Q What is the name of your child? A Mary L.
Q How old is she? A About 14 years old.
Q Next child? A Jennie P.
Q How old is she? A She is about eight years old.
Q What is the name of the mother of these children? A Pacilla.
Q Is she living? A Yes, sir.
Q Is she a white woman or citizen by blood? A White woman.
Q Are you living with her at this time? A Yes, sir.
Q When did you marry her? A About 14 years ago.
Q Why don't you apply for the enrollment of your wife?
A I was not married according to Cherokee laws.
Q Were you ever married at all? A Yes, sir, but had no certificate.
Q You will have to have proof to show that you were married. If you were married at all to her she is entitled to enrollment.
Q When were you married? A I don't know whether it was '84 or '85; somewhere along there.
Q How long have you lived in the Cherokee Nation? A I have lived there off and on all my life, I was born in the Cherokee Nation.
Q Have you always lived in the Cherokee Nation? A Well I have been away at times.
Q Well, when were you away last? A I was away the last time, I think it was in '93 or '94.
Q Have you been living here continuously since 1894? A Yes, sir.
Q Have you ever been a resident anywhere else besides the Cherokee Nation? A No, sir; I have lived a different places though.
Q Outside of the ~~Cherokee Nation~~ Territory? A No, sir, not outside of the Territory, I lived a while in the Chickasaw Nation.
Q You have been living in the Territory since 1884 or 1885 have you? A Yes, sir; I come here to Muskogee in 1883, I think it was.
Q Where are you living now? A Out here five miles from Muskogee.
Q In the Cherokee Nation? A Yes, sir.
Q Did you ever apply for enrollment in any other tribe? A No, sir.
(Applicant states that he is not on the 1880 Roll.)
Q Have you ever been admitted to citizenship? A No, sir.
Q Have you been recognized as a Cherokee citizen? A Yes, sir, always.
Q By what right do you claim citizenship, you are not on the roll of 1880 and have not been admitted to citizenship? A I didn't think it was necessary to be admitted.
Q Why is not your name on the roll of 1880? A I was not here, I was in the Chickasaw Nation.

James L. Ross--2.

Q Is your name on the roll of 1896? A I believe you might find it there.

Q What degree of Cherokee blood do you claim? A I claim to be a half breed.

1896 Census Roll of citizens of the Cherokee Nation examined and applicants' names found thereon as follows:

on page 63, #1714, James Ross, Canadian District.

On page 63, #1716, Mary Ross, Canadian district.

On page 63, #1717, Jennie Ross, Canadian District.

Q You say you have a son named Daniel? A Yes, sir, he is in the Chickasaw Nation, his mother was a Choctaw, he is on the roll.

Q On the Choctaw Roll? A Yes, sir.

Q Where were you married Mr. Ross? A Near where the country is now in Oklahoma.

Q Married according to the laws of Oklahoma? A There was no Oklahoma then, it was not Oklahoma.

Q You say you have got no proof of your marriage? A No, sir.

Q Anybody say you married? A Yes, sir, those folks are scattered now.

Q Do you know who married you? A No, sir.

Q Have you got any proof that you have been living together as man and wife? A We have been together ever since about that time.

Q About '84 or '85? A Yes, sir.

Q Have you got anybody that you can prove that by, anybody present?
A No, sir.

HENRY C. LOWERY, being called and sworn as a witness, testified as follows:

Q What is your name? A Henry C. Lowery.

Q What is your age, Mr. Lowery? A 53.

Q What is your post office address? A Muskogee.

Q Do you know James L. Ross? A Yes, sir.

Q Do you know his wife, Pacilla? A Yes, sir.

Q How long have you known them? A I have known Mr. Ross, I don't know how long, and his wife, seven or eight years, something like that.

Q Have you known them to be living together seven or eight years?

A Yes, sir.

Q Been generally recognized in the Community as man and wife?

A Yes, sir.

Com'r Needles:--James L. Ross applies for the enrollment of himself and his two children, Mary L. and Jennie P. Ross. His name is not found upon the authenticated roll of 1890, and he makes no proof of having been admitted to Cherokee citizenship by the authorities of the Cherokee Nation. His name is found upon the census roll of 1896. He avers that he was married to his wife, one Pacilla, a white woman, in the year 1884 or 1885, but makes no satisfactory proof as to his marriage. The names of his two children, Mary L. and Jennie P. Ross, are found upon the census roll of 1896, and they are duly identified according to the page and number of the roll. By reason of the incompleteness of his testimony as to his citizenship and as to his marriage, final judgment as to the enrollment of said James L. Ross and his two children, Mary L. and Jennie P., will be suspended and their names will be placed upon a doubtful card.

He does not apply for the enrollment of his wife.

James L. Ross---3:

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

J. O. Rossen

Subscribed and sworn to before me this 16th day of March, 1901.



Commissioner.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 23, 1901.

Supplementary testimony in the matter of the application of James L. Ross for enrollment as a Cherokee citizen.

Joshua Ross, being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Joshua Ross.
Q What is your age? A 68.
Q What is your postoffice address? A Muskogee.
Q You know James L. Ross? A I do.
Q How long have you known Mr. James L. Ross? A Ever since he was a child.
Q You know his wife Facilla? A Yes sir.
Q You know whether they were ever married or not? A Oh, yes. I never saw them married, but they are living together.
Q How long do you know that they have been living together as man and wife? A It must be 10 or 12 years. I don't know.
Q Were they held out to the community as man and wife? A Yes sir.
Q And recognized in the community as man and wife? A Yes sir.
Q Where do they live? A He married her I think out in the Shawnee Nation.
Q The ten or twelve years that you know them, where were they living? A He stopped here in town awhile, and then he moved over in Canadian District.
Q You know nothing about whether they were married or not? A I don't know about the ceremony. I know that they lived together and had children.

By J. L. Baugh, representative of the Cherokee Nation-

- Q You know why his name don't appear on the roll of 1880? A Yes, he was out in the Chickasaw Nation then.
Q Had he moved out there? A No, he was a young man and just went out there.

Commissioner-

- Q How long have you known James L. Ross? A Ever since he was a boy, since '45.
Q You know his father? A His father was my brother.
Q You know his mother? A Yes sir, she was part Creek and part Cherokee.
Q Was his father a Cherokee? A Yes sir.
Q To your knowledge, has James L. Ross always been considered a Cherokee citizen by Cherokee blood? A Yes sir.

Witness, Junie Smith, being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Junie Smith.
Q What is your age, Mr. Smith? A 53.
Q What is your postoffice address? A Braggs.
Q Are you a Cherokee citizen by blood? A Yes sir.
Q You know James L. Ross? A Yes sir, I know him.
Q How long have you known him? A Since '66.
Q You have known him since '66? A Yes sir.
Q You know his father? A No sir.
Q You know his mother? A No sir.
Q To your knowledge was he always recognized as a Cherokee citizen? A Yes sir, he was always recognized as a Cherokee citizen.
Q By blood? A Yes sir.
Q You know why his name is not on the roll of 1880? A He was in the Chickasaw country.
Q What was he doing in the Chickasaw country? A He could answer that better than I could.
Q You know his wife? A Yes sir, I knew her.
Q You know whether they were ever married or not? A No sir,

3- J.L.R.

I don't.

Q How long to your knowledge did they live together as man and wife? A Seven years.

Q Generally considered in the community as man and wife? A Yes sir.

Q They lived together and raised a family? A Yes sir.

By J. L. Baugh, representative of the Cherokee Nation-

Q You know whether Mr. Ross was born at - was he born in the Cherokee Nation? A I couldn't answer that question.

Mr. Joshua Ross recalled and examined by Commissioner Needles-

Q Where was he born? A He was born near Fairfield, Flint District, on Sallisaw.

Q Is James L. Ross a nephew of yours? A Yes sir.

Witness, James N. Lowrey, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A James N. Lowrey.

Q What is your age, Mr. Lowrey? A Fifty years old.

Q What is your postoffice? A Muskogee.

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

Q You know James L. Ross? A Yes sir.

Q How long have you known him? A I have known him since '63.

Q You know him to be a recognized citizen of the Cherokee Nation?

A Yes sir.

Q You know the reason his name is not on the roll of 1880? A He was down in the Chickasaw Nation; said to be.

Q You know where he was born? A No sir.

Q You know his wife, Pacilla? A Yes sir, his present wife.

Q How long have you known her? A Six or seven years.


Q Was she living at that time with Mr. Ross? A Yes sir.

Q Recognized by the community as man and wife were they? A Yes sir.

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

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.

Subscribed and sworn to before me this 23rd day of March, 1901.



Commissioner.

Q 101147

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 23 1901


ACTING CHAIRMAN

Supl.-C.D.#1147.

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
JAMES L. ROSS as a citizen of the Cherokee Nation, introduced on
part of applicant:

The applicant was notified by registered letter March 1,
1902, that his application for the enrollment of himself as a
citizen of the Cherokee Nation would be taken up for final con-
sideration by the Commission at its offices in Muskogee, Indian
Territory, on the 20th day of March, 1902. On said date appli-
cant appear in person and by his Agent, Joshua Ross, Muskogee,
Indian Territory, and by agreement with the representative of
the Cherokee Nation present, the case was continued until the
21st day of March, 1902. The same being this day, to-wit: the
21st day of March, 1902, called, the applicant appears in per-
son and by his Agent.

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

MASON F. WILLIAMS, being duly sworn, testified as follows
on part of applicant:
COMMISSION:

- Q What is your name? A Mason F. Williams.
Q Do you reside in Muskogee? A Yes, sir.
Q Are you acquainted with the applicant in this case, James L.
Ross? A Yes, sir.
Q How long have you known him? A Ten or 15 years; 16 or maybe
17, I don't know exactly how long.
Q During the time you have known him where has he been residing?
A When I first knew him he was residing in Muskogee, he is now
residing six or seven miles east of Muskogee.
Q Has he always resided in the Indian Territory since you have know
him? A Yes, sir.
Q Did you ~~have~~ ever hear his right to enrollment as a citizen of
the Cherokee Nation disputed? A No, sir.
Q Did you ever in the capacity of a physician attend upon any of
the members of Mr. Ross' family? A Yes, sir.
Q When was that? A October 14, 1887.
Q Was that at the birth of one of his children? A Yes, sir.
Q Where was he residing at that time? A In Muskogee.

WALTER S. AGNEW, being duly sworn, testified as follows
on part of applicant:
COMMISSION:

- Q What is your name? A Walter S. Agnew.
Q What is your age, Mr. Agnew? A 59.
Q Your post office address? A Muskogee.
Q Are you acquainted with the applicant in this case, James L.
Ross? A Yes, sir.
Q How long have you known him? A Well, I have knowed the family
over since the fifties, but I don't remember the boy until '67
when he was about grown.
Q Were you acquainted with his wife Percilla Ross? A No, sir.
Q Did you ever know her at all? A I never had any acquaintance

with her only just when I saw her.
Q You don't know anything about their marriage? A No, sir.
Q Where was the applicant, James L. Ross, living when you first learned to know him? A Fort Gibson.
Q In the Cherokee Nation? A Yes, sir.
Q How long after that did he continue to reside there? A I don't think he was there but a year or so, I think it was in '67 or '8 he left Gibson.
Q Where did he go? A My understanding was he went to the Chickasaw Nation.
Q When did you next see him in the Cherokee Nation?
A I don't think I saw him any more until ten or 12 years ago, he went into Canadian District.
Q Did he move into Canadian district then? A Yes, sir.
Q Did he settle down, purchase any property?
A He has a farm there.
Q Has he been living on that farm? A Yes, sir.
Q Since his return 12 years ago? A Yes, sir.
Q Do you know where he was living in the year 1880, when the 1880 roll was made? A I think he was on a trip out in the Chickasaw Nation.

WILLIAM MOTT, being duly sworn, testified as follows on part of applicant:
COMMISSION:

Q What is your name? A William Mott.
Q What is your age? A 59.
Q Your post office address? A Muskogee.
Q Are you acquainted with the applicant in this case, James L. Ross? A Yes, sir.
Q Did you know his wife Percilla? A Well, I have only knew her since '85.
Q You don't know when he was married to her, do you? A No, sir; I don't.
Q Where was James L. Ross living when you first learned to know him? A When I first knew him over to K Fort Gibson.
Q How long did he continue to reside there afterwards?
A I don't know, I went away and when I got back he went away.
Q When did you first see him after you got back?
A '35 I think.
Q Where was he living at that time? A I was living here in Muskogee.
Q Where was he living at that time? A I don't know where, I think he come from the Chickasaw Nation.
Q Has he lived here in the Cherokee Nation continuously since 1885?
A I think so.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q Have you ever heard this man's right to enrollment disputed?
A No, sir.

JAMES L. ROSS, the applicant, re-called:
COMMISSION:

Q What is your name? A James L. Ross.
Q How old are you? A I could not tell how old I am, about 57.
Q You have heretofore applied to the commission for the enrollment of yourself and children as citizens of the Cherokee Nation?
A Yes, sir.
Q Is there any further statement that you desire to make relative to your application? A No, sir.

MR. HASTINGS:

- Q You left here directly after the war, did you, Mr. Ross?
A No, I left here, well I left here sometime right in '72 I believe it was.
Q Where did you marry? A I married in the, got my wife out in the Shawnee country.
Q In Oklahoma? A It was not part of Oklahoma then.
Q Well, what is now? A Yes, sir.
Q Where did you live with her then? A Brought her to Muskogee.
Q When? A In, I could not tell what year it was; it was about 15 or 16 years ago.
Q Was that the first time you married? A No, I married in the Chickasaw Nation.
Q You married down there did you? A Yes, sir.
Q Your first wife had been there? A Yes, sir; she was a Choctaw.
Q You lived with her until she died? A Yes, sir.
Q She had a right there? A Yes, she was a Choctaw, she was not a Chickasaw.
Q And you lived down there with her until she died?
A Yes, sir.
Q Have any children? A Yes, sir, one child.
Q You are not applying for it? A No, sir, he is a Choctaw.
Q Did you live in Texas? A No, sir.
Q You came back here about 1885? A Yes, sir.
Q Did you have any property here from 1862 until 1885? A No, sir
- COMMISSION:
Q You submit the case to the Commission now for final decision do you? A Yes, sir; I don't know of any more evidence I can introduce.

Commission: 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.

---000000000---

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

201147

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAR 28 1902

ACTING CHAIRMAN

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

In the matter of the application of James L. Ross for the enrollment of himself and his two minor children, Mary L. and Jennie P. Ross, as citizens by blood of the Cherokee Nation.

DECISION

The record in this case shows that on March 16, 1901, James L. Ross appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself and his two minor children, Mary L. and Jennie P. Ross, as citizens by blood of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 23, 1901, and on March 21, 1902.

The evidence shows that James L. Ross is a Cherokee Indian. He is not identified on the authenticated tribal roll of 1880, having been living in the Chickasaw Nation at the time of the preparation of said roll, but on examination of the Cherokee tribal rolls in the possession of this Commission, his name appears on the Strip payment roll of 1894 and the Cherokee Census roll of 1896.

Mary L. and Jennie P. Ross are the children of Percilla Ross, and the said James L. Ross. It appears that James L. Ross and Percilla Ross lived together, and held themselves out, as husband and wife for about fifteen or sixteen years, and were so recognized; that Mary L. and Jennie P. Ross are the result of, and were born during that co-habitation, and that they are therefore the descendants of said James L. Ross. Mary L. and Jennie P. Ross are identified on the Strip payment roll of 1894 and the Cherokee Census roll of 1896, as appears from an examination of said rolls in possession of this Commission.

The evidence further shows that said James L. Ross has resided in Indian Territory all his life, and the residence of his said children is considered to be that of their father.

It is, therefore, the opinion of this Commission that James L. Ross, Mary L. Ross and Jennie P. Ross 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.

T. B. Needles
Commissioner.

C. P. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

this JAN 15 1903

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

ALLISON L. AYLESWORTH,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1147.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 15, 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 January 15, 1903, granting the application of James L. Ross for the enrollment of himself and his two minor children, Mary L. and Jennie P. Ross, 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,

Enc. H-12.

~~Acting Chairman.~~

Commissioner in Charge.

James H. Cross et al

IN SENATE

COMMISSIONERS

- A. Omission of ... 16. 1901
- B. Memo of ... 16. 1901
- C. Supplemental testimony March 23 1901.
- D. Notice of final consideration, ... 1902
- E. Receipt ^{for} ...

1901

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., MARCH 19th, 1901.

In the matter of the application of Mary Jane Glass for the enrollment of herself and children as citizens of the Cherokee Nation; said Glass being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Mary Glass.
Q How old are you? A 34 years old.
Q What is your post office address? A Webbers Falls.
Q What district do you live in? A Canadian.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q By blood or intermarriage? A By marriage I guess.
Q You are a white woman? A Yes, sir.
Q Who do you want to enroll? A My children.
Q And yourself? A Yes, sir.
Q How many children? A I have six.
Q Please give me their names? A Mattie Glass is the oldest.
Q How old is Mattie? A She is 13 years old.
Q The next child? A Elizabeth.
Q How old is she? A She is 11.
Q The next child's name? A Cornelius.
Q How old is Cornelius? A He is nine years old.
Q The next one? A Harvey.
Q How old is Harvey? A He is seven years old; Dennis Glass.
Q How old is Dennis? A He is four years old.
Q The next one? A His name is Caswell.
Q How old is Caswell? A He is 13 months old.
Q Are you married? A Yes, sir; I am a widow now, I have been three weeks.
Q What was your husband's name? A George Glass.
Q Was he a citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A Yes, sir.
Q Did he have any name besides George? A His initials was G. W.
Q When were you married to him? A It has been 16 years ago.
Q Have you any certificate of marriage? A No, sir; we didn't get any, we married under Cherokee law before this law come in; we didn't have to have any.
Q Who married you? A Joe Lynch.
Q Is he living? A No, sir; he is dead.
Q Have you any proof or evidence as to your marriage? A I have a witness here.
Q Did he see you married? A Yes, sir.

REECE HILDERBRAND, being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Reece Hilderbrand.
Q What is your age? A My age is about 51.
Q What is your post office address? A McLain.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A By blood, yes, sir.
Q Do you know Mary Glass? A Yes, sir.
Q Did you know George W. Glass, her husband? A Yes, sir.
Q Do you know whether they were ever married or not? A Yes, sir.
Q How do you know it? A I was right there when they married.
Q Who married them? A Lynch I believe.
Q You saw the marriage? A Yes, sir.
Q Do you know whether they lived together continuously from the time of their marriage until the time of his death? A Yes, sir.
Q They never separated? A No, sir; they have been living together ever since their marriage until his death.

Mary J. Glass--2.

- Q Was George W. Glass a Cherokee by blood? A Yes, sir; said to be.
Q Do you know about what degree of blood he had? A Some called him a full blood; he was not.
Q Do you know whether he had any colored blood or not? A No, sir; I don't think he did.

BY J. L. BAUGH, Cherokee Representative:

- Q This Mr. Lynch, what was he; what capacity did he hold? A He was Judge of the District, Joe Lynch is his name.

MARY J. GLASS, the Applicant, re-called, testified as follows:
Examination by Commissioner Needles:

- Q Did Judge Lynch ever give you a certificate of marriage?
A No, sir.
Q Did you live with George W. Glass from the time you married him until his death? A Yes, sir.
Q Never separated? A No, sir.
Q Is he the father of these children? A Yes, sir.
Q Have you ever married since? A ~~XX~~ No, sir.
Q Was George Glass your first husband? A Yes, sir.
Q Were you his first wife? A Yes, sir.
Q Neither of you were ever married before? A No, sir.
Q Are these children you report living now? A Yes, sir.
Q Were they born and raised in the Cherokee Nation? A Yes, sir.
Q Have you always lived in the Cherokee Nation from the time of your marriage to George W. Glass until now? A Yes, sir.
Q Have you any property? A Yes, sir.
Q Have you any land or farm? A Yes, sir, I have a farm.
Q Is that where Mr. Glass died? A Yes, sir.
Q Are you living on the same farm now? A Yes, sir.

1880 Authenticated Roll of citizens of the Cherokee Nation examined and applicant's husband's name found thereon, page 20, #546, as G. W. Glass, in Canadian District.

- Q Are you a white woman or are you colored? A I don't know; it has been kind of a dispute, I don't know which it is.
Q Is your mother living? A No, sir; my mother is dead.
Q Was your mother a white woman? A Yes, sir.

RENCK HILDEBRAND, re-called, testified as follows:
Examination by Commissioner Needles:

- Q Did you know the mother of Mary Glass? A Yes, sir.
Q What was her name? A Betsy.
Q Betsy what? A Elizabeth Latta.
Q Was she a white woman? A She was a white woman.
Q Did you know the father of Mrs. Glass? A Yes, sir.
Q What was he a white man or colored? A He is said to be a Cherokee, but he failed to prove it; he died before he proved it.
Q But her mother was white; that is what you know? A That is what they say.
Q You knew her personally? A Yes, sir.
Q What relation are you, if any, to Mary Glass here? A No more than a sister-in-law.
Q Your wife and her sisters? A Yes, sir.
Q Have you been enrolled as a Cherokee? A Yes, sir, I was enrolled at Fort Gibson.
Q Was your wife enrolled with you? A No, sir.

Mary J. Glass--3.

- Q Why didn't you enroll your wife there? A She was adopted and we enrolled her as an adopted citizen.
Q Was she enrolled as an adopted citizen? A Yes, sir.
Q Was your wife and Mary Glass full sisters? A Yes, sir.
Q What was your wife's name? A Lydia.

MARY J. GLASS, the Applicant, re-called, testified as follows:
Examination by Commissioner Needles.

- Q You were married 16 years ago? A Yes, sir.
Q That was after 1880? A Yes, sir.

Tribal Rolls of the Cherokee Nation examined and applicants' names found thereon, as follows, on the 1896 Census Roll of citizens of the Cherokee Nation:

Page 97, #9, Mary Glass, Canadian Dist., Freedmen Roll.	"	"	"	"
Page 97, #10, Mattie Glass,	"	"	"	"
Page 97, #11, Lizzie Glass,	"	"	"	"
Page 97, #12, Cornelius Glass,	"	"	"	"
Page 97, #13, Harvey Glass,	"	"	"	"

- Q Have you got any proof of the birth of these two younger children?
A I have for this one, I thought the other one was enrolled.
(Birth certificate not in proper shape.)

Com'r Needles:--The names of Mary Glass and her children, Mattie, Elizabeth, Cornelius and Harvey, appears upon the census roll of 1896 as Freedmen. She avers that she has two other children, Dennis and Caswell, whose names do not appear upon the census roll of 1896, having been born after said roll was compiled. She avers that she is the widow of one George W. Glass, a Cherokee citizen by blood, and the name of George W. Glass, now deceased, is found upon the authenticated roll of 1860 as G. W. Glass, and he is fully identified, and the said Mary Glass makes proof of her marriage by verbal testimony, more particularly described in the evidence. She is fully identified and makes satisfactory proof as to her residence, but by reason of the fact that said Mary Glass and her said children's names appear upon the roll of 1896 as Colored, final judgment as to the enrollment of said Mary Glass and her said children as Cherokees by blood will be suspended, and their names will be placed upon a doubtful card, awaiting further proof to the Commission as to whether said Mary Glass and her said children shall be listed for enrollment as Cherokees by blood or as Freedmen, and also proof of birth as to these two younger children.

SUPPLEMENTAL to the above Judgment:

Com'r Needles:--The name of Mary J. Glass is found upon the authenticated roll of 1880 as M. J. Latta, Latta having been her maiden name.

1880 Authenticated Roll of citizens of the Cherokee Nation examined and applicant's name found thereon, page 32, #876, as M. J. Latta, adopted white, Canadian District.

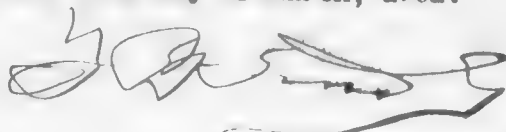
The name of her father, Allen Latta, and her sister, Eliza, also are found upon the authenticated roll of 1880; her name, M. J. Latta's, appearing as an adopted white, 14 years of age.

Mary J. Glass--4.

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 19th day of March, 1901.



Commissioner.

D. 1148

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Handwritten signature

Supl.-C.D.#1148.

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

SUPPLEMENTAL in the matter of the enrollment of MARY J. GLASS,
ET AL., as citizens of the Cherokee Nation.

The applicant was notified by registered letter March, 1, 1902, that her application for the enrollment of herself and others as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 20th day of March, 1902, and that on said day she might appear before the commission either in person or by attorney when an opportunity would be given her to introduce any further testimony affecting her application. The applicant has this day, to-wit: the 20th day of March, 1902, been called and failing to respond either in person or by attorney, the case 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, being do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings had this day, in the above application and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

Cherokee D-1143.

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

In the matter of the application of Mary J. Glass for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her children, Mattie, Elizabeth, Cornelius, Harvey, Dennis and Caswell Glass, as citizens by blood of the Cherokee Nation; she being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Mary Jane Glass.
Q What is your postoffice? A Webbers Falls.
Q How old are you at this time? A Thirty-seven.
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 George Glass.
Q Is George Glass living now? A No sir, he is dead.
Q How long has George Glass been dead? A Been dead two years.
Q Was George Glass a recognized citizen by blood of the Cherokee Nation? A Yes sir.
Q Were you ever married before you were married to George Glass? A No sir.
Q Was he ever married before he married you? A No sir.
Q When were you and he married? A To the best of my recollection it was in '84.
Q Did you and he live together from the time of your marriage as husband and wife up to his death? A Yes sir.
Q How long has he been dead? A He has been dead two years, the 22nd of February.
Q Have you married since his death? A No sir.
Q Were you still a widow and single on the first day of September, 1902? A Yes sir.
Q Never have been married to any man but George Glass? A That is all.
Q Are these children, Mattie, Elizabeth, Cornelius, Harvey, Dennis and Caswell Glass, all your children? A Yes sir.
Q Is George Glass the father of all these children? A Yes sir.
Q Are they all living? A Mattie is dead.
Q When did Mattie die? A She died to the best of my recollection the 27th of last November.
Q The other children are all living? A Yes sir.
Q Have they lived all their lives in the Cherokee Nation? A Yes sir.
Q Have you lived in the Cherokee Nation ever since your marriage to George Glass? A Yes sir, I was raised in the nation.
Q Who was your father? A Allen Latta.
Q Who was your mother? A Elizabeth Latta.
Q Was your mother a white woman? A Yes sir.
Q Was your father a white man? A I don't know about that, but he was called a white man.
Q What other blood did he have in him? A Well, sir, I don't know. He always said he was an Indian.
By Mr. Hastings: Isn't it a fact that he was what is called a free colored person? A I don't know; he never did tell his children that.

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BEST AVAILABLE COPY

2-Mary J. Glass 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.

W. L. Rothberg

Subscribed and sworn to before me this 18th day of December, 1902.

W. B. Jones
Notary Public.

POOR ORIGINAL -
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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mary J. Glass for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of her minor children, Mattie, Elizabeth, Cornelius, Harvey, Dennis and Casswell Glass as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on March 19, 1901, Mary J. Glass appeared before the Commission at Muskogee, 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, Mattie, Elizabeth, Cornelius, Harvey, Dennis and Casswell Glass as citizens by blood of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 11, 1902.

The evidence shows that the said Mary J. Glass was married in 1858 to George W. Glass, a citizen by blood of the Cherokee Nation. Her said husband died in 1901. It further appears that the said Mary J. Glass is identified on the authenticated tribal roll of 1880 under her maiden name of F. J. Latta, as an adopted white. She is also identified on the Cherokee census roll of 1886. The above named children are the issue of the marriage aforesaid. They are all identified on the Cherokee census roll of 1886, excepting the two youngest, who are identified by birth affidavits made a part of this record. It appears that the said Mattie Glass died on November 21, 1901.

The evidence further shows that the said Mary J. Glass resided in the Cherokee Nation with her husband from 1858 up to the time of his death, which occurred in 1900, and since that time has continued to reside therein and had not remarried up to and including September 1, 1902. Her minor children and heirs herein have lived in the Cherokee Nation all their lives.

It is, therefore, the opinion of this Commission that Mary J. Glass, should be enrolled as a citizen by intermarriage of the Cherokee Nation, and that Elizabeth Glass, Cornelius Glass, Harvey Glass, Dennis Glass and Casswell Glass should be enrolled as citizens

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by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 26, 1898, (30 Stats., 498), and it is so ordered.

It is further ordered that the application as to the said Kattie Glass be, and the same is, hereby dismissed.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Tams Dixie

Attorney-At-Law.

(SIGNED)

T. B. Needles

Commissioner.

(SIGNED)

C. R. Breckinridge

Commissioner.

Date at Indogee, Indis. Territory,
this MAR - 8 1903

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

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES. Cherokee D-1148.

ALLISON L. AYLESWORTH
SECRETARY

Muskogee, Indian Territory, March 12, 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 Mary J. Glass for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her minor children, Elizabeth, Cornelius, Harvey, Dennis and Caswell Glass, as citizens by blood of the Cherokee Nation, and dismissing her application for the enrollment of her minor child Mattie Glass.

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-22.

IN THE MATTER OF THE APPLICATION OF

Mary G. Glass et al

FOR ENFRANCHISEMENT

A. Original Petition, March 9, 1901

B. Memo of Application, March 19, 1901

X. Petition of *Dennis Glass*

Caswell Glass

C. Copies of final order entered 11/10/02

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, IT., MARCH 20th, 1901.

In the matter of the application of Margaret E. Hill for enrollment as a citizen of the Cherokee Nation; said Hill being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Margaret E. Hill.
Q What is your age, Mrs. Hill? A 29.
Q What is your post office address? A Chouteau.
Q What district do you live in? A I just could not tell you, we just moved there. (Cooweescoowee)
Q Who do you desire to have enrolled? A Myself and I have just one daughter, she is married.
Q You apply then for yourself only? A Yes, sir.
Q Are you a recognized citizen of the Cherokee Nation? A I could not tell you hardly.
Q Does your name appear upon any of the rolls of the Cherokee Nation? A No, sir.
Q Have you ever been admitted to Cherokee citizenship by the constituted authorities of the Cherokee Nation? A No, sir; not that I know of.
Q Have you ever applied for enrollment in any other tribe or Nation except the Cherokees? A No, sir.
Q How long have you lived in the Cherokee Nation? A We moved here in '93.
Q Did you apply to be admitted to citizenship in 1896, under the Act of July 10th? A We put in, I give my claim to my mother and my name was put in in '93.

Tribal rolls of citizens of the Cherokee Nation examined and applicant's name not found thereon.

- Q Are you married? A Yes, sir.
Q What was your name before you married? A Turner was my name.
Q Was that your maiden name? A No, sir; Allison was my maiden name, I have been married twice.
Q What is the name of your father? A William Allison.
Q Is he living? A No, sir.
Q What is the name of your mother? A Margaret Allison.
Q Is she living? A No, sir.
Q Have you any certificate of admission? A Only my mother.
Q Have you that certificate? A It is here I think.
Q Where were you born? A In California.
Q When did you remove to the Cherokee Nation? A In the Fall of '93.
Q Have you been living here continuously since that time?
A Yes, sir.
Q How old were you in '94, in what year were you born? A '72.
Q What was your first husband's name? A Charles Turner.
Q Then in 1896 your name was Margaret E. Turner? A Yes, sir.
Q You applied in 1896 and were rejected? (No response.)

Com'r Needles:--Upon examination of the records of this Commission it is found that in Docket B. page 415, case #5408, that Miss Margaret E. Turner and others applied to be admitted to Cherokee citizenship and that her application was denied by the Commission and no appeal was taken.

Com'r Needles:--Comes the Cherokee Nation by Mr. Baugh, and avers that the application referred to in Case #5408, is not an application for admission to citizenship, but is only an application to be enrolled.

Margaret E. Hill--2.

Q. Have you lived in the Cherokee Nation continuously since 1893?
A. Yes, sir.

Com'r Needles:--The name of Margaret E. Hill is not found upon any authenticated roll of the Cherokee Nation in the possession of this Commission. Reference is made in the testimony as to her application for enrollment as a citizen in the year 1896. The records of the Cherokee Nation are examined and it is found that her mother, Margaret Allison, was re-admitted by the Cherokee Council on the 8th day of December, 1894. No record is found of the admission of the applicant, Margaret E. Hill. The evidence shows that she was an adult at the time of the admission of her mother. She avers that her maiden name was Margaret E. Allison, she afterwards married one Charles Turner, (Q. Is he dead? A. No, sir; Q. Are you divorced from him? A. Yes sir.), from whom she is divorced, and her present husband is one Robert Hill.

By reason of the fact that her mother's name is found upon the rolls of the Cherokee Nation and the averment of Mr. Baugh, who is an Attorney for the said Margaret E. Turner in her application before the Dawes Commission in 1896, final judgment as to the enrollment of said Margaret E. Hill will be suspended and her name will be placed upon a doubtful card.

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J. O. Kosson, 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. Kosson

Subscribed and sworn to before me t his 20th day of March, 1901.

[Signature]

Commissioner.

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D. 1149

OFFICE OF THE FIVE COUNCILS
TO THE FIVE COUNCILS

FILED
MAR 25 1901



ACTING CHAIRMAN

Supl.-C.D.#1149.

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

SUPPLEMENTAL in the matter of the enrollment of MARGARET E. HILL as a citizen of the Cherokee Nation,

The applicant was notified by registered letter March 1, 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 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 fails to respond either, in person or by attorney.

The following application was filed with the Commission under the provisions of the Act of Congress approved June 10, 1896, by Mrs. Margaret E. Turner:

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,) SS.
NORTHERN JUDICIAL DIVISION.)

To the Dawes Commission.

Gentlemen:--I, the undersigned, hereby make application to your Hon. body to place me and my children on the authenticated rolls of the Nation as Cherokee Indians by blood, as being the descendants of Mrs. Margaret Allison, a Cherokee Indian by blood and who was readmitted to all the rights of Cherokee Citizenship under an Act of the Cherokee National Council approved December 8, 1894.

Names.	Relation to M. Allison.	Age.
Margaret E. Turner,	Daughter of M. Allison,	24
Lola W. Turner,	Grand-daughter of M. Allison,	10.
Alice I. Turner,	Grand-daughter of M. Allison,	2.

(Signed) Mrs. Margaret E. Turner.

Indian Territory,)
Northern District.)

Sworn to and subscribed before me this 29 day of Aug., 1896.

(Signed) D. I. Elliott,
Notary Public.

(SEAL)

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The following entry is found in Dawes Commission Docket (DB) on page 415, of applications heard in accordance with the Act of Congress approved June 10, 1896, for admission to citizenship in the Cherokee Nation:

Mrs. Margaret E. Turner,)
Samuel W. Allison,)
George A. Allison,)
Ida B. Allison,)
Eber C Allison,)
Jasper Allison)
John Allison, et al.)
vs.)
Cherokee Nation.)

Filed September 8, 1896. Answer filed. Applications denied, Fort Smith, Arkansas, November 24, 1896.

Commission: The record in this case is now deemed completed and the case will be reported to the Commission for final decision based upon the evidence now of record.

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I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the five civilized Tribes I correctly recorded the 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

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U.S. DEPT. OF JUSTICE
COMM. TO THE FIVE CIVILIZED TRIBES

P1149

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


ACTING CHAIRMAN

add
let

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

In the matter of the application of Margaret E. Hill, et. al. for enrollment as citizens of the Cherokee Nation, consolidating the applications of,

Margaret E. Hill, Cherokee D 1149
Lola W. Blake, " D 1150

D E C I S I O N .

--oOo--

The record in this case shows that on March 30, 1901, Margaret E. Hill appeared before the Commission at Muskogee, Indian Territory, and made application for her enrollment as a citizen of the Cherokee Nation.

At the same time and place Fondlon L. Blake appeared before the Commission and made application for the enrollment of his wife, Lola W. Blake, as a citizen by blood of the Cherokee Nation. Further proceedings were had in the matter of these applications at Muskogee, Indian Territory, on March 30, 1902.

The evidence in this case shows that the said Margaret E. Hill and the said Lola W. Blake, the daughter of Margaret E. Hill, are not identified upon any of the tribal rolls of the Cherokee Nation. From an examination of the records of the Cherokee Nation, in the possession of this Commission, it does not appear that the applicants or either of them have been admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation.

It further appears from the evidence, and from the records of the Commission to the Five Civilized Tribes that the said Margaret E. Hill, under her former name of Margaret E. Turner, made application on September 8, 1896, to the Commission to the Five Civilized Tribes, for admission to Cherokee citizenship, under the Act of Congress, June 10, 1896. The said Lola W. Blake, under the name of Lola W. Turner was also included in such application. It further appears that such application was denied on November 24, 1896, and there is no record of an appeal having been taken from such decision in conformity with the Act of Congress above quoted.

The Act of Congress approved May 31, 1900, provides:

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

It is, therefore, the opinion of this Commission that Margaret E. Hill and Lola W. Blake are not citizens of the Cherokee Nation,

and duly and lawfully enrolled or admitted as such; and that pursuant to the provisions of law above quoted this Commission is without authority to receive, consider or make any record of their applications for enrollment as citizens of the Cherokee Nation.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Jams Bixby.
Acting Chairman.

[Signature]
Commissioner

C. R. Brantley.
Commissioner.

Dated at Muskogee, I. T.

this OCT 27 1902

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

ALLISON L. AYLESWORTH
SECRETARY.

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D - 1149.
Cherokee D - 1150.

Muskogee, Indian Territory, October 28, 1902.

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

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 27, 1902, rejecting the application of Margaret E. Hill for the enrollment of herself, and the application of Fendlon L. Blake for the enrollment of his wife, Lola W. Blake, as a citizen by blood of the Cherokee Nation.

The decision, with the record 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,

C. R. Breckinridge
Acting Chairman.

Commissioner in Charge.

Enclosure C. No. 271

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

ALLISON L. AYLESWORTH,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1149.
Cherokee D-1150.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

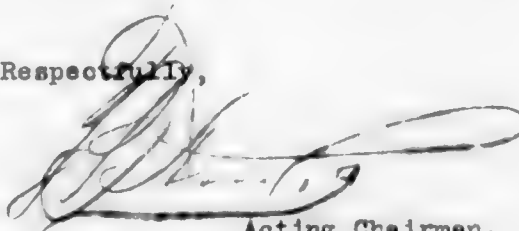
Muskogee, Indian Territory, January 16, 1903.

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

Dear Sir:

You are hereby advised that the Commission's decision, dated October 27, 1902, rejecting the application of Margaret E. Hill for the enrollment of herself, and the application of Fenelon L. Blake for the enrollment of his wife, Lola W. Blake, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on January 7, 1903.

Respectfully,



Acting Chairman.

this May the 21 1906

to the comissioner of the five sicialised tribes greeting Kind sir
after reading and considering the Curtis Bill as past By the
congress of the united stats now in sesion and sind by the
President

sectin first

that i am pirmitted to renew my claim to citonship
in Cherkee nation I was Debarde becaus i was not on the 1880
roles my ansesters being on all previous Rools

kind Sir pleas informe me if i can pressed with my Clame
i was Not Denid being Cherkee By Blood but was not on the
1880 roole

Pleas addres me at Fawn post offis I.T.

Mrs. W. N. Hill.

22

REFER IN REPLY TO THE FOLLOWING:

Cherokee
R 791

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

Muskogee, Indian Territory, August 13, 1906

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

Dear Sir:

There is enclosed for your information a copy of a letter received from Mrs. M. E. (Margaret E.) Hill. This letter has been treated as a motion for a rehearing in her case, and she was, on August 10, 1906, advised that she would be given twenty days from that date within which to file with this office a proper motion for rehearing. The applicant was further advised that she would be required to show proof of service upon the attorney for the Cherokee Nation, of all papers filed in connection with said motion.

Respectfully,

Commissioner

L M B

Encl. B-32

IN THE MATTER OF THE APPLICATION

Margaret S. Hill

JOHN DEWEY

CONFIDENTIAL

- A. Original testimony, March 20, 1901
- Memo R application, March 20, 1901
- Notice of final conclusion, 4/10/02

D

2

See Cherokee jacket nos. 504, 504^{1/2} & 505
 See also doubtful Cherokee jackets
 nos 1084 and 1150.

Cher D 1150

Cher D 1150

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., MARCH 20th, 1901.

In the matter of the application of Fendlon L. Blake for the enrollment of his wife, LOLA W. BLAKE, as a citizen of the Cherokee Nation; said Blake being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Fendlon L. Blake.
Q What is your age? A 48.
Q What is your post office address? A Pryor Creek, I. T.
Q In what district do you live? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A No, sir.
Q For whom do you apply for enrollment? A Lola W. Blake.
Q What is her age? A Fifteen.
Q What is her mother's name? A Ellen, Hill now.
Q Is that her mother that was here a while ago; she swore her name was Margaret? A Margaret that's right.
Q Are you the husband of Lola Blake? A Yes, sir.
Q When were you married? A ~~November~~ 11th of September, past.
Q Does the name of Lola Blake appear upon any of the rolls of the Cherokee Nation? A Not as I know of.
Q What was your wife's father's name? A Charley Turner.
Q Is he living? A I don't know whether he is or not.

Tribal Rolls of citizens of the Cherokee Nation examined and applicant's wife's name not found thereon.

Fendlon L. Blake applies for the enrollment of his wife, Lola W. Blake. He avers that she is the daughter of Margaret E. Hill by her first husband, one Turner, and that her maiden name was Lola W. Turner, 15 years of age. Her name is not found upon any of the authenticated rolls of the Cherokee Nation, but by reason of the fact that she is averred to be the daughter of Margaret E. Hill, and the name of Margaret E. Hill has just been placed upon a doubtful card, final judgment as to the enrollment of said Lola W. Blake will be suspended and her name will be placed upon a doubtful card.

Applicant presents duly authenticated marriage license and marriage certificate certifying that he was married to Miss Lola Turner on the 10th day of September, 1900.

---00000000---

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 20th day of March, 1901.

W. H. S.

Commissioner.

D 1157

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

FILED
MAR 25 1907



ACTING CHAIRMAN

Supl.-C.D.#1150.

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

SUPPLEMENTAL in the matter of the enrollment of LOLA W. BLAKE
as a citizen of the Cherokee Nation.

The applicant was notified by registered letter March 1,
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 20th day of March, 1902. This appli-
cant has this day, to-wit: the 20th day of March, 1902, been
called and fails to appear either in person or by attorney.

Commission: The following appears of record in the files
of the Commission for the year 1896.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,)
NORTHERN JUDICIAL DIVISION.)

To the Dawes Commission.

Gentlemen:--I, the undersigned, hereby make application
to your Hon. body to place me and my children on the authenticated
rolls of the Nation as Cherokee Indians by blood, as being the
descendants of Mrs. Margaret Allison, a Cherokee Indian by blood
and who was readmitted to all the rights of Cherokee Citizenship
under an Act of the Cherokee National Council approved December 8,
1894.

Names	Relation to M. Allison	Age.
Margaret E. Turner,	Daughter of M. Allison,	24.
Lola W. Turner,	Grand-daughter of M.Allison,	10
Alice I. Turner,	Grand-daughter of M.Allison,	2.

(Signed) Mrs. Margaret E. Turner.

Indian Territory,)
Northern District.)

Sworn to and subscribed before me this 29 day of Aug, 1896.

(Signed) D. I. Elliott,
Notary Public.

(SEAL)

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The following entry is found in Dawes Commission Docket
"B" on page 415, of applications heard in accordance with the
Act of Congress approved June 10, 1896 for admission to citi-
zenship in the Cherokee Nation:

Mrs. Margaret E. Turner,)
Samuel W. Allison,)
George A. Allison,)
Ida B. Allison,)
Elmer C. Allison,)
Jasper Allison,)

Supl.-C.D.#1150.

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

SUPPLEMENTAL in the matter of the enrollment of LOLA W. BLAKE
as a citizen of the Cherokee Nation;

The applicant was notified by registered letter March 1,
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 20th day of March, 1902. This appli-
cant has this day, to-wit: the 20th day of March, 1902, been
called and fails to appear either in person or by attorney.

Commission: The following appears of record in the files
of the Commission for the year 1896.

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INDIAN TERRITORY, }
NORTHERN JUDICIAL DIVISION.)

To the Dawes Commission.

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to your Hon. body to place me and my children on the authenticated
rolls of the Nation as Cherokee Indians by blood, as being the
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and who was readmitted to all the rights of Cherokee Citizenship
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(Signed) Mrs. Margaret E. Turner.

Indian Territory,)
Northern District.)

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(SEAL)

-----o-----

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"B" on page 415, of applications heard in accordance with the
Act of Congress approved June 10, 1896 for admission to citi-
zenship in the Cherokee Nation:

Mrs. Margaret E. Turner, }
Samuel W. Allison, }
George A. Allison, }
Ida B. Allison, }
Elmer C. Allison, }
Jasper Allison, }

John Allison, et al.

vs.

Cherokee Nation.

Filed September 8, 1896. Answer filed. Applications denied, Fort Smith, Arkansas, November 24, 1896.

Commissioner. The record in this case is now deemed completed and the same will be reported to the Commission for final decision based upon the evidence now of record.

---00000000---


I, J. O. Rosson, do hereby certify that as Stenographer to the Commission to the Five Civilized Tribes I correctly recorded the 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

21150

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 27 1902


ACTING CHAIRMAN

Case

MATTER OF THE APPLICATION

John W. Clark

A. ... 20, 1901.
B. ... 20, 1901.
Notes of final consideration 1/09

D

See Cherokee Journal Nos. 5091, 5094 ^{and} 5095
See also Double Cherokee for notes
Nos. 1084 and 1149.

Cher D. 1151

Cher D 1151

RECORDED, as to Applicant's Husband, Louis W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., MARCH 21st, 1901.

In the matter of the application of Janie Landrum for the enrollment of herself, children and husband as citizens of the Cherokee Nation; said Landrum being sworn and examined by Commissioner Breckinridge testified as follows:

- Q What is your name? A Janie Landrum.
Q How old are you? A 28.
Q What is your post office? A Atoka.
Q In what district do you live; in what Nation do you live?
A I live in the Choctaw Nation.
Q Do you apply for enrollment as a Cherokee? A Yes, sir. They would not accept me as a Choctaw and I want to enroll as a Cherokee.
Q You want to find out in which they will enroll you? A Yes, sir; I wanted to enroll in the Choctaw, I live there.
Q You prefer to be enrolled as a Choctaw? A Yes, sir.
Q Have you made application for enrollment as a Choctaw? A Yes, sir.
Q Where did you apply at Atoka? A I applied there three times.
Q At Atoka? A Yes, sir.
Q Didn't you apply here at Muskogee this morning for enrollment as a Choctaw? A Yes, sir.
Q And they refused to enroll you? A Yes, sir.
Q And made simply a memorandum of the case? A Yes, sir.
Q Very well, we will not go into your Choctaw but your Cherokee status? A Yes, sir.
Q Who is it you want to have enrolled besides yourself? A Children.
Q Have you a husband? A Yes, sir.
Q Do you want to apply for his enrollment also? A Yes, sir.
Q How many children have you? A Two.
Q Are you a Cherokee by blood? A Yes, sir.
Q Was your mother a Cherokee woman? A No, sir; my father.
Q Your father was a Cherokee? A Yes, sir.
Q And who was your mother? A Choctaw.
Q What is your husband? A He is a white man.
Q How long have you lived in the Choctaw Nation? A It will be four years the 25th of this month.
Q Where did you live before that? A I lived in Texas seven or eight months.
Q Where were you born? A In Sequoyah District, in the Cherokee Nation.
Q How long did you live in the Cherokee Nation? A I lived there until I was, I lived there about 22 years.
Q Did you live there until you were married? A Yes, sir.
Q How long have you been married? A Six years.
Q Did you live in the Cherokee Nation any time after you were married? A Yes, sir.
Q How long? A Lived a year.
Q And then where did you go? A I moved to Fort Smith, lived there about a year and from there to Texas.
Q And how long did you live in Texas? A About seven or eight months.
Q And then you came to the Choctaw Nation? A Yes, sir.
Q And have lived there ever since? A Yes, sir, Atoka.
Q Did you ever consider that you had given up your citizenship in the Cherokee Nation when you went to Fort Smith; did you go there to live permanently? A No, sir.

- Q When you went to Texas, did you go to make your home permanently?
Q No, sir; went there for my health.
Q How did you happen to go to Fort Smith? A We just went there; my husband went there for employment, we only lived seven miles from Fort Smith.
Q He was just looking for a job of work? A Yes, sir.
Q Give me the name of your father? A Jim.
Q Jim what? A Jim Lee.
Q Is he dead or alive? A Dead.
Q How long has he been dead? A I guess he has been dead about 25 years, or 23, I don't know exactly.
Q Give me the name of your mother? A Elizabeth I believe, they called her Lizzie.
Q Is she dead? A Yes, sir.
Q How long has she been dead? A I guess it has been about 22 years.
Q Have you ever been married more than once? A No, sir.
Q Have you a certificate of your marriage? A I haven't with me.
Q How long have you been married? A Six years.
Q You were married in Sequoyah district, were you? A Yes, sir.
Q Who married you? A Byrd, Reverend Byrd, Louis Byrd.
Q You have a certificate at home of marriage, have you? A Yes, sir.
Q Did you draw Cherokee strip-money in 1894? A Yes, sir.
Q Did your husband get out a Cherokee license before he married you? A He got what they called "signers," but we failed to find the Clerk at the time and we were married by a preacher, the Clerk didn't marry us.
Q Did the Clerk issue a license? A No, sir, the Clerk didn't.
Q Then your husband didn't get out a Cherokee license? A No, sir.
Q And you only have a certificate from the preacher? A We have a United States License; we have the signers as they call them, but we didn't get the Clerk.
Q You got a petition which has to do with getting a Cherokee license but you did not get a Cherokee license? A No, sir.
Q But you did get a United States License? A Yes, sir.
Q Give me the name of your husband? A Louis.
Q Louis Landrum? A Yes, sir.
Q Has not he a "W" in his name? A Worthington is his name; he signs his name W. L.; Louis Worthington is his name.
Q You say you were never married except to this husband? A No, sir.
Q Was he ever married except to you? A No, sir.
Q Where is he now? A At home, at Atoka.
Q How old is he? A 25.
Q You and he lived together ever since you were married, have you?
A Yes, sir.
Q Give me the names of your children? A The oldest one is Lola May.
Q How old is that child? A Five years old.
Q And the next child? A Eleven months old.
Q What is its name? A Beula Addison.
Q How old is that child? A Eleven months old.
Q These are the two children here are they? A Yes, sir.

Tribal Rolls of citizens of the Cherokee Nation examined and applicant's and older child's names found thereon as follows:
1880 Authenticated Roll; page 707, #802, Jennie Lee, Sequoyah District.
1896 Census Roll; page 1081, #854, Jane Landrum, Sequoyah District.
1896 Census Roll; page 1001, #868, Lola May Landrum, Sequoyah District.

POOR ORIGINAL -
BEST AVAILABLE COPY

Janie Landrum et al--3.

Q Why is it they did not enroll your husband in 1896? A He was not there at the time.

Q And they would not enroll him? A No, sir; they said he had to appear in person and he didn't go.

BY J. C. STARR, Cherokee Representative:

Q Did you take all of your property with you when you went to Fort Smith to live? A Yes, sir; we didn't have any property except household goods.

Q You didn't have any effects in the Cherokee Nation? A No, sir.

Q Did you husband vote in Fort Smith? A No, sir.

Q Ever vote in Texas? A No, sir.

Q Did you intend to return to ~~Fort Smith~~ the Cherokee Nation when you were living in Fort Smith? A Yes, sir.

Coe's Breekinridge: The applicant applies for the enrollment of herself, her husband and two children: She is identified on the rolls of 1880 and 1896 as a native Cherokee, but she does not establish her change of name arising from marriage and as it appears on the roll of 1896, except by her own testimony and as indicated by the recurrence of her given name on the roll of 1896. She states that she can supply the Commission with her marriage certificate and a United States marriage license, and this she is desired to do, in order to complete her identification. It appears that she was born in the Cherokee Nation and lived there until some five or six years ago, when she married, and that for a short time after her marriage she lived at Fort Smith, Arkansas, and for some months in Texas, but it does not appear that either absence was of a permanent character, in fact or in purpose. After returning from her visit to Texas, where she had gone for her health, she took up her residence in the Choctaw Nation and she has lived there for the past four years. She has made application for enrollment as a Choctaw and is said to have been rejected and only a memorandum made of her case. She prefers that she and her family be enrolled as Choctaws, but if she cannot secure this enrollment she desires that they be enrolled as Cherokees. Awaiting the marriage license and certificate referred to and awaiting further consideration under the conditions stated, the applicant will now be listed for enrollment as a Cherokee by blood, but upon a doubtful card.

Of her two children the older, Lola K., is identified with its mother on the roll of 1896. The child is present and will be listed for enrollment as a Cherokee by blood, on the doubtful card with its mother. When a certificate of the birth of the younger child, Paula A., is supplied to the Commission, this child also will be listed for enrollment as a Cherokee by blood, on the doubtful card with its mother.

It ~~appears~~ does not appear that the husband of the applicant was married under a Cherokee license and he was not admitted to enrollment in 1896. The applicant states the refusal of the Cherokee authorities to enroll her her husband was due to his absence. It may well have been due to the fact that he was not married under a Cherokee license. It seems that neither the applicant nor her husband were ever previously married and they have lived together ever since their marriage. He is a white man and did not procure a Cherokee license. He is not considered entitled to enrollment at this time as a citizen; therefore the application for his enrollment is rejected.

Q. It is the desire ^{and} the purpose of you and your family, as I understand it, to live permanently in the Choctaw Nation, if you can get your rights established? A Yes, sir.

Jasie Landrum et al.--4.

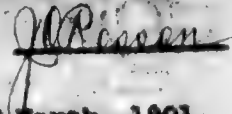
Q But have you always determined that in case you could not get your rights as a Choctaw you would claim your rights as a Cherokee?

A Yes, sir.

Q And you have only to wait to see what class the law would place you? A Yes, sir; and if they don't accept me in the Choctaw, I will go to the Cherokee.

---oo0000oo---

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



Subscribed and sworn to before me this 21st day of March, 1901.



Commissioner.

D 1157

RECEIVED
MAR 25 1900

ACTIN - CHARLES

Supl.-C.D.#1151.

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

SUPPLEMENTAL in the matter of the enrollment of JANIE LANDRUM,
ET AL., as citizens of the Cherokee Nation:

The applicant was notified by registered letter March 1, 1902, that her application for the enrollment of herself and others as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 20th day of March, 1902, and that on said date she might appear either in person or by attorney when an opportunity would be given her to introduce any further testimony affecting her application. The applicant having this day, to-wit: the 20th day of March, 1902, been called and failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---00000000---

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

J. O. Rossen

8

Cherokee D-1151.

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

In the matter of the application of Janie Landrum for the enrollment of herself and her minor children, Lola M., and Beulah A. Landrum, as citizens by blood of the Cherokee Nation.

P E T I T I O N.

The record in this case shows that on March 31, 1901, Janie Landrum appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself and her two minor children, Lola M., and Beulah A. Landrum, as citizens by blood of the Cherokee Nation.

The evidence shows that the said Janie Landrum is a Cherokee by blood. She is identified on the authenticated tribal roll of 1820 and also on the Cherokee census roll of 1834. Lola M., and Beulah A. Landrum are the issue of a marriage between the principal applicant and Louis Landrum, in 1874. Lola M. Landrum is identified on the Cherokee census roll of 1886, and Beulah A. Landrum, being too young to be upon any of the tribal rolls, is identified by a birth affidavit made a part of this record.

It further appears that the application made by said Janie Landrum, for the enrollment of herself and her two minor children as citizens by blood of the Cherokee Nation, was refused by this Commission on December 18, 1901, and that such decision was affirmed by the Secretary of the Interior on January 12, 1902.

The evidence further shows that said Janie Landrum was born and resided in the Cherokee Nation for twenty-two years. She has been a resident of the Indian Territory all her life, except for a temporary absence in Arkansas and Texas, and she was residing in the Indian Territory on June 30, 1884. The residence of the minor children is considered to be the same as that of their mother, the principal applicant herein.

It is, therefore, the opinion of this Commission that Janie Landrum and her minor children, Lola M. Landrum and Beulah A. Landrum, should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Con-

gross approved June 28, 1888 (10 Stats., 485), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES:

Chairman

James H. Murray

Chairman

T. D. Needles

Commissioner

John S. G. ...

Commissioner

Notes at Washington, Indian Commission,

date MAR - 2 1903

COPY.

Cherokee 10230

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

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

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, on March 21, 1901, Janie Landrum appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of herself and her minor children, Lola May and Beulah Addison Landrum, as citizens by blood, and for the enrollment of her husband, Louis W. Landrum, as a citizen by intermarriage, of the Cherokee Nation. The application for the enrollment of said Louis W. Landrum has heretofore been disposed of, and his application will not be considered in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 20, 1902. The records further show that on March 2, 1903, the Commission to the Five Civilized Tribes rendered its decision herein, granting the application for the enrollment of Janie Landrum, Lola May as Lola M., and Beulah Addison as Beulah A. Landrum, as citizens by blood of the Cherokee Nation, and that their names were subsequently included in a partial roll of citizens of the Cherokee Nation approved by the Secretary of the Interior March 12, 1904, opposite Nos. 29230, 29231 and 29232, respectively.

The records further show that the said Janie Landrum (Landrum), same day and place, also made application for the enrollment of herself and her said minor children as citizens by blood of the Choctaw Nation; that on December 18, 1901, the Commission to the Five Civilized Tribes issued an order refusing to receive, consider, or make any record of the application for the enrollment of said persons as citizens of the Choctaw Nation, and that said order was on January 11, 1902 (I.T.D. 182-1902), duly approved by the Department. Thereafter, on June 15, 1904 (I.T.D. 182-1902, 4492-1904), the Department rescinded

its said decision of January 11, 1902, and returned said case to this office for further hearing and readjudication; that on August 4, 1904, the Commission to the Five Civilized Tribes recommended that the "original decision of the Commission of December 18, 1901, refusing the application for the enrollment of Janie Landrum and her two minor children, Lola May and Beulah Addison Landrum, as citizens by blood of the Choctaw Nation, be adhered to, and that their enrollment as citizens by blood of the Cherokee Nation and the approval thereof by the Secretary of the Interior be permitted to stand", and that thereafter, on April 11, 1906 (I.T.D. 7176-1904, 9695-1905, 3871-1906), the Department authorized the cancellation of their names from the partial roll of Cherokee citizens above mentioned, and directed that Janie Landrum (Landrum) and her minor children, Lola May and Beulah Addison Landrum (Landrum) be enrolled as citizens by blood of the Choctaw Nation. It is further shown that said Janie Landrum, Lola May Landrum and Beulah Addison Landrum are included in a partial roll of citizens by blood of the Choctaw Nation approved by the Secretary of the Interior June 16, 1906, opposite Nos. 16044, 16045, and 16046, respectively, and that said persons have made voluntary selections of allotments of land in the Choctaw Nation.

Paragraph eight of the Act of Congress approved June 28, 1898 (30 Stat. 495) provides:

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere".

IT IS, THEREFORE, ORDERED AND ADJUDGED: That under the provisions of the Act of Congress above noted, Janie Landrum, Lola May Landrum, and Beulah Addison Landrum, are not entitled to enrollment as citizens by blood of the Cherokee Nation, and their application for enrollment as such is accordingly denied.

SIGNED:

Jane Finley
Commissioner.

Dated at Muskogee, Indian Territory,

this JAN 1 1906.

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

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

REFER IN REPLY TO THE FOLLOWING:

Cherokee D-1151

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

McKehee, Indian Territory, March 11, 1903.

W. V. Hartings,

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 Janie Landrum for the enrollment of herself and her two minor children, Lola M. and Beulah A. Landrum, as citizens by blood of the Cherokee Nation.

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

Respectfully,



Chairman.

Enc. M-721

REFER IN REPLY TO THE FOLLOWING:

Cherokee
10230.

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

Muskogee, Indian Territory, January 10, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, denying the application for the enrollment of Janie Landrum, et al., as citizens by blood of the Cherokee Nation.

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

Respectfully,

Encl.H.J.-43.
HJC.

Commissioner.

Land
3854-1907

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

February 23, 1907.

(COPY)

The Honorable,
The Secretary of the Interior,

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated January 10, 1907, enclosing record in the matter of the application for the enrollment of Janie Landrum, et al., as citizens by blood of the Cherokee Nation, together with the decision of the Commissioner, dated January 10, 1907, denying the applications for the enrollment of Janie, Lola M. and Beulah A. Landrum as citizens by blood of the Cherokee Nation.

It appears from the record herein that Janie Landrum appeared before the Commission to the Five Civilized Tribes on March 21, 1901, and made application for the enrollment of herself and her minor children, Lola May and Beulah Addison Landrum as citizens by blood, and for the enrollment of her husband, Louis W. Landrum as a citizen by intermarriage of the Cherokee Nation.

The application for the enrollment of Louis W. Landrum has heretofore been disposed of, and his application is not considered in this decision.

Further proceedings were had in the matter on March 20, 1902, and on March 2, 1903, the Commission to the Five Civilized

Tribes rendered its decision, granting the application for the enrollment of Janie Landrum, Lola May, as Lola M., and Beulah Addison, as Beulah A. Landrum, as citizens by blood of the Cherokee Nation, and their names were subsequently included on a partial roll of citizens of the Cherokee Nation approved March 12, 1904, opposite Nos. 29230, 29231 and 29232.

The record further shows that Janie Landrum, on the same date and place, also made application for the enrollment of herself and her minor children as citizens by blood of the Choctaw Nation; that on December 18, 1901, the Commission to the Five Civilized Tribes issued an order ~~duplicating~~ to receive, consider or make any record of the application for the enrollment of these persons as citizens of the Choctaw Nation, and that this order was approved by the Department on January 11, 1902 (ITD 182-1902), and on June 15, 1904 (I.T.D. 182-1902 and 4492-1904), the Department rescinded its decision of January 11, 1902, and returned the record to the office of the Commission for further hearing and re-adjudication. On August 4, 1904, the Commission to the Five Civilized Tribes made the following recommendation:

That the original decision of the Commission of December 18, 1901, refusing the application for the enrollment of Janie Landrum and her two minor children, Lola May and Beulah Addison Landrum, as citizens by blood of the Choctaw Nation, be adhered to, and that their enrollment as citizens by blood of the Cherokee Nation and the approval thereof by the Secretary of the Interior be permitted to stand."

On April 11, 1906 (I.T.D. 7176-1904, 9595-1905) 3871-1906), the Department authorized the cancellation of their

names from the partial roll of Cherokee citizens, opposite the numbers above mentioned, and that Janie Landram (Landrum) and her minor children, Lola May and Beulah Addison Landram (Landrum) be enrolled as citizens by blood of the Choctaw Nation.

It is further shown that Janie Landram, Lola May Landram and Beulah Addison Landram be included in a partial roll of citizens by blood of the Choctaw Nation approved June 15, 1906, opposite Nos. 16044, 16045 and 16046, and that these persons have made voluntary selections of allotments of land in the Choctaw Nation.

It is provided by the Act of Congress approved June 28, 1898 (30 Stat.L., 495), that the several tribes may, by agreement, determine the rights of persons who for any reason claim citizenship in two or more tribes, to allotments of lands and distribution of moneys belonging to each tribe, but if no agreement be made, then such claimants shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such rights.

Since the applicants have taken their rights in the Choctaw Nation, and have voluntarily selected allotments of land in that Nation, the decision of the Commissioner to the Five Civilized Tribes, denying their applications for enrollment as citizens by blood of the Cherokee Nation, is correct, and it is recommended that it be affirmed.

Very respectfully,

C. F. Larrabee
Acting Commissioner

EWE-ED

JP
FHB

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

February 28, 1907.

I.T.D. 4896, 4996, 5060-1907.
12414-1907.

L.R.S.

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.
Janie Landrum, et al,	January 10, 1907.
Andrew H. Norwood (Intermarried)	February 2, 1907
Dovie Johnson (Intermarried)	February 2, 1907.

Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed, are inclosed.

A copy hereof and the papers in the above-mentioned cases have been sent to the Indian Office.

Respectdully,

Jesse E. Wilson,
Assistant Secretary.

3 inc. and 6 for Ind. Of.
A.I.O.C.

REFER IN REPLY TO THE FOLLOWING:
Cherokee 10230
et al.

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

Muskogee, Indian Territory, March 9, 1907.

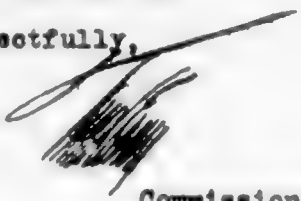
W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of Janie Landrum, et al., as citizens by blood 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 letter referred to.

Respectfully,



Commissioner.

Enc I-26

RPI

IN THE MATTER OF THE APPLICATION

James Sanderson et al

FOR ENROLLMENT

CHEROKEE CITIZENS

- A. Original testimony, March 21, 1901
- B. Memo of application, March 21, 1901
- C. Birth certificate of Beriah A. Sanderson
- D. Notice of final consideration, 2/20/02
- E. Copy of testimony and papers, filed with application at Cherokee - 3/21/01

D

X. 10 new in jacket R 549.

Cher D 1152

Cher D 1152

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 22nd, 1901.

In the matter of the application of William Owen 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 William Owen.
Q What is your age, Mr. Owen? A 33.
Q What is your postoffice address? A Muskogee.
Q What district do you reside in - do you reside in the Creek Nation? A Yes sir, I make this my postoffice.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A Blood.
Q Whom do you desire to enroll? A Myself.
Q Is your name on the roll of 1880? A No sir, we were readmitted in '81.

The Cherokee authenticated roll of 1880 examined and the name of the applicant is not found of record thereon.

- Q Have you any certificate of readmission? A Yes sir, Bob Owen has got it.

The Cherokee census roll of 1896 examined and the name of the applicant is found on page 56, No. 1520, as William Owens, in Canadian District.

- Q How long have you lived in the Cherokee Nation since '81? A I moved in the Cherokee Nation in '85.
Q Where from? A Lynchburg, Virginia.
Q Been living in the Indian Territory continuously since '85? A Yes sir.
Q How long have you lived in the Creek Nation? A Well, I made Muskogee my headquarters since '98. I came here in '98 and went to work for the government.
Q You have been living in the Creek Nation since '98 then? A Yes sir. I have always held property in the Cherokee Nation; my home is there; they recognize me there, and I voted there.
Q Have you ever voted in the Creek Nation? A No sir.

Commissioner Needles-

The name of William Owen is found upon the census roll of 1896. He applies for the enrollment of himself as a Cherokee citizen by blood. The records of the Cherokee Nation show that said William Owen was admitted to Cherokee citizenship by the Cherokee Council in the year 1881. Since 1898, according to his testimony, said William Owen has been residing in the Creek Nation. He is duly identified according to page and number of the roll as indicated in the testimony, but for the reason of the fact of his residence, final judgment as to the enrollment of said William Owen as a Cherokee citizen by blood will be suspended, and his name will be placed upon a doubtful card, simply from the fact of his present residence in the Creek Nation.

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.

Subscribed and sworn to before me this 22nd day of March, 1901.


Commissioner.

a 10 1152

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

FILED
MAR 25 1901



ACTING CHAIRMAN

Supl.-C.D.#1152.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., March 20, 1902.

SUPPLEMENTAL in the matter of the enrollment of WILLIAM OWEN
as a citizen of the Cherokee Nation:

The applicant was notified by registered letter March 1, 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 Muskegee, Indian Territory, on the 20th day of March, 1902. Receipt has been acknowledged of Commission's letter, and the applicant this day, to-wit: the 20th day of March, 1902, appears in person.

The following entry appears of record on the Docket of the Cherokee Citizenship Commission for the years 1880 to 1884 inclusive, page 81:

COMMISSION ON CITIZENSHIP.

Tahlequah, C. N., Jan 26th, 1881.

Case.

78.

Alice Owen and children,)
Robt. Otway Owen,)
Jane Owen,)
William Owen,)
Charles Owen,)
Owen Owen,)
Alace Owen,)

Petition for Citizenship.

vs.

Cherokee Nation.

The above case submitted by both parties Jan 27th, 1881.

The above parties claim to be Cherokees by blood. The Testimony shows that Alice Owen is a Native born Cherokee, a descendant of the noted Chishelm Family, and was educated and partly raised in Virginia. Married there, and is the mother of the children mentioned in petition, to-wit) Robt. Otway Owen, Jane Owen, William Owen, Charles Owen, Owen Owen, and Alace Owen.

The Commission therefore feel justified in making a decision in favor of the above named claimants admitting them to all the rights and privilege of Cherokee citizenship by blood.

Jan 31st, 1881.

Roach Young, President Com.
William Marriage)
G. W. Mayes) Asst. Com.

J. B. Mayes,
Clerk
Commission.

Commissioner The Applicant and representative of the Cherokee Nation present submit the case. The record in the case 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 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

RECORDED
INDEXED
MAY 11 1904
U. S. DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

11/10/11

21152

For the year ending 1899, the Commission has the honor to report that the Five Civilized Tribes have made great progress in the adoption of agriculture and the raising of stock, and in the improvement of their lands. The Commission has also the pleasure to report that the Five Civilized Tribes have made great progress in the adoption of the English language and the Christian religion.

The Commission has the honor to report that the Five Civilized Tribes have made great progress in the adoption of agriculture and the raising of stock, and in the improvement of their lands. The Commission has also the pleasure to report that the Five Civilized Tribes have made great progress in the adoption of the English language and the Christian religion.

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


ACTING CHAIRMAN.

Cherokee D 1182.

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

000

In the matter of the application of William Owen for enrollment as a citizen by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on March 22, 1901 William Owen appeared before the Commission at Muskogee, Indian Territory, and made application for his enrollment as a citizen by blood of the Cherokee Nation. Further proceedings were had in the matter of the said application at Muskogee, Indian Territory, on March 20, 1902.

The evidence shows that the said William Owen was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of the said Nation, on January 31, 1861. He is identified on the Cherokee Census Roll of 1896.

The evidence further shows that the said William Owen has resided in the Indian Territory since 1865, and was residing therein at the date of this application.

It is, therefore, the opinion of this Commission that William Owen 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 June 20, 1898, (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,

this SEP 20 1902

Handwritten initials or mark in the top right corner.

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIZBY,
THOMAS E. NEEDLES,
C. R. BRECKINRIDGE.

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

REFER IN REPLY TO THE FOLLOWING
Cherokee D 1152.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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 William Owen 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 a protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. C. No. 7.

IN THE MATTER OF THE APPLICATION

William Owen

FOR ENROLLMENT AS

A. Original text, Mar. 27, 1901
 B. Name of applicant, W. O., 1901
 C. Date of final consideration, 2/20/02

Transferred to
 Chart # 1530

Cher D 1153

Cher D 1153

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., March 22, 1901.

In the matter of the application of John H. Dick for the enrollment of himself and wife as Cherokee citizens; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

- Q Give me your full name. A John H. Dick,
Q How old are you? A 32.
Q What is your postoffice? A Port Gibson.
Q In what district do you live? A Tahlequah District.
Q Who is it you want to have enrolled besides yourself? A I want to enroll my wife and my brother.
Q Have you children? A No sir, no children.
Q You want to enroll yourself and wife? A And my brother.

(We will take him separately.)

- Q Are you a Cherokee by blood? A Quarter Cherokee and quarter Creek.
Q But you apply as a Cherokee? A Yes sir.
Q Is your wife a Cherokee by blood? A Yes sir.
Q How long have you lived in the Cherokee Nation? A Ever since the 1st of January, '89.
Q You lived here about all your life then, haven't you? A Yes sir.
Q Give me the name of your father? A Charles.
Q Is he dead? A Yes sir.
Q Give me the name of your mother. A Peggy or Margaret.
Q Is she dead? A Yes sir.
Q Give me the name of your wife? A Sallie.
Q How old is she? A I expect she is about 37 or 38.
Q How long has she lived in the Cherokee Nation? A All her life.
Q Give me the name of her father. A Jackson Jones. He also went by the name of Housebug.
Q Is he dead? A Yes sir.
Q Give me the name of your wife's mother. A Mary.
Q Is she dead? A Yes sir.
Q When were you and your wife married? A In January 27th, 1893.
Q Have you a certificate of marriage? A No sir.
Q Is there anyone here who knows that you and she were married?
A I guess so.

Witness, Simon Walkingstick, having been duly sworn, and examined by Commissioner C. R. Breckinridge, testified as follows:

- Q You are one of the interpreters here of the Dawes Commission?
A Yes sir.
Q Are you acquainted with the applicant here, Mr. Dick? A Yes sir.
Q You knew his wife? A Yes sir.
Q What was her name when he married her? A Sallie Jones.
Q Was she the daughter of Jackson Jones? A I don't know as to that; I didn't know her parents.
Q You never knew her father? A No sir.
Q But you did know her as Sallie Jones? A Yes sir.
Q That was her maiden name was it? A That is my impression.
Q You were acquainted with her as Sallie Jones? A Yes sir; she was at the Male Seminary while I was going to school; she had some position there.
Q She was recognized as a Cherokee woman? A Yes sir.

re-direct.

- Q Mr. Dick, were you ever married except to your present wife? A That is all.
Q Was she ever married except to you? A No sir.

POOR ORIGINAL -
BEST AVAILABLE COPY

3- J. H. D.

The Cherokee authenticated roll of 1880 examined, and the name of the applicant is found on page 844, No. 729, as John Dick, Delaware District, Native Cherokee.

Q Your wife's father and mother were dead before 1880 were they?
A Yes sir. She was an orphan living with Huston Benge in 1880.

The Cherokee authenticated roll of 1880 examined, and the name of the applicant's wife is not found of record thereon.

The Cherokee census roll of 1888 examined and the name of the applicant and his wife are found thereon as follows:
On page 1159, No. 794, John H. Dick, Tahlequah District.
On page 1158, No. 795, Sallie E. Dick, Tahlequah District.

Q Your wife has an E in her name? A Yes sir.
Q Did your wife have any brothers or sisters? A No sir.
Q She was the only one? A Yes sir.

Commissioner Breckinridge-

The applicant applies for the enrollment of himself and wife. He is identified on the rolls of 1880 and 1890 as a native Cherokee. He has lived in the Cherokee Nation all his life, and will be listed for enrollment as a Cherokee by blood. His wife is identified with him on the roll of 1890, and she is there identified as a native Cherokee. He states that neither she nor he were previously married, and that she has lived in the Cherokee Nation all her life. Her change of name arising from marriage is established by the testimony of the applicant and other satisfactory testimony. Her name is not found, however, on the roll of 1880; she was an orphan and her failure to be upon that roll may have arisen from neglect or she may be upon the roll under some other name. For the present, and for the further identification of her as a native Cherokee, she will now be listed for enrollment as a Cherokee by blood, but upon a doubtful card, and the applicant is desired to introduce testimony that will enable the Commission to identify his wife on the roll of 1880, or in lieu thereof, satisfactory personal testimony, showing that she is a native of the Cherokee Nation, and has lived in the Cherokee Nation all her life, and is of Cherokee blood as stated in the testimony.

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.

Subscribed and sworn to before me this 23rd day of March, 1901.


Commissioner.

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BEST AVAILABLE COPY

2 2153

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

FILED
MAR 25 1901


ACTING CHAIRMAN

Supl.-C.D.#1183.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 24, 1902.

SUPPLEMENTAL in the matter of the enrollment of SALLIE E. DICK
as a citizen of the Cherokee Nation:

The applicant in this case was notified by registered letter March 1, 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 20th day of March, 1902. On said date the applicant appeared by her attorney, G. W. Bengel, Tahlequah, Indian Territory, and by agreement the case was continued until March 24, 1902. The same being this 24th day of March, 1902, called and the applicant failing to respond either in person or by attorney, the case is deemed completed and will be reported to the commission for final decision based upon the evidence now of record.

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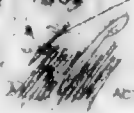
I, J. O. Rossan, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings had in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rossan

D1153

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES:

FILED
APR 2 1902


ACTING CHAIRMAN

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

At Muscogee I., T.

March 25th 1902.

In the matter of the application of John H. Dick, For the enrolment of his wife Sallie E. Dick, "NewJones," as a Cherokee citizen by virtue of her Cherokee blood.

By notification to the said J. H. Dick, of the time of final hearing and closing of said case by the Commission, appeared by Attorney G. W. Senge, who agreed that the case be submitted to the Commission for final decision by the Commission,, with leave to file brief in behalf of said Sallie E. Dick,

Brief,
The contention in this case is, that Sallie E. Dick is a Cherokee by blood/ and is so recognized as ~~as~~ such by the authorities of the nation hence, entitled to be enrolled as such citizen by virtue of Cherokee blood. First, because she was born in the Cherokee nation of Cherokee Parents, who it is said died during the late war. That she was thus left an orphan when about six years of age, since which time she made her home with Mrs. Houston Senge, until about the year of 1879, when she entered the Orphan Asylum School for Orphan Cherokees, where she remained for 4 or 5 years. That she was at the Orphan school during the year of 1879, & 1880, is evidenced by by a certificate of the Superintendent, & the present Principal Teacher of the school, Certifying to the recent entry of her name on the roster of inmates or students thereof, which is as follows, "Salina I., T. Mar, 20th 1902, This is to certify that the name of Sallie Jones, appears as a pupil, of the Cherokee Orphan Asylum, on a roll that seems to be the roll of 1880, there being no date to the roll excepting that of two deaths which occurred one on the 4th day of Aug, 1879, the other on the 13th day of Jan, 1880, (signed) J. H. Dannenberg, Supt. E. C. Alberty P. Principal," (said copy hereto attached,) The fact that she was at the Orphan Asylum in the year of 1880, then of tender age, is a reason plain why her name does not appear on the 1880, roll, but in lieu thereof is enrolled as a Cherokee Orphan, at the Asylum, Thus being recognized by the authorities of said institution on part of the nation, as a Cherokee citizen, That she has always been treated as such, is evidenced by reference to the pay roll of 1876, 1880, 1886, 1886, & 1894, also see 1890, roll, in fact her right was never ^{been} colorfully disputed, as said by S. H. Dannenberg, that he knew nothing to the contrary, but was always considered a Cherokee citizen," Her name failing to appear on the roll of 1880, seems to be the only point taken against her, Then being a minor, the fact should not be charged against her, but should be listed for enrolment as a citizen by Cherokee blood.

Respectfully Submitted,

G. W. Senge
.....
Atty For Applicants.

DEPARTMENT OF THE INTERIOR

Commission to the Five Civilized Tribes,

Muskogee I? T. June 11, 1902.

In the matter of the application of Sallie Dick for enrollment as a citizen of the Cherokee Nation by blood.

Cherokee D 1153.

Brief on part of the Cherokee Nation .

The applicant Sallie Dick applies for citizenship in the Cherokee Nation; she is thirty-seven years of age and claims to have lived in the Cherokee Nation all her life and claims that she was the the Orphan Asylum and claims that she was reared by Houston Benge of Fort Gibson, Indian Territory.

Her name does not appear upon the authenticated roll of eighteen hundred and eighty but does appear upon the eighteen hundred and ninety-six roll after her marriage to John H. Dick which might account for its being there, he perhaps attended to the enrollment ^{of} himself and wife. This application is made by her husband who is only thirty two or thirty-three years of age while his wife is five or six years older. The statements made by her husband are purely hearsay and are not corroborated by any testimony whatever although he claims that his wife was reared by Houston Benge a well known Cherokee who resides within two miles of Fort Gibson and the Commission has sat at Fort Gibson two months since this application was filed on March 22nd 1901 yet no effort whatever was made to have Sallie Dick the applicant whose post office is also Fort Gibson or to have Houston Benge to appear before the Commission and give testimony as to the citizenship of Sallie Dick. The Cherokee Nation does not think the the roll of Eighteen hundred and eighty which was confirmed by Congress should be set aside upon such flimsy testimony ; here this woman is thirty-six or thirty-seven years old she was sixteen or seventeen years old when the eighteen hundred and eighty roll was made .Proof could easily be gotten as to who her parents were, where she was born and who were her other relatives in the Cherokee Nation if she has any.. .

A strange feature in this case is that this woman is represented by George W Benge, a son of Houston Benge. George W Benge must know the antecedents of this woman himself and if she was a Cherokee why didn't he take the stand in her behalf or why didn't he have his father take the stand in her behalf and not submit it on the uncorroborated statement of John H Dick alone. We do not believe that the Commission will admit this woman upon the bare statement of John H Dick which is hearsay uncorroborated, when the applicant herself has declined to go before the Commission when ample opportunity has been given her to produce proof as to her Cherokee blood and Cherokee citizenship.

Respectfully submitted,

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

J. C. B.

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

In the matter of the application of Sallie Dick for the enrollment of herself as a citizen by blood of the Cherokee Nation.

Applicant appears by her husband; Cherokee Nation by W. W. Hastings.

J. H. Dick, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A J. H. Dick.
Q How old are you? A 37.
Q What is your postoffice address? A Tahlequah.
Q You are the husband of Sallie E. Dick? A Yes sir.
Q How long did you know her prior to your marriage to her? A About six or seven years.
Q When were you married to her? A January, 1898.
Q Did she draw the money in 1890 at the payment made by the Cherokees? A You mean 1891?
A Yes. A Yes sir.
Q Did she also draw the strip money in 1894? A Yes sir.
Q What district was she living in in 1890 or 1891? A Tahlequah.
Q What was your wife's name at that time? A Sallie Jones.
Q Do you know who drew her money at that time? A I think she drew it herself.

The applicant's wife is identified under the name of Sallie Jones on the Cherokee pay roll made in 1890. She is identified on page 917 in Tahlequah District.

The applicant's wife is also identified on the Cherokee Strip Payment Roll in Tahlequah District on page 1048, No. 783, as Sallie E. Dick.

- Q Do you know why the name of your wife does not appear on the roll of 1860? A I think it is because she was at the orphan asylum in 1880 and that part of the roll was made up in Illinois District has been lost.
Q Have you any evidence that your wife was ever recognized as a Cherokee prior to the making of the roll of 1860? A I find her name on the roll of 1867. Her mother and a man named Kamum were living together in Coingsanske District at that time.
Q How old is your wife? A I don't know her age.
Q About how old? A I would imagine she is somewhere about 38 or 39.
Q What is your wife's mother's Indian name? A I don't know it - Wellie.
Q Do you know what your wife's father's name was? A Jackson Jones.
Q Was your wife's mother ever married before she married Jackson Jones? A Not that I know of.
Q Did she ever live with anybody prior to that time? A No sir.
Q Was she married to anybody after she married Jackson Jones? A My information is she was married to Kamum.

There is offered in evidence certified copy of the original Cherokee census roll of Coingsanske District for the year 1867.

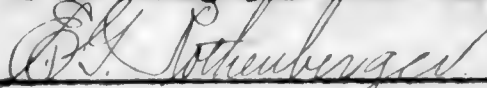
- Q Is there any other statement you desire to make relative to the application of your wife? A That is all except if you could get a record from the orphan asylum. I have been up there myself. My understanding was from Mr. Benge that they had been procured. It seems her case got through in 1880 at the orphan asylum.
Q Did your wife have any brothers or sisters? A Not that I know of. She had some half brothers by the same father.

On the 26th day of March, 1902, there was offered in evidence a certificate signed by J. A. Dannenberg, Supt. and B. C. Alberty, Principal, certifying that the name of Sallie Jones appears as a pupil of the Cherokee orphan asylum on a roll which seems to be the roll of 1880. This will be filed and made a part of the record in this case.

N- Callie Mock.

By V. V. Hartman: Does now the Cherokee Nation and represents the Commission that it is not satisfied with the testimony introduced in this case for the reason that the certificate introduced purporting to have been signed by J. H. Baumgardner and S. C. Alberty is not signed; neither does it show what appears upon the roll that it is alleged to have been a transcript from; neither is it conclusive that because the child attended the orphan asylum that therefore she is a Cherokee by blood, her name not being upon the authenticated roll of 1880, and inasmuch as the applicant herself has never been before the Commission so as to give evidence as to her parents and neither has S. H. Benge, when it is claimed reared the applicant from early girlhood, the representative of the Commission moves that the applicant herself be required to appear before the Commission so as to give testimony about her parents and her early residence and that she be required to produce the testimony of S. H. Benge or some member of his family who knows of her early history, her bringing up, her family relatives and whether or not she is entitled to be enrolled as a Cherokee by blood.

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



Subscribed and sworn to before me this 26th day of June, 1902.



Notary Public.

11

0110

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D. C. 20250

COMMISSION OF THE INTERIOR
LAND MANAGEMENT

JUN 10 1962

TO: SAC, ALBUQUERQUE
FROM: SAC, DENVER
SUBJECT: [Illegible]

[The following text is extremely faint and largely illegible due to the quality of the scan. It appears to be a memorandum or letter containing administrative details, possibly including names, dates, and references to other documents.]

jos
[Signature]

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

In the matter of the application for the enrollment of
Sallie E. Dick as a citizen by blood of the Cherokee Nation:

DECISION.

The record in this case shows that on March 22, 1901, John H. Dick appeared before the Commission at Muskogee, Indian Territory, and made personal application for the enrollment of himself and his wife, Sallie E. Dick, as citizens by blood of the Cherokee Nation. The said John H. Dick is differently classified and is not embraced in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on June 20, 1902.

The evidence shows that Sallie E. Dick is a Cherokee by blood, and that she is identified on the Cherokee census roll of 1867, on file in the office of the United States Commissioner of Indian Affairs at Washington, D. C., and also on the 1890 census roll, the 1894 Strip payment roll and the 1896 census roll of the Cherokee Nation. It appears that the said Sallie E. Dick was formerly a pupil in the Cherokee Orphan Asylum and that her name is upon the roll of that institution prepared about 1880.

The evidence further shows that the said Sallie E. Dick has resided in the Cherokee Nation all her life.

It is, therefore, the opinion of this Commission that Sallie E. Dick 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

COMMISSIONERS
TAMM 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-1156

Muskogee, Indian Territory, March 7, 1903.

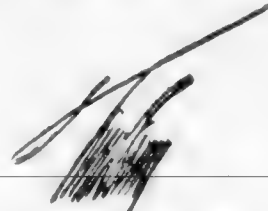
W. W. Hastings,
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 2, 1903, granting the application of John H. Dick for the enrollment of his wife, Sallie E. Dick, 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-2197

~~Walter E. Dicks~~

FOR ENROLLMENT AS
CHEROKEE CITIZENS.

- ~~A. Original testimony, Mar. 22, '01~~
- ~~B. Memo of application, Mar 27, '01~~
- ~~C. Notice of final consideration, 3/30/02~~
- ~~D. Receipt for testimony~~

~~See 107522000 6/14/02~~

Cher D 1154

Cher D 1154

2 F. 11. 22

IN RE

Application for Enrollment of

INFANT CHILD

Mamie C. Harlin

as a citizen of the

Cherokee Nation.

Approved *March, 17* 1901

C. M. ...
Commissioner.

Leader Printing Company

DEPARTMENT OF THE
COMMISSION TO THE FIVE C.

FILED
MAR 27 1901

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

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Hannie C. Harlin, born on the 2 day of November, 1900
(here insert name of child)
Name of Father: Ellis C. Harlin, a citizen of the Cherokee Nation.
Name of Mother: Minnie B. Harlin, a citizen of the Cherokee Nation
Postoffice Welch Ind. Terr.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Minnie B. Harlin, on oath state that I am 23
years of age and a citizen, by adoption, of the Cherokee Nation;
that I am the lawful wife of Ellis C. Harlin, who is a citizen, by
Birth, of the Cherokee Nation; that a Female child was
(male or female)
born to me on the 2 day of November, 1900; that said child has been
named Hannie C. Harlin, and is now living.

WITNESSES TO MARK:

(Must be Two)
Witnesses.

Subscribed and sworn to before me this 25 day of Feb, 1901

J. M. Simons
NOTARY PUBLIC.
marsh

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, J. N. Sliff, a Physician, on oath state that I
attended on Mrs. Minnie B. Harlin, wife of Ellis C. Harlin,
on the 2 day of November, 1900; that there was born to her on
said date a Female child; that said child is now living and is said to have been
(male or female)
named Hannie C. Harlin.

WITNESSES TO MARK:

(Must be Two)
Witnesses.

Subscribed and sworn to before me this 25 day of Feb, 1901.

J. B. ...
NOTARY PUBLIC.

Department of the Interior.
Commission to the Five Civilized Tribes.
Waskogen, T. T., March 28, 1901.

In the matter of the application of Ellis G. Harlin for the enrollment of himself, wife and children as Cherokee citizens; he being sworn and examined by Commissioner G. H. Mackenzie, testified as follows:

- Q Give me your full name. A Ellis G. Harlin.
Q How old are you? A 27.
Q What is your postoffice? A Welch.
Q In what district do you live? A Comanche.
Q Do you want to apply for the enrollment of anybody else besides yourself? A Two children.
Q You haven't a wife? A Yes sir, we married since '95.
Q You can apply for her if you want to and put her in the record?
A Yes.
Q You apply for yourself, wife and two children? A Yes sir.
Q Are you a Cherokee by blood? A Yes sir.
Q Your wife is a white woman, is she? A Yes sir.
Q How long have you lived in the Cherokee Nation? A A long time.
Q Give me the name of your father. A James E.
Q Is he dead? A Living.
Q Give me the name of your mother. A Annie.
Q Is she dead? A Living.
Q Give me the name of your wife? A Minnie B.
Q How old is she? A 22.
Q What was her name when you married her? A Bealhart.
Q When were you married to her? A Married in '97.
Q Have you a certificate of your marriage? A Yes sir, not 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 Where were you married? A Grove, T. T.
Q Give me the names of your children. A The oldest, John B. Harlin.
Q How old is that child? A Two years old.
Q Next child? A William G. Harlin.
Q How old is that child? A Four months.
Q These children are both living now, are they? A Yes sir.

The Cherokee authenticated roll of 1880 examined and the name of the applicant is found on page 283, No. 1457, as George Ellis Harlin, in Delaware District.

The Cherokee census roll of 1880 examined and the name of the applicant is found on page 481, No. 1488, as Ellis Harlin, in Delaware District.

~~Commissioner Mackenzie~~

The applicant applies for the enrollment of himself, his wife, and two children. He is identified on the rolls of 1880 and 1885 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. He states that his wife was married to him in 1897, but is unable to produce a certificate of marriage at this time. In any event, the marriage is too late to entitle her to enrollment under Cherokee law, and the application for her enrollment is rejected. He states that neither he nor his wife were previously married. The two children, for whose application is made, are to be upon any roll. Their names will now be placed upon a doubtful card to await proper certification of their births and proof of marriage between the applicant and their mother.

2- H. O. H.

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. J. Rothberger.

Subscribed and sworn to before me this 22nd day of March, 1901.

[Signature]

Commissioner.

POOR ORIGINAL -
BEST AVAILABLE COPY

D. 1154

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
OFFICE OF THE SUPERVISOR
COLUMBIA, MISSOURI

FILED
MAR 25 1901

[Handwritten Signature]
ACTING CHAIRMAN

1154

6. *Noted!*

Cherokee D 1154.

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

AAA

In the matter of the application for the enrollment of John R. and Mannie C. Harlin as citizens by blood of the Cherokee Nation.

D E C I S I O N .

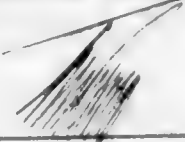
The record in this case shows that on March 22, 1901, Ellis C. Harlin appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment, among others, of his two minor children, John R. and Mannie C. Harlin, as citizens by blood of the Cherokee Nation. The other parties to the application are differently classified and are not embraced in this decision.

The evidence in this case shows that the said John R. and Mannie C. Harlin are the children of Ellis C. Harlin, a citizen by blood of the Cherokee Nation, duly identified on the authenticated tribal roll of 1880, and Minnie B. Harlin, his wife, to whom he was lawfully married on July 4, 1897. The said children are identified by birth affidavits on file with this Commission.

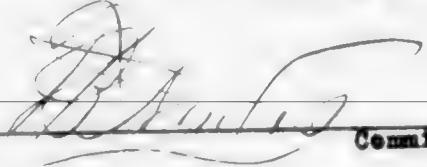
The evidence further shows that Ellis C. Harlin, the father of the above named children, has resided in the Cherokee Nation all his life, and was residing therein at the date of this application. The residence of the children is necessarily that of the father.

It is, therefore, the opinion of this Commission that John R. Harlin and Mannie C. Harlin should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.



Commissioner.



Commissioner.

Dated at Muskogee, Indian Territory,

this SEP 20 1902

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

ALLISON L. AVLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1154.

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 Ellis C. Harlin for the enrollment of his two minor children, John R. and Nannie C. Harlin, 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. 6.

IN THE MATTER OF THE APPLICATION

~~John C. and Nellie E. Haslin~~

~~Original Testimony, Nov 27, 1901.~~

~~Married Certificate, Nov 27, 1901.~~

~~2 copies each - in envelope
Married Certificate - 100 cents
also~~

~~Ind. Ex. to
Ch. P. 11/1/01~~

~~100 cents~~

Cher D 1155

Cher D 1155

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., March 23, 1901.

In the matter of the application of John H. Dick for the enrollment of his brother, Charles A. Dick, as a Cherokee citizen; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

- Q Give me your full name. A John H. Dick.
Q How old are you? A 33.
Q What is your postoffice? A Fort Gibson.
Q In what district do you live? A Tahlequah.
Q You want to apply now for the enrollment of a brother? A Yes sir.
Q What is his full name? A Charles A. Dick.
Q How old is he? A I think he must be between 21 and 23.
Q What is his postoffice? A It was Tahlequah before he went away.
Q And he lives in Tahlequah District, does he? A Yes sir.
Q Where is your brother now? A In San Francisco.
Q What is he doing there? A In the United States Army.
Q You know what command he is in? A No sir; he left a few days ago, and went to San Francisco.
Q How long has he lived in the Cherokee Nation? A All his life.
Q Give me the name of his father. A Charles Dick.
Q He is dead, I believe? A Yes sir.
Q His mother is Margaret or Peggy? A Yes sir.
Q She is dead also? A Yes sir.
Q Is your brother a single man? A Yes sir.

The Cherokee authenticated roll of 1880 examined, and the name of Charles A. Dick is found on page 244, No. 734, as Charley Dick, in Delaware District, Native Cherokee.

(Is he in the family of Charles and Peggy Dick? A Yes sir.)

The Cherokee census roll of 1896 examined and the name of Charles A. Dick is found on page 1159, No. 797, as Charles Dick, in Tahlequah District.

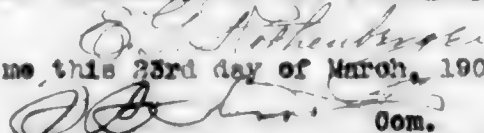
- Q Where did your brother enlist? A At Tahlequah.
Q What officer was enlisting there? A I don't know the name of the officer.
Q Was the United States recruiting office there? A Yes sir.

Commissioner Breckinridge-

The applicant applied for the enrollment of a brother, Charles A. Dick, whom he states has recently enlisted in the United States Army, and is at present in San Francisco. The applicant states that his brother is a Cherokee by blood and has lived in the Cherokee Nation all his life. He is duly identified with his family on the rolls of 1880 and 1896 as a native Cherokee. He is between 21 and 23 years of age, but this application is permitted by reason of the nature of the absence of the brother, and he will now be listed for enrollment as a Cherokee by blood, but upon a doubtful card for the further ~~consideration~~ verification of the Army record as the Commission may find necessary.

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.

Subscribed and sworn to before me, this 23rd day of March, 1901.



Com.

N

W 1155

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

FILED
MAR 25 1901


ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskegee, I. T., February 21, 1902.

In the matter of the application of Jehn H. Dickox, for the enrollment of his brother Charles A. Dick as a citizen of the Cherokee Nation:

Appearances:

John H. Dick, for his brother Charles A. Dick;
W. W. Hastings, for the Cherokee Nation.

JOHN H. DICK, being sworn and examined, testified as follows:

Examined by the Commission:

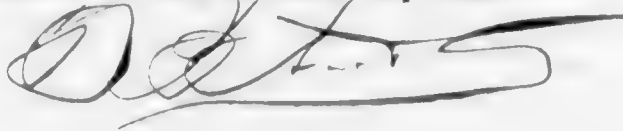
- Q What is your name ? A J. H. Dick.
Q Where do you live ? A At Tahlequah.
Q Do you desire to make a statement relative to your application for the enrollment of your brother Charles A. Dick ?
A Yes sir.
Q He is at present a soldier in the United States army?
A Yes sir. He is with Company H 7th Infantry.
Q Where is he located at this time ? A I don't know just where he is located, but he is in the Phillipine Islands.
Q For how long a period did he enlist ?
A Three years.
Q When did he enlist ? A Last March or April.
Q Is there any other statement you desire to make relative to this case ? A That's all.
The Commission: You submit this case on behalf of your brother to the Commission for final consideration ? A Yes sir.

The representative of the Cherokee Nation also submits the case for final consideration of the Commission; and the same is closed.

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

H. C. Bagwell

Subscribed and sworn to before me this February 24, 1902.



Commissioner.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 27, 1902.

In the matter of the application of Richard W. Shoemake for the enrollment of himself and his children Ada and Ira as citizens by blood of the Cherokee nation, and for the enrollment of his wife Mollie F., as a citizen by intermarriage of the Cherokee nation.

Richard W. Shoemake, being first duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A Richard W. Shoemake.
Q What is your postoffice address? A Gritts, I.T.
Q What is your age? A I was born in 1871.
Q Are you the same Richard W. Shoemake who made application to be enrolled as a citizen by blood of the Cherokee nation in March, 1901? A Yes sir.
Q What is your wife's name? A Mollie F.
Q Is she a white woman? A Yes sir.
Q Is she living at this time? A Yes sir.
Q Is she an applicant for enrollment by intermarriage? A Yes sir.
Q When were you married to your wife Mollie? A I think it was '91.
Q Where were you married? A Webbers Falls.
Q Had you ever been married prior to your marriage to your wife Mollie? A No sir.
Q Had she ever been married prior to her marriage to you? A No sir.
Q Have you and she lived together continuously from the time of your marriage up to the present time? 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 1st day of September, 1902? A Yes sir.
Q How long have you lived in the Cherokee nation? A I was small when we moved to the Cherokee nation; I have lived there ever since; I think it was '80 or '81.
Q You have lived in the Cherokee nation for the past 15 years all the time? A Yes sir.
Q Has Mollie lived in the Cherokee nation all the time since her marriage to you? A Yes sir.
Q Are these children both by your wife Mollie? A Yes sir.
Q Both living? A Yes sir.
Q Lived all their lives in the Cherokee nation? A Yes sir.

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

Frances R. Lane
Subscribed and sworn to before me this November 4, 1902.

F. B. Jones
Notary Public.

5. 8/15/11

200

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

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

DECISION.

--000--


The record in this case shows that on March 22, 1901, John H. Dick appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his brother, Charles A. Dick, as a citizen by blood of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on February 21, 1902.

The evidence in this case shows that the said Charles A. Dick is identified on the authenticated tribal roll of 1880, and on the Cherokee Census roll of 1896, as a Cherokee by blood.

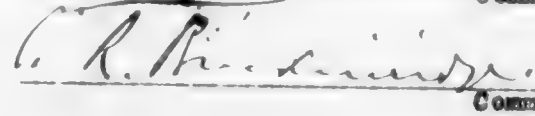
The evidence further shows that the said Charles A. Dick was a resident of the Cherokee Nation all his life up to the date of his enlistment in the United States Army in 1901, and that he is now with his regiment in the Philippine Islands.

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

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner


Commissioner

Dated at Muskogee, I. T.

this SEP 20 1911

① P

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

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

REFER IN REPLY TO THE FOLLOWING
Cherokee D 1155,

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 24, 1902.

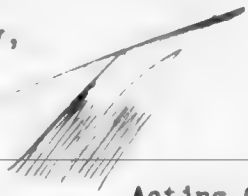
W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

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 H. Dick for the enrollment of his brother, Charles A. Dick, 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. 5.

D 11
IN THE MATTER OF THE APPLICATION OF

Charles A. Dick

- A. Original Application March 27, 1901
- B. Motion for Application March 27, 1901
- C. Supplemental testimony and order closing testimony March 27, 1901

[Faint handwritten notes and signatures, including a large signature that appears to be 'J. P. ...']

Cher D 1156

Cher D 1156

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 23, 1901.

In the matter of the application of Manny G. Butler for the enrollment of his wife, Anna C. Butler, as a Cherokee citizen; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Manny G. Butler.
Q What is your age, Mr. Butler? A Forty years.
Q What is your postoffice address? A Muskogee.
Q You reside in the Creek Nation? A Yes sir.
Q For whom do you apply for enrollment? A For my wife.
Q What is her name? A Anna C. Butler.
Q What is her age? A She's forty.
Q What is her postoffice? A Muskogee.
Q Is she a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A Intermarriage.
Q Are you a recognized citizen of the Cherokee Nation? A I have been; I am not now.
Q Why not now? A I have transferred to the Creek Nation.
Q You have elected to take your allotment in the Creek Nation?
A Yes sir.
Q Is your name on the roll of 1880? A No sir, its on the subsequent rolls.
Q Were you ever admitted to Cherokee citizenship by an act of the Cherokee Council? A No sir.
Q Were you admitted by the Dawes Commission in 1896? A No sir.
Q By what right do you claim Cherokee citizenship? A I claim Cherokee citizenship by right of Cherokee blood.
Q Have you never been recognized by the Cherokee authorities as a citizen? A Yes sir.
Q Were you ever readmitted? A No sir.
Q Have you any documentary proof as to your being recognized as a Cherokee citizen? A Nothing except the rolls.
Q And your name is not on the roll of 1880? A No sir.
Q Is it on the roll of 1896? A No sir.
Q Is your wife on the roll of 1896? A No sir.
Q Is your wife a white woman? A Yes sir.

The Cherokee authenticated roll of 1880 examined and the names of the applicant and his wife are not found of record thereon. The Cherokee census roll of 1896 examined and their names are not found thereon.

- Q When were you married to her? A In '79.
Q Have you any certificate of marriage; any proof of marriage?
A I haven't any except the certificate which was issued by the County Clerk of Sherman, Texas.
Q Have you got that? A Not with me; I have it at home.
Q Have you been living with Anna C. Butler continuously since you married her? A Yes sir.
Q Living with her now? A Yes sir.

By J. L. Baugh, representative of the Cherokee Nation-

- Q Where were you married at? A Sherman, Texas.

Commissioner-

- Q Are you a recognized citizen of the Creek Nation? A I am now, yes sir.
Q Was your name ever on any of the rolls of the Creek Nation? A Yes sir.

By J. L. Baugh, representative of the Cherokee Nation-

- Q Were you adopted by the Creeks? A My father was.
Q And you lived in the Creek Nation from the time you were a small child until —? A Until about '84.
Q The Creeks always recognized you as a citizen up until the time you went to the Cherokee Nation? A Yes sir.

2- M. G. B.

Q After you came back from the Cherokee Nation, they recognized you as a citizen of the Creek Nation? A Not until after I had been admitted by the Dawes Commission.

Commissioner-

Q When were you admitted by the Dawes Commission, in 1896? A I think it was. When they had the office up at the Court House.

Q Was your father ever admitted as a Cherokee citizen? A No.

Q Or your mother? A My father lived in the Cherokee Nation until he was about 16 years of age; born and raised in the Cherokee Nation. His aunt who lived in the Creek Nation sent him to school and when he got through with school he came and lived in the Creek Nation.

Q Was your mother a Cherokee by blood? A No, my father was.

Q Did you draw strip money in 1894? A Yes sir.

The Cherokee Strip Payment roll of 1894 examined, and the name of the applicant, Manny G. Butler, is found on page 125, No. 198, as Mannie G. Butler, Cooweescoowee District.

By J. L. Baugh, representative of the Cherokee Nation-

Q When did you move back from the Cherokee Nation to the Creek Nation? A In the fall of '94.

Q And lived continuously in the Creek Nation since then? A Yes sir.

Commissioner Needles-

The name of Manny G. Butler is found upon the payroll of 1894. His name is not found upon the authenticated roll of 1880, nor the census roll of 1896. He applies for the enrollment of his wife, Anna C. Butler, as a Cherokee citizen by intermarriage. He himself claims to be a Creek citizen, and is enrolled as a citizen of the Creek Nation. He avers that he was married to his wife in the State of Texas in 1879, but presents no satisfactory proof of marriage. The name of his wife is not found upon the census roll of 1896, or any of the rolls in possession of this Commission. By reason of the fact that Cherokee citizenship of said Manny G. Butler, husband of Anna C. Butler, is not clearly established, and the further fact that no satisfactory proof of marriage is filed, final judgment as to the enrollment of said Anna C. Butler as a Cherokee citizen by intermarriage will be suspended and her name will be placed upon a doubtful card.

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

Subscribed and sworn to before me this 23rd day of March, 1901.

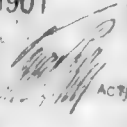

Commissioner.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAR 25 1901



ACTING CHAIRMAN

Cherokee

CHEROKEES BY BLOOD AND ADOPTION.

Date *March 22* 1900.

Miss H. J. ...

Name _____
District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____
Intermarried citizen _____
Married under what law _____ Date of marriage _____

License _____ Certificate _____
Wife's name *Annie E. Butler*
District _____ Year _____ Page _____ No. _____

Citizen by blood *no* Mother's citizenship _____
Intermarried citizen *yes*
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
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Dist.	Year	Page	No.	Age
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Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

Proof of marriage to be supplied

191156

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

FILED
MAR 23 1901



ACTING CHAIRMAN

Executive Department ,Cherokee Nation

Tahlequah I.T. Dec.20th 1892.

To the Senate:

In compliance with an act relating to Town Lots approved Dec 13 1892 I have the Honor to nominate M.G. Butler Town Commissioner provided for in said act and respectfully ask that the nomination be confirmed by your Honorable Body.

Very Respect.

C.J. Harris,

Principal Chief.

Confirmed by the Senate Dec.20th 1892.

J.L. Thompson,

T.M. Buffington,
President Senate.

Executive Office Cherokee Nation,

Tahlequah I.T.

I B.W. Alberty assistant Executive secretary of the Cherokee Nation do hereby certify that the foregoing is a true copy taken from the register of laws and acts of the National Council filed in this Office and in my custody.

Given under my hand and the seal of the Cherokee Nation this the 29th day of March 1901.

B. W. Alberty

Assistant Executive secretary

Cherokee Nation,

The United States of America,
Indian Territory Northern District.

Before the Hon. Dawes Commission, Muskogee, Indian Territory.

Edna Carter Fears being by me first duly sworn

to law

My name is Edna Carter Fears; I am 32 years of age; reside at Rufaula, Indian Territory: I am a sister of Anna M. Butler the wife of M. G. Butler: I was present at the marriage of M. G. Butler and my sister Anna . They were married in Sherman Texas on the 10th. of March 1882 to the best of my recollection. I was present and saw the ceremony performed and know that they have lived together as husband and wife from that time up to the present time.

Edna Carter Fears.

Subscribed and sworn to before me this the 17th. day of March
A. D. 1902.

H. J. [Signature]
Notary Public.

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1911

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 26, 1902.

In the matter of the application of Annie C. Butler for the enrollment of herself as a citizen of the Cherokee Nation.

Applicant represented by M. G. Butler, her husband.
Cherokee Nation represented by W. W. Hastings.

The applicant was notified by registered letter March 1st, 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 20th day of March, 1902. Receipt has been acknowledged of the Commission's letter and the applicant this day appears by M. G. Butler, her husband.

MANNY G. BUTLER, being first duly sworn, testified as follows:

COMMISSION: What is your name? A Manny G. Butler.

Q Where do you reside? A Muskogee, Indian Territory.

Q You are the husband of Annie C. Butler, who is an applicant before the Commission for enrollment as a citizen of the Cherokee Nation?

A Yes, sir.

Q Is there any statement you desire to make relative to her application? A Why, there is no statement that I want to make further than that I went to the Commission to enroll her, and they put her on a doubtful card, and they wanted me to furnish some evidence of her marriage, and I have an affidavit of the only witness to the marriage, and I would like to file that with you.

Q This is an affidavit signed by Mrs. Edna Carter, certifying to the marriage of yourself and your wife. She is residing here in Muskogee? A No, sir, in Eufaula.

Q Well, it is the rule of the Commission not to admit evidence by affidavit, and the affidavit that you present will have to be returned to you. It will be necessary for the witness to be here in person and testify. A She is not able to come, she isn't well, she is sick, and she couldn't be here today.

I. P. BLEDSOE, being first duly sworn, testified as follows:

COMMISSION: What is your name? A I. P. Bledsoe.

Q Where do you live? A Chouteau. 65 years of age.

Q Are you acquainted with Annie C. Butler, the wife of Manny G. Butler? A Yes, sir.

Q How long have you known them? A Since '87.

Q Were they living together at that time as man and wife? A Yes, sir.

Q Have they lived together continuously since then as man and wife, are they living together now? A I don't know right now.

Q Were they living in your vicinity when you first learned to know them? A Yes, sir.

Q How long did they continue to reside there? A I think for about six or eight years.

Q Do you think they always lived together as man and wife; have you any reason to believe that they are not living together at this time? A No, sir.

Q Haven't heard of a separation? A No, sir.

MANNY G. BUTLER, recalled:

MR. HASTINGS: Are you part Creek and part Cherokee? A No, sir, I am a part Cherokee no Creek about it.

Q Did you take an allotment in the Creek Nation? A No, sir, haven't yet.

Q Well, have you been registered in the Creek Nation? A Yes, sir. My father was adopted by the Creeks when he was a boy, and they gave me the right to decide where I should take my allotment; I haven't taken any allotment anywhere yet, but I thought I would take it in the Creek Nation.

Q Well, you haven't made any allotment yet? A No, sir.

Q Well, no selection has been taken by you? A No, sir, I haven't filed.

Q Well, have you applied to be enrolled as a Creek citizen? A Yes, sir.

Q They have enrolled you? A Yes, sir.

MR. HASTINGS: The Cherokee Nation desires to refer to the decree in the case of Will E. Linton, page 544, Book E. of the Dawes Commission records of 1896, where a similar question to the one involved was decided by the United States Court.

COMMISSION: Is there any further statement, Mr. Butler, you desire to make relative to the application of your wife? A No, sir, that is all.

Q You submit the case in her behalf to the Commission for final decision? A Yes, sir.

MR. BUTLER: There was a decree rendered by the Dawes Commission in the case of C. W. Turner, where they decided that although he lived in the Creek Nation and had married a woman that had resided in another nation, and she had elected to take her allotment in the Creek Nation, they decided that they didn't interfere with his taking an allotment in the Cherokee Nation if he saw fit to do so. That is a ruling of the Dawes Commission in that case.

COMMISSION: Manny G. Butler, in behalf of his wife, and the representatives of the Cherokee Nation present submit the case to the Commission for final decision; the same is deemed completed, and will be reported to the Commission for final decision based upon the evidence now of record.

I, Arthur G. Croninger, being duly sworn, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

Arthur G. Croninger

Cherokee D-1156.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., November 18, 1902.

In the matter of the application of Annie C. Butler for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

M. G. Butler, being sworn and examined, testified as follows:

Commission: What is your name? A M. G. Butler.

Q What is your age? A Forty-two.

Q What is your postoffice address? A Muskogee.

Q You are the husband of Annie C. Butler who was an applicant before the Commission as a citizen by intermarriage of the Cherokee Nation?

A Yes sir.

Q Have you filed with the Commission evidence of your marriage to her or proved it by personal testimony? A Yes sir, when they had the office down stairs I introduced testimony.

Q When were you married to her? A In '82.

Q Where were you living at that time? A Living in Eufaula; was married in Sherman, Texas.

Q How long was it after that you moved to the Cherokee Nation? A I moved to the Cherokee Nation in '86.

Q Have you lived in the Indian Territory continuously since '86? A Yes sir, lived here all my life.

Q Has your wife lived here continuously since that time? A Yes sir.

Q You and she never separated since you married? A No sir.

Q Were you living together on the first day of September, 1902? A Yes sir.

Q And always lived in the Indian Territory since your marriage to her? A Yes sir.

There is offered in evidence a certified copy taken from the register of laws and acts of the National Council of the Cherokee Nation showing that M. G. Butler was nominated for the position of Town Commissioner on the 30th of December, 1892, and that his nomination was confirmed by the Senate of the Cherokee Nation on the same date. There is also offered in evidence an affidavit signed by Edna Carter Fears in which she certifies that she was present at the marriage of M. G. Butler and his wife, Annie C. Butler, and that the said Annie C. Butler was her sister. The documents will be filed and considered for what they may be worth.

J. C. Starr: Where has Annie C. Butler been living since your marriage to her? A In the Indian Territory.

Q In what nation? A Cherokee and Creek.

Q How much in the Cherokee Nation? A From '86 to '95.

Q Where has she been living since '95? A In Muskogee.

Q Have you been living in Muskogee with her? 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.

Subscribed and sworn to before me this 5th day of December, 1902.

B. L. Rothberg
Notary Public.

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

Muskogee, I. T., December 13, 1902.

In the matter of the application for the enrollment of
Annie C. Butler, as a citizen by intermarriage of the Cherokee Na-
tion.

S U P P L E M E N T A L S T A T E M E N T

An examination of the Cherokee tribal rolls for Cooweescoo-
wee District, in the possession of this Commission, shows that Manny
G. Butler is identified under the name of M. G. Butler, on the Chero-
kee pay roll of 1886 at page 16, #310, and the Cherokee Census roll
of 1890 at page 26, #583, as a native Cherokee, and on the latter
roll appears also the name of his wife, as Anna Butler, adopted
white, at page 26, #584.

It is directed that copies of this statement be filed and
made a part of the record in the above entitled case.


Commissioner.

Cherokee D-1186.

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

In the matter of the application of Annie C. Butler for enrollment as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on March 27, 1901, Manny C. Butler appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his wife, Annie C. Butler, 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 30, and November 18, 1902.

The evidence shows that Annie C. Butler was married, about 1882, to Manny C. Butler. He is identified on the Cherokee tribal rolls of 1886, 1890 and 1894 as a native Cherokee. Annie C. Butler is identified on the Cherokee roll of 1890 as an adopted white.

The evidence further shows that the said Annie C. Butler has lived with her said husband in Indian Territory continuously since her marriage to him up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that the said Annie C. Butler 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 18, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Wm. Kirby

Acting Chairman.

T. B. Needles

Commissioner.

J. E. Doolinridge

Commissioner.

Done at Muskogee, Indian Territory,

this MAR - 2 1903

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

In the matter of the application of Annie C. Butler
for enrollment as citizens of the Cherokee Nation.

No. **Cherokee D 1156.**
UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT.

SS

AFFIDAVIT TO SHOW
SERVICE.

This day personally appeared before me the undersigned a Notary Public within and for the Northern District of the Indian Territory, ^{Burt Van Leusen} ~~J. C. Starr~~ who being by me first duly sworn on oath states, that his age is ^{thirty-two} ~~thirty-two~~ years and that his postoffice is Vinita, Indian Territory, and that on the 6th day of March 1903 he deposited in the United States postoffice at Vinita, I. T. an envelope containing a true copy of the instrument hereto attached and he hereto attaches the receipt of the postmaster at said postoffice showing that he received said package to be duly registered and mailed to Annie C. Butler whose postoffice is Muskogee Indian Territory,

~~and that the copy of the instrument hereto attached is a true copy of the instrument hereto attached and that the copy of the instrument hereto attached is a true copy of the instrument hereto attached~~

Burt Van Leusen

Subscribed and sworn to before me this 11th day of March 1903.

J. C. Starr
Notary Public.

DEPARTMENT OF THE INTERIOR
 COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of
 Annie C. Butler, 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 Muskogee, Indian Territory, March 23, 1901, application was received by the Commission to the Five Civilized Tribes for the enrollment of Annie C. Butler as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 20, 1902 and November 18, 1902. The records further show that on March 2, 1903, 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, Annie C. Butler, nee Carter, 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 the year 1882 to Manny G. Butler, who has elected to be enrolled as a citizen of the Creek Nation, and whose name is found opposite No. 6215 on the approved partial roll of citizens by blood of the Creek Nation. Said applicant did not, therefore, marry in accordance with Cherokee law, 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 on March 2, 1903, granting the application for the enrollment as Annie C. Butler 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, Annie C. Butler, is not entitled under the provisions of section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495) to enrollment as a citizen by intermarriage of the Cherokee Nation, and her application for enrollment as such is accordingly denied.

Commissioner

Dated at Muskogee, Indian Territory

this _____

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Vinita, I.T., March 5th., 1903.

.....

IN THE MATTER OF THE APPLICATION FOR THE ENROLLMENT
OF ANNIE C. BUTLER AS A CITIZEN OF THE CHEROKEE NATION
BY INTER-MARRIAGE.

.....

Cherokee D-1156

.....

PROTEST OF THE CHEROKEE NATION

.....

The testimony in this case shows that the applicant, Annie C. Butler, is a white woman; and she claims her right to enrollment solely through her marriage to her husband, Mannie G. Butler; and her husband, Mannie G. Butler, testified at Muskogee on March 23d., 1901, that he was forty years of age; that the residence of himself and wife is Muskogee, Creek Nation; that his father was a recognized citizen of the Creek Nation; that he himself had been carried on numerous Creek Rolls, and that he had been admitted by the Dawes Commission in 1896 as a Creek citizen, and although he had not at that time filed upon Creek lands, yet he contemplated doing so, and had been enrolled by the Commission as a citizen of the Creek Nation. The truth is from the testimony, Mannie G. Butler was carried on every Roll the Creeks have ever made. He has always been a citizen of the Creek Nation. He never forfeited his right to be a citizen of the Creek Nation, and although his name was carried on some of the Cherokee Rolls, his name does not appear upon the authenticated Roll of 1890; neither does it show that he was ever admitted to citizenship in the Cherokee Nation, and the Cherokee Nation contends that inasmuch as it was impossible for him to have been a citizen of both the Creek and the Cherokee Nations at one and the same time, and inasmuch as he was always a citizen of the Creek Nation, that he never was a citizen at any time of the Cherokee Nation, and therefore his wife, Annie C. Butler acquired no rights of citizenship in the Cherokee Nation when she married him. When they married, he was in Sherman, Texas, and he was a resident and a citizen of the Creek Nation.

However, this same question was decided by Judge Springer in the Will E. Linton case, who applied to the Commission in 1896 under the Act of June 10th., 1896, for citizenship by inter-marriage in the Cherokee Nation, and his case was appealed

to the United States Court, where Judge Springer held:

"The appeal is affirmed with this modification: If Pauline B. Linton elects to be enrolled as a citizen of the Cherokee Nation, she, her husband and children, will be enrolled as citizens of the Cherokee Nation. If she elects to be enrolled as a citizen of the Creek Nation, she and her children will be enrolled as citizens of the Creek Nation, and her husband will not be enrolled as a citizen of the Creek or Cherokee Nation".

The Linton case was a much stronger one than the one before us, because his wife was admittedly both Creek and Cherokee, and she had been admitted to citizenship in the Cherokee Nation in 1866, but at the same time retained her citizenship in the Creek Nation. But Judge Springer decided that the citizenship of Linton by inter-marriage depended upon the recognition and enrollment of his wife, and that if she were enrolled as a Creek citizen, then Linton was not entitled to be enrolled as a citizen by inter-marriage of the Cherokee Nation.

We submit that that was good reasoning in that case, and we submit that Annie C. Butler is not entitled to be enrolled as a citizen of the Cherokee Nation for two reasons;

First: Because her husband is a recognized and enrolled citizen of the Creek Nation, electing to take his allotment there, and

Second: Because the testimony does not show that Mannie G. Butler was ever a recognized Cherokee citizen, his name not appearing upon the roll of 1860, and he never having been re-admitted to citizenship by the constituted authorities of the Cherokee Nation.

We are very much surprised to find the decision of the Commission, which should always be fair, silent upon the Creek citizenship of Mannie G. Butler, when the testimony is conclusive upon that point. The Commission refers to the fact that the name of the applicant is upon the 1890 Roll, which was never authenticated, but the attention of the Secretary of the Interior is called to the fact that neither of their names is found upon the 1866 Roll, which is the last census Roll made by the Cherokees.

For these reasons, we submit that the applicant should not be enrolled as a citizen by inter-

Cherokee D--1156--Sheet No. 3.

marriage of the Cherokee Nation.

Respectfully submitted,

-----*N. W. Hastings*-----

Attorneys for the Cherokee Nation

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

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1156

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 2, 1902.

Mr. Henry G. Butler,

Muskogee, Indian Territory.

Sir:

You are hereby notified that the application of **Annie G. Butler.**

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

March 20, 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, as you may deem necessary.

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

Yours truly,

Register.

Acting Chairman
~~Commissioner in Charge~~
Commissioner in Charge

10

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MAK I

ACTING CHAIRMAN

107

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

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D-1156

ALLISON L. AYLESWORTH
SECRETARY

Muskogee, Indian Territory, October 9th, 1902.

Annie C. Butler,
Muskogee, Indian Territory.

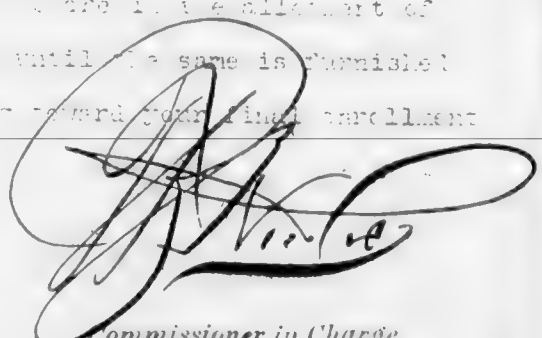
Dear Madam:

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. 341), provides that "the roll of citizens of the Cherokee Nation shall be made on or before September first, nineteen-hundred and two."

In accordance with said provision, you were duly notified by the Commission to the Five Civilized Tribes of its office at Muskogee, Indian Territory, on Friday, October 11, 1902, in duplicate, for the purpose of affording you an opportunity to submit to the Commission, within the time of the initial publication of your name in the Act of July 1, 1902, that of your name as an intermarried citizen 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.

Cherokee D 1156

Vinita, Indian Territory, January 24, 1903.

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

Gentlemen:

As directed in the Commission's letter of January 22,
there is enclosed herewith a copy of a certified copy of a record
of proceedings of the Cherokee National Senate on December 20, 1892.

Respectfully,

Clerk in Charge.

Encl-B-64

GRS

COMMISSIONERS

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

ALLISON I. AYLESWORTH
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1156

Muskogee, Indian Territory, March 2, 1903.

W. W. Hastings,

Attorney for the Cherokee nation,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 2, 1903, granting the application of Manny G. Butler for the enrollment of his wife, Annie C. Butler, 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-8167

Cherokee D-1156
Cherokee R- 545

Vinita, Indian Territory, March 15, 1903.

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

Gentlemen:

As directed in the Commission's letter of March 14, I have the honor to transmit herewith jackets and records in the following applications for enrollment as citizens of the Cherokee Nation:

Cherokee R- 545, Willie H. Davis,
Cherokee D-1156, Annie C. Butler.

Respectfully,

Clerk in Charge.

Encl-S-115

ORS

REFER IN REPLY TO THE FOLLOWING:
Cherokee
D 1156

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 Annie C. Butler as a citizen by intermarriage of the Cherokee Nation.

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

Respectfully,

Commissioner.

Encl.A-97
RA

Waukegoe, Indian Territory, February 23, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Annie G. Butler as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commissioner, dated February 23, 1907, denying said application.

Respectfully,

Commissioner.

Encl. A-98
RA

Through the Commissioner
of Indian Affairs.

Cherokee
D 1156

Muskogee, Indian Territory, February 23, 1907.

Annie C. Butler,
Muskogee, Indian Territory.

Dear Madam:

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 your enrollment 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 opinion. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Encl.A-96
RA
Register.

COPY

Land
20411-1907

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

March 1, 1907.

The Honorable,

The secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Bixby, dated February 23, 1907, relative to the application of Annie C. Butler, for enrollment as an intermarried citizen of the Cherokee Nation, together with the decision of the Commissioner, of February 23, 1907, denying the application.

The Office has examined the record in this case and finds the conclusions of the Commissioner to be correct.

His decision denying the application is recommended for approval.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJW:IM

D.C.13289-1907.

J.P.
W.H.M.

DEPARTMENT OF THE INTERIOR,

L.R.S.

WASHINGTON.

I. T. D.

7042, 7044, 7046, 7052, 7060,
 7074, 7078, 7080, 7082, 7086,
 7092, 7094, 7096, 7108, 7120,
 7146, 7150, 7158, 7164, 7166,
 7168, 7170, 7172, 7188, 7202,
 7204, 7206, 7210, 7212, 7220,
 7242, 7250, 7254, 7264, 7274,
 7276, 7278, 7280, 7284, 7286,
 7290, 7300, 7302, 7304, 7306,
 7308, 7312, 7314, 7346, 7350,
 7352, 7354, 7358, 7360, 7362,
 7384, 7390, 7408, 7420, 7424,
 7426, 7428, 7440, 7482, 7484,
 7502, 7504, 7508, 7510, 7512,
 7516, 7518, 7520, 7522, 7524,
 7528, 7530, 7532, 7534, 7538,
 7540, 7542, 7544, 7562, 7598,
 7606, 7612, 7616, 7622, 7630,
 7754, all 1907.

March 4, 1907.

DIRECT.

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

Sir:

Your decisions in the following Cherokee citizenship cases, adverse to the applicants, are hereby affirmed. Copies of Indian Office letters, submitting your reports and recommending that the decisions be affirmed, are enclosed:

<u>Title of Case.</u>	<u>Date of your letter of transmittal.</u>
John Wesley Freeman (freedman),	February 18, 1907.
Harry N. Curry, et al.,	February 23, 1907.
Stephen Baldrige (freedman),	February 18, 1907.
Thomas Bell (freedman),	February 18, 1907.
Martha J. Burgess (intermarriage),	February 22, 1907.

Moses Carter (freedman),	February 1, 1907.
Hurshel L. Hyde (by blood),	February 21, 1907.
John W. Goss (intermarriage),	February 21, 1907.
William S. Hutchins (intermarriage),	February 25, 1907.
Mattie Mackey (freedman),	February 23, 1907.
William C. Smith (by blood),	February 21, 1907.
Roy Drum (by blood),	February 27, 1907.
Loneta Johnson, et al. (by blood),	February 23, 1907.
Cynthia A. Fields (intermarriage),	February 23, 1907.
Nathaniel Wickliff (freedman),	February 16, 1907.
Herbert K. Hyde (by blood),	February 20, 1907.
Mollie Hurst (intermarriage),	February 23, 1907.
Mollie C. Collins (intermarriage),	February 23, 1907.
Amanda Brackett (intermarriage),	February 23, 1907.
Fatima Keys (intermarriage),	February 23, 1907.
Levi P. Isbell (intermarriage),	February 20, 1907.
Annie C. Butler (intermarriage),	February 23, 1907.
James R. Rivin (intermarriage),	February 14, 1907.
Laura Ross (freedman),	February 23, 1907.
Willie Joanna Lowe, et al. (freedman),	February 23, 1907.
William T. Teagus (by blood),	February 20, 1907.
Theodore Jones (freedman),	February 25, 1907.
Viola M. Finwick (freedman),	February 25, 1907.
Wiley Polston, et al., (freedman),	February 23, 1907.
Fansy Grimmett (freedman),	February 21, 1907.
Alice Harman (intermarriage),	February 23, 1907.
Betty McLaughlin (by blood),	January 17, 1907.
Loran Alfred Lovett (by blood),	February 15, 1907.
Maudie Skaggs (by blood),	February 15, 1907.
Robert Walker (freedman),	February 14, 1907.
Edward B. Frayser (intermarriage),	February 16, 1907.
Daniel Sitsler, et al., (by blood),	February 14, 1907.
Olla May Mitchell (by blood),	February 16, 1907.
Felix F. Witt (intermarriage),	February 19, 1907.
Preston G. Browning (intermarriage),	February 23, 1907.
Harrison Cecil Smith, et al., (by blood),	February 16, 1907.
Lilly Irene True, et al., (by blood),	February 25, 1907.
Alberta Sanders, et al., (freedman),	February 25, 1907.
Samuel Sanders (freedman),	February 21, 1907.
Peggie Bearpaw (by blood),	February 25, 1907.
Lawrence Graves (freedman),	February 25, 1907.
James Beck (freedman),	February 25, 1907.
J. Lillian Pruett, et al. (by blood),	February 23, 1907.
Charles W. Trent (intermarriage),	February 25, 1907.
John Greece (by blood),	February 25, 1907.
Bessie Landrum, et al. (freedmen),	February 25, 1907.
David Monroe Moeze (freedman),	February 25, 1907.
Rosa S. Whitaker (intermarriage),	February 25, 1907.

Rooseburn Wright (freedman),	February 14, 1907.
Lenard King, et al. (by blood),	February 14, 1907.
Robertta Vann (freedman),	February 14, 1907.
Thomas Leroy Loyd (freedman),	February 14, 1907.
Jesse O. Holland, et al. (by blood),	February 22, 1907.
Sarah A. Trout (intermarriage),	February 25, 1907.
J. D. Amsey, et al. (by blood),	February 25, 1907.
Carnlyer Vestel (freedman),	February 25, 1907.
Lizzie H. Langley (intermarriage),	February 25, 1907.
Charles Goldie Hall, et al. (by blood),	February 20, 1907.
Myrtle Adams (freedman),	February 25, 1907.
Annie Screechowl (as citizens), et al.	February 25, 1907.
Ruby Miller (by blood),	February 25, 1907.
Clarence Jones, et al., (freedman),	February 23, 1907.
John H. Ellis (intermarriage),	February 20, 1907.
Leroy Shields (freedman),	February 16, 1907.
Edmond Durant, et al. (freedmen),	February 23, 1907.
Jane Crittenden (intermarriage),	February 20, 1907.
Jesse Bell (freedman),	February 23, 1907.
Elizabeth C. Leach (intermarriage),	February 23, 1907.
Elsie Mabel Barritt (by blood),	February 1, 1907.
Eliza Rolston (intermarriage),	February 7, 1907.
Tom Mayes Vann (freedman),	February 18, 1907.
Willie Lee Hanks, et al. (freedman),	February 18, 1907.
Julia J. Wilkerson (by blood),	February 21, 1907.
Blanch Bane, et al. (by blood),	February 23, 1907.
Martha W. Morgan (intermarriage),	February 21, 1907.
Edker Williams (by blood),	February 21, 1907.
Doc Herron England (by blood),	February 21, 1907.
Mildred Teague (by blood),	February 18, 1907.
Odell Foster (freedman),	February 23, 1907.
Willie Colbert (freedman),	February 21, 1907.
Arthur D. Jackson (by blood),	February 21, 1907.
Eliza J. Huston (intermarriage),	February 25, 1907.
Ottorein Allen (freedman),	February 18, 1907.
Viola Martin (freedman),	February 18, 1907.
Archie Taylor (freedman),	February 18, 1907.
Joseph A. Thompson (intermarriage),	February 23, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) E. A. Hitchcock,
Secretary.

91 enclosures, and
182 enclosures to Ind. Of.,
with copy hereof.

WCF 3/4/07

Cherokee D1156

Muskogee, Indian Territory, March 30, 1907.

Annie C. Butler,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 4, 1907.

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

Respectfully,

E. D. Rodgers
Acting Commissioner.

Encl.H-27
JMH

Cherokee F.N.B.
338

Muskogee, Indian Territory, March 30, 1907

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

Dear Sir:

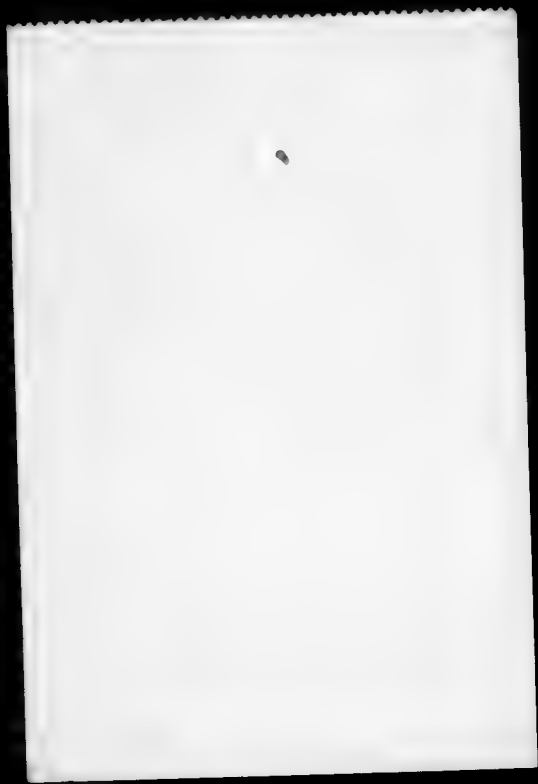
You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes rejecting the application for the enrollment of John Wesley Freeman et al., as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior March 4, 1907.

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

Respectfully,

Incl.P-4-60.
MMP

Acting Commissioner.



Registry Receipt.

Post Office at Vinita I. T. ~~March 11th~~ 1903.

Registered Letter Number 267 Received 3/6 1903

of J. C. Starr, Vinita I. T.

Addressed to

Amos C. Butler
Muskogee I's
Post Office

Post Master, Vinita I. T.

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use, \$300.



Cher D 1157

Cher D 1157

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 25, 1901.

In the matter of the application of Jesse E. Shoemaker for the enrollment of himself and seven children as Cherokees by blood and for his wife as an intermarried Cherokee; being sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A Jesse E. Shoemaker.
Q How old are you? A I am thirty-four, 35 next birthday.
Q What is your post-office address? A Starville.
Q What district do you live in? A Canadian District.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q For whom do you apply for enrollment, who do you want to enroll?
A I want to enroll myself and my family.
Q Well, how much family? A I have got a wife and seven children.
Q What is the name of your wife? A Laura Shoemaker.
Q Is she a citizen by blood? A No sir.
Q When did you marry her? A In 1897.
Q Have you any certificate of marriage? A No sir.
Q What was her name before you married her? A Laura Fletcher.
Q What are the names of your children? A Oscar.
Q Any middle name? A No sir.
Q How old is Oscar? A Oscar is 12 years old.
Q Well, A David Shoemaker, also is 10 years old.
Q And Hugh Shoemaker, eight years old.
Q Next? A Walsie Lee.
Q How old is Walsie Lee? A She is six years old. And Della
is next, she hasn't got no middle name.
Q How old is Della? A She is four years old. And Nina, she
is two years old. An Grace, she was born the 30th day of ----
Q What is she, nine months old? or six months old? A She is
about five months old.
Q Are these children all living with you at this time?
A Yes sir.
Q Is your name upon the 1896 census roll of 1897? A No sir.

Conf: Applicant presents not certificate of admission from the authorities of the Commission on citizenship, dated Cherokee January 30th 1893, signed by Thomas Talton President of the Commission, Alex Wolfe and T. S. Thompson, Counselors, attested by D. J. C. Deason, Clerk of the Commission, and William Loudnot, Executive Secretary, under the seal of the Cherokee Nation, certifying among others, that the Jesse Shoemaker was duly admitted to Cherokee citizenship by said Commission on the 30th day of January 1893.

- Q Are not the identical Jesse Shoemaker mentioned in this certificate that you present? A Yes sir.
Q How long have you lived in the Cherokee Nation? A Lived in the Cherokee Nation, - we came here in 1881.
Q How long living here continuously since 1881? A Yes sir.
Q Laura Fletcher your first wife? A Yes sir.
Q Are you her first husband? A Yes sir.
Q Have you been living with her continuously since you married her? A Yes sir.
Q Is she the mother of the children you now apply for enrollment?
A Yes sir.

1896 Cherokee Census roll examined for applicant, age 66,
#1792, Jesse Shoemaker, Canadian District.
1896 Cherokee census roll examined for wife, page 93, #255,
Laura Shoemaker, Canadian District.
1896 Cherokee census roll examined for children; page 66 #1793
Oscar Shoemaker, Canadian District;

POOR ORIGINAL -
BEST AVAILABLE COPY

1896 roll, page 66 #1794 Haud Shoemaker, Canadian District;
1896 roll, page 66 #1795 Hugh Shoemaker, Canadian District;
1896 roll, page 66 #1796 Walsie Shoemaker, Canadian District;
1896 roll, page 66 #1797 Della Shoemaker, Canadian District;

Q You say you have got no certificate of marriage? A No sir.
Q Have you got any proof of marriage to Laura Fletcher? A No sir, I haven't; I was married at Webbers Falls, and there was only the preacher and his wife present, and the preacher told me he had no certificate blanks, and he said I will lend you one, but he never did; he moved off and I heard since he died; he told me he would tell Irving Horn, he was deputy clerk then, and he would have it recorded, but whether he did I don't know; my father wrote to Tahlequah and he never got no answer about it.
Q You say there was nobody present except the preacher? A Nobody present except the preacher and his wife, at Webbers Falls.
Q Is his wife living? A I don't know; they moved away and I don't know where they went to.

WILLIAM H. SHOEMAKER, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A William H. Shoemaker.
Q What is your age? A Fifty-six.
Q What is your post-office? A Webbers Falls.
Q Do you know Jesso Shoemaker? A Yes sir.
Q Is he your son? A Yes sir. I recognize him as such.
Q You know Laura, his wife? A Yes sir.
Q You know whether they are married or not? A I do not.
Q How long have you known them? A I have known them to live together as man and wife for twelve or thirteen years.
Q Are they recognized by the community in which they live as man and wife? A Yes sir.
Q You didn't see them married? A I did not.

CHARLIE SHOEMAKER, being sworn and examined by Commissioner Needles testified as follows:

Q What is your name? A Charlie Shoemaker.
Q How old are you? A Twenty-six years old.
Q What is your post-office? A Critt's.
Q You know Jesso Shoemaker? A Yes sir.
Q What relation is he to you? A Brother.
Q You know his wife? A Yes sir.
Q What is her name? A Laura.
Q You know whether they were ever married or not? A No sir.
Q You know whether they have lived together as man and wife?
A Yes sir.
Q How long? A Twelve or thirteen years.
Q Recognized in the community in which they live as man and wife?
A Yes sir.
Q Did they ever separate? A No sir.
Q Living together as man and wife now? A Yes sir.

APPELLANT RECALLED, and further examined by Com'r Needles:

Q You been living here continuously since 1881? A Yes sir.

Com'r Hoodless: The name of Jesse E. Shoemaker is found upon the census roll of 1896; he applies for the enrollment of himself, wife and seven children; the name of his wife Laura is found upon the census roll of 1896 as an intermarried citizen; applicant presents satisfactory proof of his being admitted to Cherokee citizenship on the 30th day of January 1893, more particularly described in the testimony; the applicant makes a verbal testimony as to his marriage to Laura Fletcher, but avers that he has no certificate of marriage; the names of their children, Oscar, Maud, Hugh, Walsie L. and Della are found upon the census roll of 1896, and he presents satisfactory proof of birth of the two younger children, Minna and Grace, whose names do not appear upon the census roll of 1896, having been born since said roll was compiled; they are duly identified and make satisfactory proof of residence; NOW comes the Cherokee Nation by its representative, Mr. Bough, and protests against the enrollment of Jesse Shoemaker, averring that his admission was procured by fraud, consequently final judgment as to the enrollment of said Jesse E. Shoemaker and his children as Cherokee citizens by blood and his wife, Laura, as a Cherokee citizen by intermarriage will be suspended, and their names will be placed upon a doubtful card.

F. 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.

F. D. Green

Subscribed and sworn to before me this 26th day of March 1901.

Chas. H. ...

Commissioner.

19115-7

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 29 1901



ACTING CHAIRMAN.

CHEROKEES BY BLOOD AND ADOPTION.

34
 Name Jesse E. Sherman Date March 25 1904
Hamilla
 District Cam Year 1896 Page 46 No. 1792
 Citizen by blood Yes Mother's citizenship.....
 Intermarried citizen No
 Married under what law Date of marriage.....
 License Certificate.....
 7 Wife's name Faura Sherman
 District Cam Year 1896 Page 93 No. 253
 Citizen by blood No Mother's citizenship.....
 Intermarried citizen Yes
 Married under what law Date of marriage.....
 License Certificate.....

Names of Children:

Name	Dist.	Year	Page	No.	Age
1. <u>Jesse Sherman</u>	<u>Cam</u>	<u>1896</u>	<u>11</u>	<u>1793</u>	<u>12</u>
2. <u>Faura Sherman</u>	<u>Cam</u>	<u>1896</u>	<u>93</u>	<u>253</u>	<u>10</u>
3. <u>Walter Sherman</u>	<u>Cam</u>	<u>1896</u>	<u>93</u>	<u>253</u>	<u>8</u>
4. <u>William Sherman</u>	<u>Cam</u>	<u>1896</u>	<u>93</u>	<u>253</u>	<u>1</u>
5. <u>John Sherman</u>	<u>Cam</u>	<u>1896</u>	<u>93</u>	<u>253</u>	<u>4</u>
6. <u>James Sherman</u>	<u>Cam</u>	<u>1896</u>	<u>93</u>	<u>253</u>	<u>2</u>
7. <u>Anna Sherman</u>	<u>Cam</u>	<u>1896</u>	<u>93</u>	<u>253</u>	<u>4 months</u>
8. <u>Elizabeth Sherman</u>	<u>Cam</u>	<u>1896</u>	<u>93</u>	<u>253</u>	<u>1</u>
9. <u>Charles Sherman</u>	<u>Cam</u>	<u>1896</u>	<u>93</u>	<u>253</u>	<u>1</u>

I am the father of the above named children and they are all of Cherokee blood and descent.

Cher-D-1157.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 27, 1902.

In the matter of the application of Jesse E. Shoemake for the enrollment of himself and his children Oscar, Maud, Hugh, Walsie L. Della, Ninna and Grace, as citizens by intermarriage of the Cherokee nation, and for the enrollment of his wife Laura as an intermarried citizen of the Cherokee nation.

Jesse E. Shoemake being first duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A Jesse E. Shoemake.
Q How old are you? A thirty-six.
Q What is your postoffice address? A Starvilla was my postoffice; Starvilla or Gritts, either one.
Q Are you the same Jesse E. Shoemake that made application for enrollment as a citizen by blood in March, 1901? A Yes sir.
Q What is your wife's name? A Laura.
Q Is she a white woman? A Yes.
Q Is she an applicant for enrollment as a citizen by intermarriage?
A Yes sir.
Q When were you and your wife Laura married? A In 1887 I think.
Q Where were you married? A Webbers Falls.
Q Had you ever been married prior to your marriage to your wife Laura?
A No sir.
Q Had she ever been married prior to her marriage to you? A No sir.
Q Have you and your wife Laura lived together continuously from the time of your marriage up to the present time? A Yes sir.
Q Never have been separated? A No sir.
Q Were you and she living together on the 1st day of September, 1902?
A Yes sir.
Q She never was married to any other man but you? A No sir.
Q Has she lived in the Cherokee nation all the time from 1887 up to the present time? A Yes sir.
Q She had never lived outside of the Cherokee nation? A No sir.
Q Have you lived in the Cherokee nation for the same length of time? A Yes.
Q Are these children, Oscar, Maud, Hugh, Walsie L., Della, Ninna and Grace your children by your wife Laura? A Yes sir.
Q Are they all living? A Yes sir.
Q Have they lived all their lives in the Cherokee nation? A Yes sir.

-----o-----

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

Frances R. Lane

Subscribed and sworn to before me this November 4, 1902.

H. Jones
Notary Public.

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

In the matter of the application of JESSE E. SHOEMAKE, for the enrollment of himself, and children, OSCAR, MAUD, HUGH, WALSIE L. DELLA, WINNA, and GRACE SHOEMAKE, as citizens by blood, and for the enrollment of his wife, LAURA SHOEMAKE, as a citizen by intermarriage of the Cherokee Nation.

S U P P L E M E N T A L S T A T E M E N T .

Upon a further examination of the tribal rolls of the Cherokee Nation, the applicants in this case are identified as follows;

1894 Strip Payment Roll.

- No. 1 on page 95, No. 2000, Canadian District, as Jess S. Shoemake.
- No. 3 on page 95, No. 2001, Canadian District.
- No. 4 on page 95, No. 2002, Canadian District.
- No. 5 on page 95, No. 2003, Canadian District.

1883 Pay Roll.

- No. 1, Canadian District, No. 1363, as Jessie Shoemake.


Commissioner.

Tahlequah, Indian Territory,
October 19, 1903.

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

In the matter of the application for the enrollment of Sirena P. Shoemaker et al. as citizens by intermarriage of the Cherokee Nation, consolidating the applications of:-

Sirena P. Shoemaker	Cherokee R 63
Elizabeth Shoemaker	Cherokee R 62
Charles P. Clark	Cherokee D 205
Clara Shoemaker	Cherokee D 279
Nancy Shoemaker	Cherokee D 1071
William A. Hensley	Cherokee D 1092
Laura Shoemaker	Cherokee D 1157
Annie Shoemaker	Cherokee D 1158
Mollie P. Shoemaker	Cherokee D 1159

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as citizens by intermarriage of the Cherokee Nation were made to the Commission to the Five Civilized Tribes for Sirena P. Shoemaker, Elizabeth Shoemaker, Charles P. Clark, Clara Shoemaker, Nancy Shoemaker, William A. Hensley, Laura Shoemaker, Annie Shoemaker and Mollie P. Shoemaker.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Sirena P. Shoemaker, was married in 1865, to William H. Shoemaker, who was not at the time of said marriage a citizen of the Cherokee Nation, and did not become such until the date of his admission to citizenship in said Nation in 1883; that the said Elizabeth Shoemaker was married about the year 1870 to James H. Shoemaker, who was not at that time a citizen of the Cherokee Nation; and who did not become such until his admission to Cherokee citizenship in 1883; that the said Charles P. Clark was married in the year 1869 or 1869 to one Sophia Sheraff, a citizen by blood of the Cherokee Nation; that the said Clara Shoemaker married, in the year 1890, one James Shoemaker, a citizen by blood of the Cherokee Nation; that the said Nancy Shoemaker married, in the year 1887, one Harmon A. Shoemaker, a citizen by blood of the Cherokee Nation; that the said William A. Hensley married, in the year 1896, one Mimmie Shoemaker, a citizen by blood of the Cherokee Nation; that the said Laura Shoemaker, in the year 1887, married one Jesse H. Shoemaker, a citizen by blood of the Cherokee Nation; that the said Annie Shoemaker married, in the year 1893, one Charles Franklin Shoemaker, a citizen by blood of the Cherokee

Nation; that the said Nellie P. Shoemaker was married in the year 1891 to one Richard W. Shoemaker, a citizen by blood of the Cherokee Nation. The evidence further shows that all of the applicants herein are white persons, and neither claim nor possess any right to enrollment as citizens of the Cherokee Nation except by virtue of said marriages. None of said applicants can be identified on the Cherokee authenticated tribal roll of 1880.

In view of the foregoing it is considered that none of the applicants herein were married in accordance with Cherokee law to recognized citizens by blood of the Cherokee Nation prior to November 1, 1875.

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 case of Daniel Red Bird et al vs the United States, Nos. 125, 126, 127 and 128, appealed from the Court of Claims, Sirena P. Shoemaker, Elizabeth Shoemaker, Charles P. Clark, Clara Shoemaker, Nancy Shoemaker, William A. Hensley, Laura Shoemaker, Annie Shoemaker and Nellie P. Shoemaker are not entitled to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

(Signed) Tamm Sixby.

Commissioner.

Dated at Muskogee, Indian Territory,
this January 10, 1907.

Refer in reply to the following:

Land 78202-1903.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS

WASHINGTON, Jan'y 19, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith for the consideration of the Department the record of the proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application of William H. Shoemaker, for the enrollment of himself and his minor children Lula B. and Mary K. Shoemaker, as citizens by blood, and for the enrollment of his wife Sirena P. Shoemaker, as a citizen by intermarriage; of John W. Shoemaker, for the enrollment of himself and his minor children Calvin B., Luda G., Claude, Maude, Maggie M., and Effie Shoemaker, as citizens by blood, and for the enrollment of his wife, Elizabeth Shoemaker, as a citizen by intermarriage; of William M. Shoemaker for the enrollment of himself and his minor children Georgia A. and Clara Shoemaker, as citizens by blood; of Charles P. Clark, for the enrollment of himself as a citizen by intermarriage, and for his wife Mattie B. Clark, and his minor child, Bessie M. Clark, as citizens by blood; of James Shoemaker for the enrollment of himself and his minor children, John W., William A., and Grace L., Shoemaker, as citizens by blood, and for his wife Clara Shoemaker, as a citizen by intermarriage; of Tillman A. Collins, for the enrollment of his minor

son, Thomas E. Collins, as a citizen by blood; of Lemuel Garrett, for the enrollment of his wife, Mary J. Garrett, and his two minor children, Gracie D., and Ellis E. Garrett, as citizens by blood; of William L. Gollins for the enrollment of himself as a citizen by blood; of Harmon A. Shoemaker, for the enrollment of himself and his minor children, Rose Anna, James W., Noah H., Mattie M., Roxie L., and Ella Shoemaker, as citizens by blood, and for the enrollment of his wife, Nancy Shoemaker, as a citizen by intermarriage; of William A. Hensley, for the enrollment of his wife, Minnie M. Hensley, and his minor children, William W., and Angie M. Hensley, as citizens by blood, and for the enrollment of himself as a citizen by intermarriage; of Jesse E. Shoemaker, for the enrollment of himself and his minor children, Oscar, Maud, Hugh, Walsie L., Della, Minna and Grace Shoemaker, as citizens by blood, and for the enrollment of his wife, Laura Shoemaker as a citizen by intermarriage; of Charles T. Shoemaker, for the enrollment of himself and his minor children, Minnie M., Bobbie, Walter and Cherokee C. Shoemaker, as citizens by blood, and for the enrollment of his wife, Annie Shoemaker, as a citizen by intermarriage; of Richard W. Shoemaker, for himself and his minor children, Ada and Ira Shoemaker, as citizens by blood, and for the enrollment of his wife, Mollie F. Shoemaker, by intermarriage; of Thomas H. Shoemaker, for the enrollment of himself as a citizen by blood; of Christopher C. Branum, for the enrollment of his wife, Rhoda M. Branum, as a citizen by blood; of

Hugh A. Shoemaker, for the enrollment of himself among others as a citizen by blood; of Verda A. Young, for the enrollment of her minor child, Alta M. Shoemaker, as a citizen by blood; and of William M. Shoemaker, for the enrollment of Joseph W. King, as a citizen by blood; all of the Cherokee Nation.

On November 16, 1903, the Commission rendered a decision in this case in which it is set out that the status of the claimants to the right to enrollment as Cherokee citizens by intermarriage is not fixed at this time, and therefore the applicants, Sirena P. Shoemaker, as wife of William H. Shoemaker, Elizabeth Shoemaker, as wife of John W. Shoemaker, Charles P. Clark, as the husband of Mattie B. Clark, Clara Shoemaker, as the wife of James Shoemaker, Nancy Shoemaker, as the wife of Harmon A. Shoemaker, William A. Henaley, as the husband of Minnie M. Henaley; Laura Shoemaker, as the wife of Jesse E. Shoemaker, Annie Shoemaker, as the wife of Charles B. Shoemaker, and Mollie F. Shoemaker, as the wife of Richard P. Shoemaker, are not embraced in this decision.

It is further stated by the commission in said decision that subsequent to the date of the original application of William M. Shoemaker, an affidavit was filed showing the birth of his minor child, Pigeon Shoemaker, and that the same is made a part of the record herein, that in the application of Charles P. Clark, for the enrollment of himself among others, the other parties except his wife Mattie P. Clark, and his minor child Bessie B. Clark, are differently classed and are not

embraced in this decision, that subsequent to the date of the original application of Charles P. Clark an affidavit was filed showing the birth of his minor child Susie Clark, and the same is made a part of the record; that subsequent to the application filed by James Shoemaker, et. al., an affidavit was filed showing the birth of James W. Shoemaker, a fourth child of the applicant, and the same is made a part of the record, that subsequent to the date of the original application of Lemuel Garrett, et. al., an affidavit was filed showing the birth of Tillmon E. J. Garrentt, a third child of the applicant, the same being made a part of the record herein; that subsequent to the date of the original application of Wm A. Hensley, an affidavit was filed showing the birth of Della G. Hensley, a third child of the applicant, the same being made a part of the record; that subsequent to the date of the original application of Charles F. Shoemaker, an affidavit was filed showing the birth of Mary I. Shoemaker, a fifth child of the applicant, the same being made a part of the record. The decision further states that the other parties to the application of Hugh A. Shoemaker are differently classed and are not embraced in said decision.

The Commission finds from the evidence submitted in this case that the applicants William E. Shoemaker and John F. Shoemaker were admitted to citizenship in the Cherokee Nation on January 25, 1883, by a duly constituted Cherokee commission on citizenship known as the Teehee Commission; that the applicants Lula B. Shoemaker Mary E. Shoemaker, Calvin H. Shoemaker, William E. Shoemaker, Mattie

N. Clark (nee Shoemaker), James Shoemaker, Harson A. Shoemaker, Minnie N. Hekley (nee Shoemaker) Jesse E. Shoemaker, Charles F. Shoemaker, Richard W. Shoemaker, Thomas S. Shoemaker, Rhoda M. Brunum (nee Shoemaker) and Hugh A. Shoemaker, were admitted to Cherokee citizenship by said Commission on January 30, 1883; and that Thomas E. Collins, Mary J. Garrett and William L. Collins, were admitted to Cherokee citizenship by said Commission on September 11, 1883; that all the other applicants embraced in said decision were born since 1883 and are the respective descendants of the persons admitted to citizenship as aforesaid.

The Commission then holds that under the ruling announced by the Department in the case of Martha J. Hill, et. al., (I.T.D. 3686-1903), said descendants being residents of the Cherokee Nation, are considered to have acquired the status of their said ancestors.

The Commission then goes into the evidence in this case at some length, and discusses the question of the validity of judgments of duly constituted Cherokee authorities and especially of the Teehee Commission wherein parties are admitted to citizenship in the Cherokee Nation. The charge that the Teehee judgment of January 25, 1883, admitting the said William H. and John W. Shoemaker, was a fraudulent judgment, is then discussed by the Commission in its said decision, and they say relative thereto that "After a careful consideration of all the evidence herein this Commission is of the opinion that the same fails to show that the judgment of the Teehee Commission returned January 25, 1883, is fraudulent, and therefore said judgment, together with the judg-

ments of the same Commission rendered January 30, 1883, and September 11, 1883, must be accepted as the valid and final judgments of a Cherokee tribunal of competent jurisdiction."

Said Commission further recites the fact that the applicants' names are on certain rolls of the Cherokee Nation, and that all of the applicants, except those who are too young to appear on any of the tribal rolls, are identified on the 1896 census roll. The Commission further finds from the evidence that all of the applicants who were admitted to citizenship in the Cherokee Nation, have resided in said Nation since their admission in 1883, that all the other applicants who were not so admitted are descendants of such admitted persons born since 1883, and are considered to have resided in said Nation all their lives; that the evidence further shows that the said Mattie B. Clark died August 26, 1902, and that Section 25 of the Act of Congress approved July 1, 1902, (32Stats., 716), provides as follows:

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

By reason of the foregoing facts and findings the Commission is of the opinion that the said William W. Shoemaker, Lula F. Shoemaker, Mary E. Shoemaker, John W. Shoemaker, Calvin B. Shoemaker, Luda C. Shoemaker, Claude Shoemaker, Maud Shoemaker, Maggie M. Shoemaker, Effie Shoemaker, William M. Shoemaker, Georgia A. Shoemaker, Chen Shoemaker, Pigeon Shoemaker, Bessie E. Clark, Susie Clark, James Shoemaker, John W. Shoemaker, (son of James Shoemaker)?

William A. Shoemaker, Grace L. Shoemaker, James H. Shoemake, Thomas B. Collins, Mary J. Garrett, Gracie D. Garratt, Ellis E. Harrett, Tillmon N. J. Garrett, William L. Collins, Harmon A. Shoemaker, Rose Anna Shoemaker, James W. Shoemaker, Noah H. Shoemaker, Mattie M. Shoemaker, REXIE L. Shoemaker, Ella Shoemaker, Minnie M. Hensley, William W. Hensley, Angeline Hensley, Della G. Hensley, Jesse E. Shoemaker, Oscar Shoemaker, Maud Shoemaker, Hugh Shoemaker, Walsie L. Shoemaker, Della Shoemaker, Minna Shoemaker, Grace Shoemaker, Charles F. Shoemaker, Minnie W. Shoemaker, Bobbie Shoemaker, Walter Shoemaker, Cherokee C. Shoemaker, Mary I. Shoemaker, Richard W. Shoemaker, Ada Shoemaker, Ira Shoemaker, Thomas W. Shoemaker, Rhoda M. Branum, Hugh A. Shoemaker, Alta L. Shoemaker, and Joseph W. King, 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 29, 1898, (30 Stats., 495), and that the application for the enrollment of Mattie B. Clark as a citizen by blood of the Cherokee Nation, should be dismissed.

Attached to said decision of the Commission is a protest by the Cherokee Nation against said decision of the Commission and requesting that the same be forwarded to the Secretary of the Interior for review together with the record and briefs filed by the Cherokee Nation, dated respectively June 5, and June 5, 1902. In this protest the Cherokee Nation says it has heretofore in the briefs above referred to, stated its views with reference to the enrollment of these people, both as to

these applicants and the law which should govern them with reference to their right to enrollment, and it does not think it necessary to file an additional brief, but calls the attention of the Department to the findings of the commission wherein it is argued that some subsequent admissions were made by other courts or commissions; that the brief in this case shows that no other testimony was ever introduced before the Cherokee Commission after the alleged fraudulent admission of William H. Shoemaker in January 1883, and that proof of relationship to him was all that was ever afterwards submitted, and the Nation contends that if he and his family were fraudulently admitted, that the other admissions, being based upon his, were also fraudulent.

Said protest further declares that it is not believed that Congress intended that any technical construction should be placed upon the word "fraud" as used in the act of June 28, 1898 and that the widest latitude should be given in the investigation of alleged fraudulent citizenship cases. The Attorney for the Nation in said protest further states that D. W. C. Duncan was the educated clerk of the court, and that the court was composed of two full blood Indians now dead; that they are not here to testify and if living, in the very nature of things, it would indeed be difficult to more directly prove fraud in this or in any other case; and said protest concludes by holding that these applicants are not Cherokee Indians, but they are frauds, and have no equities whatever, and that they ought not to be enrolled as citizens of the Cherokee Nation.

I have examined said briefs filed by the Cherokee Nation, and the one filed on July 5, 1902, begins by taking up the original application of William H. Shoemaker and his brother, John W. Shoemaker, filed with the Commission on citizenship, September 10, 1880. It is shown that the application was continued until the January term, 1881, by the plaintiff, when it was again continued by him until the September term 1881; that on September 24, 1881, the case was withdrawn; that the application was refiled on the 4th day of January 1882, continued to the September term of that year by the Commission, and was again continued to the January term 1883, and that on January 25, 1883, the Nation claims that a judgment was entered admitting the applicants to citizenship and that the same was fraudulent. The basis for this claim of a fraudulent judgment seems to be upon the ground that there was a judgment entered rejecting the applicants, and that part of the judgment was erased and rewritten, admitting the applicants to citizenship in the Cherokee Nation, and it is contended in said brief that the same is in the handwriting of the clerk of the court. The brief then sets out that there was introduced by the Cherokee Nation a motion to reconsider, which motion it is contended discloses the fact that the applicants were rejected. It is now alleged that this motion to reconsider is signed by S. H. Benge and T. W. Taylor, attorneys for claimants, but that it is in the handwriting of the clerk of the court, and that S. H. Benge denies that he was ever an attorney for the claimants, or

that he ever had any knowledge of any such motion having been written, or that he ever authorized his signature to the same.

The brief then goes into the matter of the testimony as submitted to the said Teehee Commission, and undertakes to show that the evidence was not sufficient to sustain the claim of the applicants. It does not deem it necessary to go through this long brief and take up the different reasons therein attempting to show that this judgment of the Teehee Commission was fraudulent. The question of vital importance is -- Has the Cherokee Nation submitted sufficient proof to show that the entry of this judgment was a fraudulent act of the clerk? I do not consider that the Nation has so shown, and I do not consider, under all the circumstances connected with this transaction, that the Cherokee Nation now has a right to complain or to attempt to defeat the enrollment of these parties on the ground of a fraudulent admission of the principal applicants.

The record shows, on page 16 of the record of the "Supplemental testimony and proceedings in the matter of the application of William H. Shoemaker, for the enrollment of himself and children as citizens of the Cherokee Nation," the following:

Office Commission,
on Citizenship,
Tahlequah, C.N.

Hon. W. W. Bushyhead,
Principal Chief, C.N.

Dear Sir:

In the case of W. C. Shoemaker, et. al., and J. D. Shoemaker, et. al., versus the Cherokee Nation, petitions for citizenship in the Cherokee Nation. W. C. Shoemaker claims to be the son of the W. W. Shoemaker, who was admitted to the rights of citizenship in the Cherokee Nation by the Thomas Teehee Commission on the 25 day of January 1863. And J. D. Shoemaker et. al., who claims to be the son of Betsy Ann Shoemaker, who was

full sister to J. . Shoemake and W. H. Shoemake, who were admitted to citizenship in the Cherokee Nation, by the Thomas Teehee Commission on the 25 day of January 1863. The Commission after a careful examination of the evidence in the said case of W. C. Shoemake and J. D. Shoemake, decided that inasmuch as the docket and records of the said Thomas Teehee Commission shows that said J. . Shoemake and W. H. Shoemake were admitted to all the rights, privileges and immunities as other native born Cherokees within the limits of the Cherokee Nation on the 25 day of January 1863. The Commission finding the above mentioned cases upon the said records of the said Teehee Court or Commission as above stated, could not legally decide to reject the said case of W. C. Shoemake et. al., and J. D. Shoemake, et. al.

But at the same time, believing that said W. C. Shoemake, et. al., and J. D. Shoemake, et. al., are not Cherokees by blood, and that the said J. . and . . Shoemake, whose respective cases were decided by the Thomas Teehee Commission on the date above mentioned, was a fraud committed upon the Nation by the said parties, we would therefore act, and recommend, that the said cases of J. D. & . . Shoemake, be reinvestigated by the National Council, believing that the said . . Shoemake obtained their rights through fraud. We would also refer the case of W. C. Shoemake, et. al., and J. . Shoemake, et. al., to the National Council.

(All Yours, President.
 Andrew Young, Sec.
 J. ., Sec.)

At

This is the

It appears from the records that the matter of the admission of the said Shoemake, by the Teehee Commission, was taken up of fraud brought against the proceedings by which they were admitted. It further appears that the citizenship court then in existence held that it had no power to set aside the judgment admitting them, but took the proper action in bringing the matter to the attention of the Principal Chief and suggested that the Shoemake cases be brought to the attention of the National Council, which Council

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could assume jurisdiction and by means of legislation annul the judgment of the citizenship court; but the record does not show that the National Council ever did anything relative to the matter submitted to the Principal Chief, nor does it show that the Principal Chief called the attention of the National Council to the alleged fraud as he was requested to do by the members of the Citizenship Commission.

If there was fraud in this case, the Nation was fully advised thereof almost twenty years ago, and yet it never took any action looking to expunging its record of what it claimed to be a fraudulent judgment as to citizenship; but instead it permitted the names of William H. and John W. Shoemaker, together with the members of their family, to go upon the 1883 payroll and on the 1894 strip payment roll of the Cherokee Nation, and they have been exercising all the rights of Cherokee citizenship ever since the date of their said admission by the Teehee Commission.

In its brief filed July 25, 1902, the attorneys for the Nation set out verbal citations as to fraud, and it is a well known principle as stated therein, that fraud vitiates everything. But it is also a well known legal principle that as soon as the fraud is discovered the party defrauded is expected to take action within a reasonable time to have the fraudulent transaction set aside; and that unless the party defrauded does take such action within a reasonable time, or at least within

the time fixed by the Statute of Limitations, he must abide by the consequences of the fraud and can not have the transaction set aside. I know of no Statute of Limitation in force in the Cherokee Nation in 1863 relative to fraud., but I do not consider the fact that there is no such Statute gives the party complaining of the fraud the right to delay action to have it set aside for an indefinite period, and the Cherokee Nation in this instance has certainly been guilty of gross laches, for it was advised of fraud in this matter very soon after the judgment was entered.

It is not to be inferred from this that I consider that even though fraud might be established, the Nation in equity is now barred from attempting to establish it. By reason of the fact then that I do not consider that the Nation has been able to prove that the judgment of the Teehee Commission admitting the principal applicants to citizenship in the Cherokee Nation, and as a consequence making it possible for the admission of all of the other applicants, was fraudulent, and for the further reason that I do not consider that the protest of the Nation on the ground of fraud should be entertained by reason of the lapse of time and neglect of the Nation. I am of

the opinion that the decision of the Commission to the Five Civilized Tribes is in accordance with the established facts and the law, and I therefore recommend that it be approved by the Department.

Very respectfully,

Respectfully,

W.C.

I.T.D.
512-1904.

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

DEPARTMENT OF THE INTERIOR.

Office of the Assistant Attorney-General.,

Washington, May 27, 1904 .

The Secretary of the Interior.

Sir:

I am in receipt, by reference of April 21, 1904, with request for opinion thereon, of the record of the Commission to the Five Civilized Tribes upon the application of William H. Shoemaker and others to be enrolled as citizens of the Cherokee Nation.

The applicants based their right upon the adjudication of the Cherokee Commission on citizenship, rendered January 25, 1883, admitting W. H. Shoemaker and John W. Shoemaker to citizenship by reason of Cherokee blood. The Cherokee Nation resisted and protested against the admission of the applicants upon the grounds that the judgment was fraudulently obtained by false and insufficient evidence and bribery, and further that the judgment itself was by reason of an erasure upon the record not entitled to credit. The Commission found and adjudged that the applicants, whose names are set out in the record, should be enrolled. The Cherokee Nation insists upon its protest, and in its brief argues three questions:

- First. Were the members of the Shoemaker family Cherokees?
- Second. Were improper and fraudulent means used by them to

obtain favorable decision in their behalf from the citizenship court?

Third. Was the record introduced, in fact, a judgment of the Tehee court at all, or was it not a judgment of the Clerk of that court, obtained by fraudulently erasing the adverse judgment previously rendered against the Shoemaker family?

The first of these questions, for reasons given by me at length in my opinion of February 18, 1904, in case of the Dawson family, I .T.D. 7442, 1903, is foreclosed by the judgment of the citizenship court, if that is valid. The present case, however, is somewhat stronger, in that the attention of the National council was called to the proceeding by the Speer's Commission, successor of the Tehee Commission, September 27, 1884, and action for its investigation and annulment was advised. The council took no action in the matter, and thenceforward the Shoemaker family were recognized by the nation, its members were chosen to fill national offices, one serving as circuit judge for the Canadian district, and its members continually resided in the nation, acquired property, reared families, built houses, and have co-operated for more than twenty years in the national development.

It is unnecessary here to repeat the reasons before given. If there was a judgment rendered, for the reasons then given I am of the opinion that such judgment so long recognized and respected set the question of Cherokee blood at rest beyond further controversy.

The judgment of the Cherokee Commission on Citizenship, as it appears in the record of that tribunal, was that:

And now on this the 26th day of January, A. D. 1883, this case coming on for final hearing, and all the evidence introduced in the case on both sides being carefully read and duly considered by the Commission on Citizenship, it was adjudged and determined by said Commission on Citizenship that the above named J. H. Shoemaker and John W. Shoemaker are Cherokees by blood, and that they are therefore 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.

D. C. W. Duncan,
Clerk of Commission.

Thos. Tehee, Pres. Of Com-
Alex. Wolf,) Adminis-
I. F. Thompson,) sioners.

The words above underscored are written upon an erasure. They, together with all the signatures of the commission, are in the handwriting of the clerk, D.C.W. Duncan, whose duty it was to record the proceedings. This fact alone would go far to relieve the erasure from the suspicion, or discredit, that attaches to records and documents showing manifest erasure or alteration, for the presumption arises that the clerk, like any other officer, has done his duty. But the judgment showing this erasure does not depend for credit upon the presumption alone. Thompson, one of the commission, Duncan, the clerk, have both testified respecting it, as also has Wilson Sanders, then solicitor for the Cherokee Nation. Judge Thompson, upon examination of the record as it exists, testified, among other things, answering interrogatories, as follows:

- Q. Does that properly represent the action of the Commission? A. Yes, sir.
- Q. Is that a proper and legal judgment? A. Yes, sir.
- Q. Was it rendered, was it tried legally, on legal evidence, before you, and without any improper motive? A. I think so.
- Q. Was this a proper judgment of the Commission? A. Yes, sir.
- + -+ + + + -+ + + -+ + + -+
- Q. You have some recollection of what was involved in the case? A. Yes, sir.
- Q. Does this judgment as it stands now, represent the judgment as found by the Commission? A. Yes, sir, I think so.
- Q. The final judgment? A. Yes, sir.
- Q. Do you remember that they were admitted to citizenship? A. Yes, sir, that has always been my belief.
- Q. You know? A. Yes, sir.

As to the signatures of the commissioners the testimony shows that Judges Tehee and Wolf, now dead, were unable to write their names, and usually directed the clerk to write them. Judge Thompson could write, and examining the record of the commission indicated as his own signatures upon pages 54, 62, 76, 92, 93, and as not his own signatures at pages 58, 63, 67, 70, 75, 78, 91, 92, and further says that he thinks they were written by his authority.

Duncan testifies that the record as now standing truly speaks the action of the Commission, while his recollection of the circumstances does not enable him satisfactorily to explain the erasure. Wilson Sanders before the Cherokee Citizenship Commission, September 29, 1884, testified that he was solicitor of the Cherokee Citizenship Commission when W. H. Shoemaker and John W. Shoemaker were admitted to citizenship; that the commission--

just said that they were going to reconsider the case again....
It was on the 25th day of January that the case was decided. ..
It was about two weeks or so after the claimants were re-
jected when their case was reconsidered and they were admitted.

The verity of the record is thus affirmatively proved by
one of the judges who rendered it, the clerk who recorded it, and
the attorney of the nation acting for it at the time.

I am therefore of opinion that the action of the Commission
to the Five Civilized Tribes should be approved and the applicants
be enrolled as citizens of the Cherokee Nation.

Very respectfully,

Frank L. Campbell,
Assistant Attorney-General.

Approved: May 27, 1904.

Thos. Ryan,
Acting Secretary.

Cherokee D 1157

Maskogee, Indian Territory, June 14, 1904.

Jesse E. Shoemake,

Gritts, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated November 16, 1903, granting, among others, your application for the enrollment of yourself and your minor children, Oscar, Maud, Hugh, Walsie L., Della, Minna and Grace Shoemake, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 3, 1904.

Respectfully,

Chairman.

Cherokee D 123
et al

Muskogee, Indian Territory, June 14, 1904.

Thomas H. Owen,

Attorney for William H. Shoemaker, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated November 16, 1903, granting the applications for the enrollment of William H., Lula B., Mary E., John W., Calvin B., Luda G., Claude, Maud, Maggie E., Effie, William M., Georgia A., Clem, Pigeon, James, John W., William A., Grace L., James E., Harmon A., Rose Anna, James W., Noah E., Mattie M., Rexie L., Ella, Jesse E., Oscar, Maud, Hugh, Falsie L., Della, Minna, Grace, Charles F., Minnie M., Robbie, Walter, Cherokee S., Mary I., Richard W., Ada, Ira, Thomas H., Hugh A., and Alta K. Shoemaker, Bessie E. and Susie Clark, Thomas E. and William L. Collins, Mary J., Gracie D., Ellis E. and Tilmon E. J. Garrett, Minnie M., William W., Angie E. and Della G. Hensley, Rhoda M. Branam, and Joseph W. King, and dismissing the application for the enrollment of Mattie E. Clark, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 3, 1904.

Respectfully,

Chairman.

Cherokee D 183
et al

Muskogee, Indian Territory, June 14, 1904.

Thomas & Harrison,

Attorneys for William H. Shoemaker, et al.,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated November 16, 1903, granting the applications for the enrollment of William H., Lula B., Mary E., John W., Calvin K., Luda G., Claude, Waud, Maggie M., Effie, William M., Georgia A., Glen, Pigeon, James, John E., William A., Grace L., James M., Harmon A., Rose Anna, James W., Noah W., Mattie M., Rexie L., Ella, Jesse E., Oscar, Waud, Hugh, Walsie L., Della, Minna, Grace, Charles F., Minnie M., Nobbia, Walter, Cherokee G., Mary I., Richard W., Ada, Ira, Thomas K., Hugh A., and Alta M. Shoemaker, Essie E. and Essie Clark, Thomas E. and William L. Collins, Mary J., Gracie D., Ellis E. and Tilmon H. J. Garrett, Minnie M., William W., Angie M. and Della S. Mansley, Rhoda K. Branch, and Joseph W. King, and dismissing the application for the enrollment of Mattie M. Clark, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 3, 1904.

Respectfully,

Chairman.

POOR ORIGINAL -
BEST AVAILABLE COPY

Cherokee D 123
et al

Muskegee, Indian Territory, June 14, 1904.

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

Dear Sir:

You are hereby advised that the Commission's decision dated November 16, 1903, granting the applications for the enrollment of William H., Lula B., Mary E., John W., Calvin B., Luda G., Claude, Maud, Maggie M., Effie, William M., Georgia A., Clem, Pigeon, James, John W., William A., Grace L., James H., Harmon A., Rose Anna, James W., Noah H., Mattie M., Haxie L., Ella, Jesse K., Oscar, Maud, Hugh, Walsie L., Della, Minna, Grace, Charles P., Minnie M., Bobbie, Walter, Cherokee G., Mary I., Richard W., Ada, Ira, Thomas H., Hugh A., and Alta M. Shoemake, Bessie E. and Susie Clark, Thomas E. and William L. Collins, Mary J., Gracie D., Ellis E. and Tilmon N. J. Garrett, Minnie M., William W., Angie M. and Della G. Hensley, Rhoda M. Branum, and Joseph W. King, and dismissing the application for the enrollment of Mattie B. Clark, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 3, 1904.

Respectfully,

Chairman.

Cherokee
D 1157.

Muskogee, Indian Territory, January 10, 1907.

Laura Shoemake,
Gritts, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the five Civilized Tribes, dated January 10, 1907, denying, among others, your application for enrollment as a citizen by intermarriage of the Cherokee Nation. Your attorneys have heretofore been furnished copies of the record of proceedings had in your case and there has this day been forwarded them copies of the Commissioner's decision.

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

Respectfully,

Encl.HJ-57.
HJC

Commissioner.

Cherokee R.
63 et al.

Muskogee, Indian Territory, January 10, 1907.

Thomas & Harrison,

Attorneys for Sirena P. Shoemaker, et al.,

Muskogee, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, denying the application for the enrollment of Sirena P. Shoemaker, et al., as citizens by intermarriage of the Cherokee Nation. You have heretofore been furnished a copy of the record of proceedings had in this case.

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

respectfully,

Encl. HJ-71.
HJC

Commissioner.

Cherokee R
63 et al.

Muskogee, Indian Territory, January 10, 1907.

Thomas H. Owen,

Attorney for Sirena P. Shoemaker, et al.,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, denying the application for the enrollment of Sirena P. Shoemaker, et al., as citizens by intermarriage of the Cherokee Nation. You have heretofore been furnished a copy of the record of proceedings had in this case.

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

Respectfully,

Encl. HJ-7
HJC

Commissioner.

Cherokee R.
63 et al.

Muskogee, Indian Territory, January 10, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation.

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 1, 1907, denying the application for the enrollment of Sirena P. Shoemaker, et al., as citizens 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 the same.

Respectfully,

Encl. HJ-90.
HJC

Commissioner.

Muskogee, Indian Territory, January 10, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of December 1, 1906 (I.T.D.512-1904), there is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Sirena P. Shoemaker, et al., for enrollment as citizens by intermarriage of the Cherokee Nation, together with the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, denying the applications for the enrollment of Sirena P. and Elizabeth Shoemaker, Charles P. Clark, Clara, Nancy, Laura Annie and Mollie P. Shoemaker, and William A. Hensley as citizens by intermarriage of the Cherokee Nation.

Respectfully,

Through the Commissioner
of Indian Affairs.

Encl. HJ-60.
HJC

Commissioner.

(Copy)

Land
4433-1907

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

February 15, 1907.

The Honorable,
The Secretary of the Interior.

Sir:

Referring to Department letter of December 1, 1906, I.T.D. 512-1904, there is enclosed a report from the Commissioner to the Five Civilized Tribes, dated January 10, 1907, transmitting the record relative to the application of Sirena P. Shoemaker et al., for enrollment as citizens by intermarriage of the Cherokee Nation. The parties to the case are Sirena P. and Elizabeth Shoemaker, Charles P. Clark, Clara, Nangy, Laura, Annie and Mollie F. Shoemaker and William A. Hensley, all of whom apply for enrollment as citizens by intermarriage.

The record in the case shows that Sirena P. Shoemaker was married in 1865 to William H. Shoemaker, who was not at that time a citizen of the Cherokee Nation but was admitted to citizenship therein in 1883; that Elizabeth Shoemaker was married about 1870 to James H. Shoemaker, who was not then a citizen but was admitted in 1883; that Charles P. Clark was married in 1888 or 1889 to Sophia Sheraff, a citizen by blood that Clara Shoemaker was married in 1890 to James Shoemaker, a

citizen by blood; that Nancy Shoemake was married in 1887 to Harmon A. Shoemake, a citizen by blood; that William A. Hensley was married in 1895 to Minnie Shoemake, a citizen by blood; that Laura Shoemake was married in 1887 to Jesse E. Shoemake, a citizen by blood; that Annie Shoemake was married in 1893 to Charles Franklin Shoemake, a citizen by blood; and that Mollie F. Shoemake was married in 1891 to Richard W. Shoemake, a citizen by blood.

The record also shows that all the applicants are white persons, and that none of them claims any right to enrollment in the Cherokee Nation except by virtue of the marriages mentioned. Mr. Bixby says, in his decision, that none of their names is found on the tribal roll of 1890.

Under the decision of the Supreme Court in the case of Daniel Red Bird, et al. vs. the United States (203 U.S., 76), the applicants are not entitled to enrollment, and the approval of the Commissioner's adverse decision of January 10, 1907, is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

GAW-GH

Y.P.

D.C.10517-1907.
I.T.D.3856-1907.
LRS

Direct. DEPARTMENT OF THE INTERIOR, THE
WASHINGTON.

(COPY)

February 19, 1907.

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

Sir:

January 10, 1907, you transmitted the record in the matter of the application for the enrollment of Sirena P. Shoemake, Elizabeth Shoemake, Charles P. Clark, Clark Shoemake, Nancy Shoemake, Laura Shoemake, Annie Shoemake, Mollie F. Shoemake, and William A. Hensley, as citizens by intermarriage of the Cherokee Nation, including your decision of the same date, denying said application.

Reporting February 15, 1907 (Land 4433-07), the Indian Office recommends that said decision be approved. A copy of its letter is inclosed.

Your decision is hereby affirmed. The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

Thos Ryan,

1 inc. and 2 for Ind. Of.

First Assistant Secretary.

A.F.Mc.
2-20-07.

Cherokee 22157

COPY

Muskegee, Indian Territory, March 11, 1907.

Laura Sheenake,

Gritts, Indian Territory,

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, denying the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, February 19, 1907.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

KPI

Cherokee IR253
et al.

COPY

Muskogee, Indian Territory, March 11, 1907.

Thomas H. Owen,
Attorney for Sirena P. Shoemake, et al.,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, denying the application for the enrollment of Sirena P. Shoemake, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, February 19, 1907.

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

Respectfully,

SIGNED *Wams Bixby*.

Commissioner.

RPI

Enc I-2

Cherokee PRESS
et al

COPY

Muskogee, Indian Territory, March 11, 1907.

Thomas A Harris,

Attorneys for Sirena P. Shoemaker et al.,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, denying the application for the enrollment of Sirena P. Shoemaker, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, February 19, 1907.

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

Respectfully,

SIGNED *Tams Bixby.*

HPI

Commissioner.

Enc I-3

Cherokee R 53^o
et al.

COPY

Muskogee, Indian Territory, March 11, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, denying the application for the enrollment of Sirena P. Shoemaker, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, February 19, 1907.

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

Respectfully,

SIGNED *Wams B.*

Commissioner.

HPI

Enc I-1

BOOK

D

1157

Edward C. Shoemaker

RIBI

CR

- 7. Original testimony March 25/00
- 3. Memo of application March 27/00
- 2. Birth certificate, Emma Shoemaker
- 2. Birth certificate, Grace Shoemaker
- Notice of final consideration, 3/15/00
- Proof of service of notice 3/15/00

[Handwritten signature]

1900

[Handwritten notes]
 all these are articles nos 1-29 and 4-11
 59, D1160, D1161, D1162, D1163
 D1164 D1165

Cher D 1158

Cher D 1158

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 25, 1901.

In the matter of the application of Charles Franklin Shoemaker for the enrollment of himself and four children as Cherokees by blood and for his wife as an intermarried Cherokee, being sworn and examined by Commissioner Needles he testified as follows:

- Q What is your name? A Charles Franklin Shoemaker.
Q What is your age? A Twenty-six.
Q What is your post-office address? A Gritts.
Q What district do you live in? A Canadian.
Q Are you a recognized citizen of the Cherokee Nation by blood?
A Yes sir.
Q Who do you desire to have enrolled? A Myself and wife and four children.
Q What is the name of your wife? A Annie Shoemaker.
Q Is she a Cherokee citizen by blood? A No sir.
Q What is her age? A Twenty-six.
Q She a white woman? A She is a citizen by adoption; she was a white woman.
Q What are the names of your children? A Minnie Melvina.
Q How old is she? A She was born in 1894.
Q What is the name of the next one? A Bobbie.
Q How old is Bobbie, A He was born in--- he is six years old.
Q What is the name of the next one? A Walter.
Q How old is Walter, A He is four years old.
Q Give us the name of the next one, please? A Cherokee Georgia
Q How old is Cherokee? A A year old.
Q Are these children all alive and living with you at this time?
A Yes sir.
Q Is your name on the roll of 1880? A No sir.
Q Have you any proof of your marriage to Annie Shoemaker? A No sir.
Q Where were you married? A Married at the judges office in Canadian District.
Q Who married you? A Judge of Canadian.
Q Who was he? A Herman Vann.
Q Did he give you a certificate of marriage? A Yes sir, and my father sent it off and it never returned.
Q When were you married? A I was married in 1893.

Commissioner: The applicant presents a certificate of admission from the authorities of the Commission on Citizenship, dated Tahlequah January 30, 1883, signed by Thomas Tehee, President of the Commission, Alex Wolfe and T. F. Thompson, Commissioners, approved by D.W.C. Duncan, Clerk of the Committee, and indorsed by William P. Boudinot, Executive Secretary, certifying that among others one Charles Shoemaker was admitted to Cherokee citizenship on the 30th day of January, 1883.

- Q Are you the identical Charles Shoemaker that's mentioned in the certificate that you present? A Yes sir.
Q How long have you lived in the Cherokee Nation? A Ever since 1881.
Q Was Annie your first wife? A Yes sir.
Q You her first husband? A Yes sir.
Q Have you lived with her continuously since you married her?
A Yes sir.
Q Living with her now? A Yes sir.

1896 Cherokee census roll examined for applicant, page 65,
#1788, Charles F. Shoemaker, Canadian District;
1896 Cherokee census roll examined for applicant's wife, page
93 #254 Nancy Shoemaker, Canadian District.

Q Did you enroll her in 1896 as Nancy? A I don't know whether I did or not.

1896 Cherokee census roll examined for children; page 65, #1789 Minnie M. Shoemake, Canadian District.
1896 roll, page 65 #1790 Bobbie Shoemake, Canadian District;
1896 roll, examined for Walter, and name not found thereon.

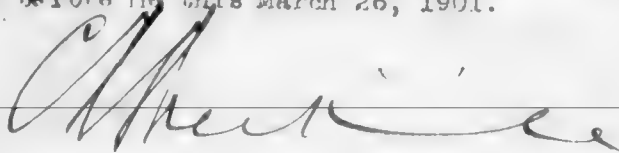
Q What was your wife's name before she married? A Kendricks.

Com'r Needles: The applicant applies for the enrollment of himself, his wife and four children; his name is found upon the Cherokee Census roll of 1896; he presents satisfactory proof of admission to Cherokee citizenship in 1883, more particularly described in the testimony; he avers that he was married in the year 1893 to one Annie Kendricks, a white person, but presents no satisfactory proof of marriage; her name is found upon the census roll of 1896 as Nancy, she is fully identified as Annie; the names of his children, Minnie M. and Bobbie are found upon the census roll of 1896; he presents satisfactory proof of birth as to the ~~Robert~~ R. Walter and Cherokee G. whose names are not found on the roll; they are all duly identified and make satisfactory proof as to residence; NOW comes the Cherokee Nation, by Mr. Baugh, its attorney, and protests against the enrollment of Charles Shoemake and his children, averring that his admission was secured by fraud, consequently the enrollment of said Charles Shoemake and his wife Annie and their children, will be suspended, and their names will be placed upon a doubtful card; it will be necessary for the applicant to file with this Commission satisfactory proof of his marriage to his wife Annie.

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 26, 1901.



Commissioner.

A 20138

COMMISSION OF THE INTER-AMERICAN
COMMISSION TO THE FIVE CIVILIZED NATIONS

FILED
MAR 29 1901


ACTING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION.

Date March 25, 1901

1 Name Charles F. Shoemaker Gritts, S.C.

District Cal. Year 1896 Page 65 No. 1788

Citizen by blood free Mother's citizenship

Intermarried citizen no.

Married under what law Date of marriage

License Certificate

2 Wife's name Annie Shoemaker

District Cal. Year 1896 Page 93 No. 254

Citizen by blood no Mother's citizenship

Intermarried citizen no

Married under what law Date of marriage

License Certificate

Names of Children

No.	Name	Dist.	Year	Page	No.	Age
3	<u>Minnie M Shoemaker</u>					
4	<u>Bobbie</u>					
5	<u>Walter</u>					
6	<u>Cherokee</u>					

no 1 Proof of marriage to be supplied
no 2 cal 1896 roll as Nancy Shoemaker
no. 5 + 6 proof of birth to be supplied

21158

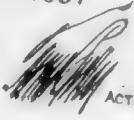
07

4721

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,

FILED

APR 3 1901



ACTING CHAIRMAN.

I hereby certify ^{that} I did on the
24th day of Dec. 1893 solemnize
marriage ceremony for Charley
Shoemaker & Anna Kendrick
I was at that time a Dist. Judge
of Canadian Dist., Cherokee Nation
was duly commissioned as such
under the Cherokee government.

This the 27th day of March 1901

H. J. Vann Ex. Dist. Judge
Canadian Dist.

C. N.

Commissioner, verified as follows:

- Q What is your name ? A Charles F. Shoemaker.
Q How old are you Mr. Shoemaker ? A Twenty eight years old.
Q What is your post office address ? A Gritts.
Q Are you the identical Charles F. Shoemaker who applied to this Commission in March, 1901, for the enrollment of yourself, wife and children ? A Yes sir.
Q What is the name of your wife ? A Annie.
Q Is she living ? A Yes sir.
Q Are these children, Mimmie M., Bobbie, Walter, Cherokee G. and Mary I., all living at this time ? A Yes sir.
Q You are a Cherokee by blood ? A Yes sir.
Q Is your wife Annie a white woman ? A Yes sir.
Q Were you ever married before you married her ? A No sir.
Q Was she ever married before ? A No sir.
Q Have you filed with the Commission evidence of your marriage to her ? A Yes sir.
Q When were you married to her ? A In 1893.
Q Have you and she lived together continuously since 1893 ? A Yes sir.
Q Were you living together on the first of September, 1902 ? A Yes sir.
Q How long have you lived in the Indian Territory ? A Ever since 1881, I think it was.
Q Have you ever been out since that time for the purpose of making your home ? A No sir.
Q Have been living in the Cherokee Nation ? A Yes sir.
Q Has your wife been living there ever since she married you ? A Yes sir.
Q Have your children all lived in the Indian Territory since they were born ? A Yes sir.
Q Are they living there now ? A Yes sir.

H. 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 20, 1902.

H. C. Bagwell
Notary Public.

Cherokee No. P-1158.

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

In the matter of the application of CHARLES F. SHOEMAKE,
for the enrollment of himself, and children, MISSIE M., BOBBIE,
WALTER, CHEROKEE S., and MARY I. SHOEMAKE, as citizens by blood, and
for the enrollment of his wife, ANNIE SHOEMAKE, as a citizen by in-
termarriage of the Cherokee Nation.

S U P P L E M E N T A L S T A T E M E N T .

Upon a further examination of the tribal rolls of the
Cherokee Nation, the applicants in this case are identified as
follows:

1894 Strip Payment Roll.

No. 1 on page 90, No. 1888, Canadian District.

1883 Pay Roll.

No. 1, Canadian District, No. 1366, as Charles Shoemake.

Commissioner

Tahlequah, Indian Territory,
October 19, 1903.

COMMISSIONERS
HENRY L. DAWES,
TAMM SIXBY,
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-1168

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 27, 1902.

Mr. Charles F. Shoemaker,

Gritts, Indian Territory,

Sir:-

You are hereby notified that the application of yourself, your wife and four 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 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, that you may deem necessary.

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

Copy to Thomas H. Owen,
Muskogee, I.T.

Yours truly,

Commissioner in Charge.

Register.

~~Notice Chairman~~

\$1

D1158

RE: [faded text]

[faded text]

[faded text]

[faded text]

[faded text]

[faded text]

RECEIVED
FEB 20 1962

FEB 20 1962

RECEIVED
FEB 20 1962

[faded text]

D. 1158

1158

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
.....day of..... A. D. 190.....

Given under my hand this.....
day of..... A. D. 190.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
10 day of March, 190.....

John H. Owen
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to.....

on the day of..... A. D. 190.....

Subscribed and sworn to before me
this

Notary Public.

FILED
MAR 28 1902

[Signature]
ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Charles F. Shoemake, et al,
for enrollment as Cherokee citizens:

Case No. D 1158

To Charles F. Shoemake, or Thomas H. Owen, his attorney:

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 15, 1902, or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this March 10, 1902.

W. W. Hastings

Attorneys for the Cherokee Nation.

Cherokee D 1158

Muskogee, Indian Territory, April 11, 1902.

Thomas E. Owen, Esq.

Muskogee, Indian Territory.

Sir:

In the matter of the application of Charles F. Shoemaker for the enrollment of his wife Anna as an intermarried citizen of the Cherokee Nation, it appears that the applicant was married to her in 1893 by Judge Vaun. He states that he got a marriage certificate, and that the same has been lost. As the Cherokee law requires all marriage certificates to be recorded the record of such marriage ought to be shown in the Marriage Records of the district in which such marriage took place. If it is made to appear that there is no such record then the fact of the marriage should be established by other than applicant's own testimony.

As this matter is important you are urged to see that the same receives prompt attention.

Yours truly,

Commissioner in Charge.

Register

Refer in reply to the following

Land 70222-1200.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS

WASHINGTON, Jan'y 19, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith for the consideration of the Department the record of the proceedings had before the commission to the Five civilized Tribes, in the matter of the application of William H. Shoemaker, for the enrollment of himself and his minor children Lula B. and Mary E. Shoemaker, as citizens by blood, and for the enrollment of his wife Sirena F. Shoemaker, as a citizen by intermarriage; of John W. Shoemaker, for the enrollment of himself and his minor children Calvin B., Leta G., Claude, Maude, Maggie M., and Effie Shoemaker, as citizens by blood, and for the enrollment of his wife, Elizabeth Shoemaker, as a citizen by intermarriage; of William M. Shoemaker for the enrollment of himself and his minor children Georgia A. and Glen Shoemaker, as citizens by blood; of Charles F. Clark, for the enrollment of himself as a citizen by intermarriage, and for his wife Mattie M. Clark, and his minor child, Bessie M. Clark, as citizens by blood; of James Shoemaker for the enrollment of himself and his minor children, John W., William A., and Grace E., Shoemaker, as citizens by blood, and for his wife Clara Shoemaker, as a citizen by intermarriage; of Tillman A. Collins, for the enrollment of his minor

son, Thomas E. Collins, as a citizen by blood; of Lowell Garrett, for the enrollment of his wife, Mary J. Garrett, and his two minor children, Grace B., and Ella M. Garrett, as citizens by blood; of William L. Collins for the enrollment of himself as a citizen by blood; of Herman A. Shoemaker, for the enrollment of himself and his minor children, Ross Ann, James W., Leah E., Mattie M., Rexie L., and Ella Shoemaker, as citizens by blood, and for the enrollment of his wife, Lucy Shoemaker, as a citizen by intermarriage; of William A. Hensley, for the enrollment of his wife, Minnie M. Hensley, and his minor children, William W., and Angie M. Hensley, as citizens by blood, and for the enrollment of himself as a citizen by intermarriage; of Jesse E. Shoemaker, for the enrollment of himself and his minor children, Oscar, Knol, Hugh, Walsie L., Della, Minna and Grace Shoemaker, as citizens by blood, and for the enrollment of his wife, Laura Shoemaker as a citizen by intermarriage; of Charles T. Shoemaker, for the enrollment of himself and his minor children, Minnie M., Debbie, Walter and Sherokee C. Shoemaker, as citizens by blood, and for the enrollment of his wife, Annie Shoemaker, as a citizen by intermarriage; of Richard W. Shoemaker, for himself and his minor children, Ada and Ira Shoemaker, as citizens by blood, and for the enrollment of his wife, Nellie F. Shoemaker, by intermarriage; of Thomas H. Shoemaker, for the enrollment of himself as a citizen by blood; of Christopher C. Branum, for the enrollment of his wife, Rhoda M. Branum, as a citizen by blood; of

Wm
Eugene A. Shoemaker, for the enrollment of himself among others as a citizen by blood; of Verda A. Young, for the enrollment of her minor child, Alta M. Shoemaker, as a citizen by blood; and of William M. Shoemaker, for the enrollment of Joseph W. King, as a citizen by blood; all of the Cherokee Nation.

On November 14, 1902, the Commission rendered a decision in this case in which it is set out that the status of the claimants to the right to enrollment as Cherokee citizens by intermarriage is not fixed at this time, and therefore the applicants, Sirena P. Shoemaker, as wife of William M. Shoemaker, Elizabeth Shoemaker, as wife of John W. Shoemaker, Charles P. Clark, as the husband of Mattie E. Clark, Clara Shoemaker, as the wife of James Shoemaker, Nancy Shoemaker, as the wife of Harmon A. Shoemaker, William A. Hensley, as the husband of Minnie H. Hensley, Laura Shoemaker, as the wife of Jesse E. Shoemaker, Annie Shoemaker, as the wife of Charles P. Shoemaker, and Hollie F. Shoemaker, as the wife of Richard F. Shoemaker, are not embraced in this decision.

It is further stated by the commission in said decision that subsequent to the date of the original application of William M. Shoemaker, an affidavit was filed showing the birth of his minor child, Pigeon Shoemaker, and that the same is made a part of the record herein, that in the application of Charles P. Clark, for the enrollment of himself among others, the other parties except his wife Mattie P. Clark, and his minor child Beadie E. Clark, are differently classed and are not

embraced in this decision, that subsequent to the date of the original application of Charles P. Clark an affidavit was filed showing the birth of his minor child Eugie Clark, and the same is made a part of the record; that subsequent to the application filed by James Shoemaker, et. al., an affidavit was filed showing the birth of James H. Shoemaker, a fourth child of the applicant, and the same is made a part of the record, that subsequent to the date of the original application of Lemuel Garrett, et. al., an affidavit was filed showing the birth of Fillmore H. J. Garrentt, a third child of the applicant, the same being made a part of the record herein; that subsequent to the date of the original application of Wm A. Hensley, an affidavit was filed showing the birth of Della G. Hensley, a third child of the applicant, the same being made a part of the record; that subsequent to the date of the original application of Charles F. Shoemaker, an affidavit was filed showing the birth of Mary I. Shoemaker, a fifth child of the applicant, the same being made a part of the record. The decision further states that the other parties to the application of Hugh A. Shoemaker are differently classed and are not embraced in said decision.

The commission finds from the evidence submitted in this case that the applicants William H. Shoemaker and John F. Shoemaker were admitted to citizenship in the Cherokee Nation on January 25, 1883, by a duly constituted Cherokee commission on citizenship known as the Teehee Commission; that the applicants Lula H. Shoemaker, Mary E. Shoemaker, Calvin B. Shoemaker, William M. Shoemaker, Mattie

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E. Clark (nee Shoemaker), James Shoemaker, Herman A. Shoemaker, Minnie E. Holliday (nee Shoemaker), Jesse K. Shoemaker, Charles F. Shoemaker, Richard W. Shoemaker, Thomas S. Shoemaker, Rhoda M. Branson (nee Shoemaker) and Hugh A. Shoemaker, were admitted to Cherokee citizenship by said Commission on January 30, 1883; and that Thomas E. Collins, Mary J. Garrett and William E. Collins, were admitted to Cherokee citizenship by said Commission on September 11, 1883; that all the other applicants embraced in said decision were born since 1863 and are the respective descendants of the persons admitted to citizenship as aforesaid.

The Commission then holds that under the ruling announced by the Department in the case of Martha J. Hill, et. al., (I.T.D. 3686-1903), said descendants being residents of the Cherokee Nation, are considered to have acquired the status of their said ancestors.

The Commission then goes into the evidence in this case at some length, and discusses the question of the validity of judgments of duly constituted Cherokee authorities and especially of the Teehee Commission wherein parties are admitted to citizenship in the Cherokee Nation. The charge that the Teehee judgment of January 25, 1883, admitting the said William R. and John W. Shoemaker, was a fraudulent judgment, is then discussed by the Commission in its said decision, and they say relative thereto that "After a careful consideration of all the evidence herein this Commission is of the opinion that the same fails to show that the judgment of the Teehee Commission returned January 25, 1883, is fraudulent, and therefore said judgment, together with the judg-

ments of the same Commission rendered January 30, 1883, and September 11, 1883, must be accepted as the valid and final judgments of a Cherokee tribunal of competent jurisdiction.*

Said Commission further recites the fact that the applicants' names are on certain rolls of the Cherokee Nation, and that all of the applicants, except those who are too young to appear on any of the tribal rolls, are identified on the 1896 census roll. The Commission further finds from the evidence that all of the applicants who were admitted to citizenship in the Cherokee Nation, have resided in said Nation since their admission in 1883, that all the other applicants who were not so admitted are descendants of such admitted persons born since 1883, and are considered to have resided in said Nation all their lives; that the evidence further shows that the said Mattie B. Clark died August 26, 1902, and that Section 25 of the Act of Congress approved July 1, 1902, (32Stats., 716), provides as follows:

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

By reason of the foregoing facts and findings the Commission is of the opinion that the said William H. Shoemaker, Lula B. Shoemaker, Mary E. Shoemaker, John W. Shoemaker, Calvin B. Shoemaker, Luda C. Shoemaker, Claude Shoemaker, Maud Shoemaker, Maggie M. Shoemaker, Effie Shoemaker, William M. Shoemaker, Georgia A. Shoemaker, Chas Shoemaker, Pigeon Shoemaker, Bessie E. Clark, Susie Clark, James Shoemaker, John W. Shoemaker, (son of James Shoemaker)?

William A. Shoemaker, Grace L. Shoemaker, James H. Shoemaker, Thomas E. Collins, Mary J. Garrett, Gracie D. Garrett, Ellis E. Garrett, Tilmon H. J. Garrett, William L. Collins, Harmon A. Shoemaker, Rosa Anna Shoemaker, James W. Shoemaker, Neah H. Shoemaker, Mattie M. Shoemaker, Ravis L. Shoemaker, Ella Shoemaker, Minnie M. Henaley, William V. Henaley, Angget, Henaley, Della G. Henaley, Jesse E. Shoemaker, Oscar Shoemaker, Maud, Shoemaker, Hugh Shoemaker, Wainie L. Shoemaker, Della Shoemaker, Minna Shoemaker, Grace Shoemaker, Charles F. Shoemaker, Minnie M. Shoemaker, Bobbie Shoemaker, Walter Shoemaker, Cherokee G. Shoemaker, Mary I. Shoemaker, Richard W. Shoemaker, Ada Shoemaker, Ira Shoemaker, Thomas H. Shoemaker, Rhoda M. Branum, Hugh A. Shoemaker, Alta M. Shoemaker, and Joseph W. King, 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 that the application for the enrollment of Mattie B. Clark as a citizen by blood of the Cherokee Nation, should be dismissed.

Attached to said decision of the Commission is a protest by the Cherokee Nation against said decision of the Commission and requesting that the same be forwarded to the Secretary of the Interior for review together with the record and briefs filed by the Cherokee Nation, dated respectively June 5, and June 25, 1902. In this protest the Cherokee Nation says it has heretofore in the briefs above referred to, stated its views with reference to the enrollment of these people, both as to

these applicants and the law which should govern them with refer-
ence to their right to enrollment, and it does not think it
necessary to file an additional brief, but calls the attention of
the Department to the findings of the commission wherein it is
argued that some subsequent admissions were made by other courts
or commissions; that the brief in this case shows that no other
testimony was ever introduced before the Cherokee Commission after
the alleged fraudulent admission of William H. Shewake in January
1863, and that proof of relationship to him was all that was
ever afterwards submitted, and the Nation contends that if he and
his family were fraudulently admitted, that the other admissions,
being based upon his, were also fraudulent.

Said protest further states that it is not believed
that Congress intended that any technical construction should be
placed upon the word "fraud" as used in the act of June 28, 1868
and that the widest latitude should be given in the investigation
of alleged fraudulent citizenship cases. The Attorney for the
Nation in said protest further states that D. W. C. Duncan was the
educated clerk of the court, and that the court was composed of
two full blood Indians now dead; that they are not here to testify
and if living, in the very nature of things, it would indeed be
difficult to more directly prove fraud in this or in any other
case; and said protest concludes by holding that these applicants
are not Cherokee Indians, but they are frauds, and have no equities
whatever, and that they ought not to be enrolled as citizens of
the Cherokee Nation.

I have examined said briefs filed by the Cherokee Nation, and the one filed on July 5, 1902, begins by taking up the original application of William H. Shoemaker and his brother, John V. Shoemaker, filed with the Commission on citizenship, September 10, 1860. It is shown that the application was continued until the January term, 1861, by the plaintiff, when it was again continued by him until the September term 1861; that on September 24, 1861, the case was withdrawn; that the application was refiled on the 4th day of January 1862, continued to the September term of that year by the Commission, and was again continued to the January term 1863, and that on January 25, 1863, the Nation claims that a judgment was entered admitting the applicants to citizenship and that the same was fraudulent. The basis for this claim of a fraudulent judgment seems to be upon the ground that there was a judgment entered rejecting the applicants, and that part of the judgment was erased and rewritten, admitting the applicants to citizenship in the Cherokee Nation, and it is contended in said brief that the same is in the handwriting of the clerk of the court. The brief then sets out that there was introduced by the Cherokee Nation a motion to reconsider, which motion it is contended discloses the fact that the applicants were rejected. It is now alleged that this motion to reconsider is signed by S. H. Bengt and C. W. Taylor, attorneys for claimants, but that it is in the handwriting of the clerk of the court, and that S. H. Bengt denies that he was ever an attorney for the claimants, or

that he ever had any knowledge of any such action having been written, or that he ever authorized his signature to the same.

The brief then goes into the matter of the testimony as submitted to the said Tennesse Commission, and undertakes to show that the evidence was not sufficient to sustain the claim of the applicants. It does not seem it necessary to go through this long brief and take up the different reasons therein attempting to show that this judgment of the Tennesse Commission was fraudulent. The question of vital importance is -- Has the Cherokee Nation submitted sufficient proof to show that the entry of this judgment was a fraudulent act of the clerk? I do not consider that the Nation has so shown, and I do not consider, under all the circumstances connected with this transaction, that the Cherokee Nation now has a right to complain or to attempt to defeat the enrollment of these parties on the ground of a fraudulent admission of the principal applicants.

The record shows, on page 16 of the record of the "Supplemental testimony and proceedings in the matter of the application of William H. Shoemaker, for the enrollment of himself and children as citizens of the Cherokee Nation," the following:

Office Commission,
on Citizenship,
Tahlequah, C.N.

Hon. D. W. Bushyhead,
Principal Chief, C.N.

Dear Sir:

In the case of W. C. Shoemaker, et. al., and J. D. Shoemaker, et. al., versus the Cherokee Nation, petitions for citizenship in the Cherokee Nation, W. C. Shoemaker claims to be the son of the W. H. Shoemaker, who was admitted to the rights of citizenship in the Cherokee Nation by the Thomas Tennesse Commission on the 25 day of January 1861. And J. D. Shoemaker et. al., who claims to be the son of Betsey Ann Shoemaker, who was

a full sister to J. W. Shoemaker and V. H. Shoemaker, who were admitted to citizenship in the Cherokee Nation, by the Thomas Techee Commission on the 25 day of January 1883. The commission after a careful examination of the evidence in the said case of W. C. Shoemaker and J. D. Shoemaker, decided that inasmuch as the docket and records of the said Thomas Techee commission shows that said J. W. Shoemaker and V. H. Shoemaker were admitted to all the rights, privileges and immunities as other native born Cherokees within the limits of the Cherokee Nation on the 25 day of January 1883. The Commission finding the above mentioned cases upon the said records of the said Techee Commission as above stated, would not legally decide to reject the said case of W. C. Shoemaker et. al., and J. D. Shoemaker, et. al.

But at the same time, believing that said V. C. Shoemaker, et. al., and J. D. Shoemaker, et. al., are not Cherokees by blood, and that the said J. W. and V. H. Shoemaker, whose respective cases were decided by the Thomas Techee commission on the date above mentioned, was a fraud committed upon the Nation by the said parties, we would therefore ask, and recommend, that the said cases of J. W. & V. H. Shoemaker, be reinvestigated by the National Council, believing that the said J. W. & V. H. Shoemaker obtained their rights through fraud. We would also refer the case of W. C. Shoemaker, et. al., and J. D. Shoemaker, et. al., to the National Council.

We remain, very respectfully,

(Eli Spears, President.
 (Andrew Young, Com.
 (John Lee, Com.

Attest, E. O. Frye }
 Clk. Com.

This the 27th day of September 1884.

It appears from this communication that the matter of the admission of the said W. C. and J. D. Shoemaker, by the Techee Commission, was taken up at an early date and the charge of fraud brought against the proceedings by which they were admitted.

It further appears that the citizenship court then in existence held that it had no power to set aside the judgment admitting them, but took the proper action in bringing the matter to the attention of the Principal Chief and suggested that the Shoemaker cases be brought to the attention of the National Council, which Council

could assume jurisdiction and by means of legislation annul the judgment of the citizenship court; but the record does not show that the National Council ever did anything relative to the matter submitted to the Principal Chief, nor does it show that the Principal Chief called the attention of the National Council to the alleged fraud as he was requested to do by the members of the Citizenship Commission.

III. there was fraud in this case, the Nation was fully advised thereof almost twenty years ago, and yet it never took any action looking to expunging its record of what it claimed to be a fraudulent judgment as to citizenship; but instead it permitted the names of William H. and John V. Shoemaker, together with the members of their family, to go upon the 1883 payroll and on the 1894 strip payment roll of the Cherokee Nation, and they have been exercising all the rights of Cherokee citizenship ever since the date of their said admission by the Teehee Commission.

In its brief filed July 25, 1902, the attorneys for the Nation set out several citations as to fraud, and it is a well known principle, as stated therein, that fraud vitiates everything. But it is also a well known legal principle that as soon as the fraud is discovered the party defrauded is expected to take action within a reasonable time to have the fraudulent transaction set aside; and that unless the party defrauded does take such action within a reasonable time, or at least within

the time fixed by the Statute of Limitations, he must abide by the consequences of the fraud and can not have the transaction set aside. I know of no Statute of Limitations in force in the Cherokee Nation in 1863 relative to fraud, but I do not consider the fact that there is no such Statute gives the party complaining of the fraud the right to delay action to have it set aside for an indefinite period, and the Cherokee Nation in this instance has certainly been guilty of gross laches, for it was advised of fraud in this matter very soon after the judgment was entered.

It is not to be inferred from this that I consider that even though fraud might be established, the Nation in equity is now barred from attempting to establish it. My reason of the fact then that I do not consider that the Nation has been able to prove that the judgment of the Teehee Commission admitting the principal applicants to citizenship in the Cherokee Nation, and as a consequence making it possible for the admission of all of the other applicants, was fraudulent, and for the further reason that I do not consider that the protest of the Nation on the ground of fraud should be entertained by reason of the lapse of time and neglect of the Nation, I am of

the opinion that the decision of the Commission to the Five civil-
ized Tribes is in accordance with the established facts and the
law, and I therefore recommend that it be approved by the
Department.

Very respectfully,

Commissioner.

W.C.R.-L.C.

I.S.D.
612-1904.

J.R.V.
F.O.P.
S.V.P.

DEPARTMENT OF THE INTERIOR.

Office of the Assistant Attorney-General,

Washington, May 27, 1904.

The Secretary of the Interior,

sir:

I am in receipt, by reference of April 21, 1904, with request for opinion thereon, of the record of the Commission to the Five Civilized Tribes upon the application of William H. Shoemaker and others to be enrolled as citizens of the Cherokee Nation.

The applicants based their right upon the adjudication of the Cherokee Commission on citizenship, rendered January 25, 1863, admitting W. H. Shoemaker and John W. Shoemaker to citizenship by reason of Cherokee blood. The Cherokee Nation resisted and protested against the admission of the applicants upon the grounds that the judgment was fraudulently obtained by false and insufficient evidence and bribery, and further that the judgment itself was by reason of an erasure upon the record not entitled to credit. The Commission found and adjudged that the applicants, whose names are set out in the record, should be enrolled. The Cherokee Nation insists upon its protest, and in its brief argues three questions:

- First. Were the members of the Shoemaker family Cherokees?
- Second. Were improper and fraudulent means used by them to

-2-

obtain favorable decision in their behalf from the citizenship court? Third, was the record introduced, in fact, a judgment of the Tehee court at all, or was it not a judgment of the Clerk of that court, obtained by fraudulently erasing the adverse judgment previously rendered against the Shoemaker family?

The first of these questions, for reasons given by me at length in my opinion of February 18, 1904, in case of the Dawson family, I .T.D. 7442, 1903, is foreclosed by the judgment of the citizenship court, if that is valid. The present case, however, is somewhat stronger, in that the attention of the National Council was called to the proceeding by the Speer's Commission, successor of the Tehee Commission, September 27, 1884, and action for its investigation and annulment was advised. The council took no action in the matter, and thenceforward the Shoemaker family were recognized by the nation, its members were chosen to fill national offices, one serving as circuit judge for the Canadian district, and its members continually resided in the nation, acquired property, reared families, built houses, and have co-operated for more than twenty years in the national development.

It is unnecessary here to repeat the reasons before given. If there was a judgment rendered, for the reasons then given I am of the opinion that such judgment so long recognized and respected set the question of Cherokee blood at rest beyond further controversy.

The judgment of the Cherokee Commission on Citizenship, as it appears in the record of that tribunal, was that:

And now on this, the 25th day of January, A. D. 1883, this case coming on for final hearing, and all the evidence introduced in the case on both sides being carefully read and duly considered by the Commission on Citizenship, it was adjudged and determined by said Commission on Citizenship that the above named W. H. Shoemaker and John V. Shoemaker are Cherokees by blood, and that they are therefore entitled to all the rights and privileges of Cherokee citizenship within the Cherokee Nation, and that they should be, and they are, her by admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

D. C. W. Duncan,
Clerk of Commission.

Thos. Tence, Pres. of Com-
Alex. Wolf, Sémin-
T. F. Thompson } sioners.

The words above underscored are written upon an erasure. They, together with all the signatures of the commission, are in the handwriting of the clerk, D.C.W. Duncan, whose duty it was to record the proceedings. This fact alone would go far to relieve the erasure from the suspicion, or discredit, that attaches to records and documents showing manifest erasure or alteration, for the presumption arises that the clerk, like any other officer, has done his duty. But the judgment showing this erasure does not depend for credit upon the presumption alone. Thompson, one of the commission, Duncan, the clerk, have both testified respecting it, as also has Wilson Sanders, then solicitor for the Cherokee Nation. Judge Thompson, upon examination of the record as it exists, testified, among other things, answering interrogatories, as follows:

- Q. Does that properly represent the action of the Commission? A. Yes, sir.
- Q. Is that a proper and legal judgment? A. Yes, sir.
- Q. Was it rendered, was it tried legally, on legal evidence, before you, and without any improper motive? A. I think so.
- Q. Was this a proper judgment of the Commission? A. Yes, sir.
- Q. You have some recollection of what was involved in the case? A. Yes, sir.
- Q. Does this judgment as it stands now, represent the judgment as found by the Commission? A. Yes, sir, I think so.
- Q. The final judgment? A. Yes, sir.
- Q. Do you remember that they were admitted to citizenship? A. Yes, sir, that has always been my belief.
- Q. You knew? A. Yes, sir.

As to the signatures of the commissioners the testimony shows that Judges Tehee and Wolf, now dead, were unable to write their names, and usually directed the clerk to write them. Judge Thompson could write, and examining the record of the commission indicated as his own signatures upon pages 54, 62, 76, 92, 93, and as not his own signatures at pages 58, 63, 67, 70, 75, 78, 91, 92, and further says that he thinks they were written by his authority.

Duncan testifies that the record as now standing truly speaks the action of the Commission, while his recollection of the circumstances does not enable him satisfactorily to explain the erasures. Wilson Sanders before the Cherokee Citizenship Commission, September 29, 1884, testified that he was solicitor of the Cherokee Citizenship Commission when W. H. Shoemaker and John W. Shoemaker were admitted to citizenship; that the commission--

just said that they were going to reconsider the case again....
It was on the 25th day of January that the case was decided...
It was about two weeks or so after the claimants were re-
jected when their case was reconsidered and they were admitted.

The verity of the record is thus affirmatively proved by
one of the judges who rendered it, the clerk who recorded it, and
the attorney of the nation acting for it at the time.

I am therefore of opinion that the action of the Commission
to the Five Civilized Tribes should be approved and the applicants
be enrolled as citizens of the Cherokee Nation.

Very respectfully,

Frank L. Campbell,
Assistant Attorney-General.

Approved: May 27, 1904.

Thos. Ryan,
Acting Secretary.

J.W.H.

PHE

D.C. 18832-1904.

I.T.D. 812-1904
4380- "

L.R.S.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, June 3, 1904.

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

Gentlemen:

November 30, 1903, you transmitted the record in the matter of the application of William H. Shoemake (Cherokee D-123), et. al., for enrollment as citizens of the Cherokee Nation.

In your decision of November 16, 1903, which was transmitted with the record, you held that all of the parties applicant in this case, claiming Cherokee citizenship by reason of their Cherokee blood, are entitled to enrollment except Mattie B. Clark, who died August 26, 1902.

Inasmuch as the right of intermarried Cherokees to enrollment has not been determined, you took no action as to the rights of the applicants in said case who claimed enrollment by intermarriage.

It appears that the principal applicants in this case were admitted to Cherokee citizenship in 1883, by certain decrees of tribal courts. The attorneys for the Cherokee Nation allege that the said decrees were obtained through fraud, and that the record of the court which admitted them was fraudulently altered. Said attorneys accordingly protest against the enrollment

-2-

of the applicants.

The record in the case was submitted to the Assistant Attorney General for this Department April 21, 1904, with the request that he advise the Department, in view of the evidence of fraud submitted, what course should be pursued. An opinion was rendered by the Assistant Attorney General in the matter on May 27, 1904, and approved by the Department on the same day, a copy of which is inclosed herewith for your information. In this opinion it is held that the applicants should be enrolled as citizens of the Cherokee Nation, the testimony relative to fraud being insufficient to impeach the verity of the record.

Reporting in the matter January 19, 1904, the Acting Commissioner of Indian Affairs recommended that your action be approved. The Department has examined the testimony pertinent to the questions in issue, and is satisfied that your action in the matter was correct. Your decision is accordingly affirmed.

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

Respectfully,

(Signed)

Thos Ryan,
Acting Secretary.

2 inclosures.

Cherokee D 123
et al

Muskogee, Indian Territory, June 14, 1904.

Thomas & Harrison,

Attorneys for William H. Shoemaker, et al.,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated November 16, 1903, granting the applications for the enrollment of William H., Lula B., Mary E., John W., Calvin B., Luda G., Claude, Maud, Maggie M., Effie, William M., Georgia A., Clem, Pigeon, James, John W., William A., Grace L., James N., Harmon A., Rose Anna, James W., Noah H., Mattie M., Rexie L., Ella, Jesse E., Oscar, Maud, Hugh, Walsie L., Della, Minna, Grace, Charles F., Minnie M., Bobbie, Walter, Cherokee G., Mary I., Richard W., Ada, Ira, Thomas H., Hugh A., and Alta M. Shoemaker, Bessie N. and Susie Clark, Thomas E. and William L. Cellins, Mary J., Gracie D., Ellis E. and Tilmon H. J. Garrett, Minnie M., William W., Angie M. and Della G. Hensley, Rhoda M. Branum, and Joseph W. King, and dismissing the application for the enrollment of Mattie B. Clark, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 3, 1904.

Respectfully,

Chairman.

Cherokee D 123
et al

Muskogee, Indian Territory, June 14, 1904.

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

Dear Sir:

You are hereby advised that the Commission's decision dated November 16, 1903, granting the applications for the enrollment of William M., Lula B., Mary E., John W., Galvia B., Lula G., Claude, Haud, Maggie E., Effie, William M., Georgia A., Clem, Pigeon, James, John W., William A., Grace L., James E., Harmon A., Rose Anna, James V., Beah N., Mattie E., Bessie L., Ella, Jesse E., Oscar, Haud, Hugh, Walsie L., Della, Emma, Grace, Charles F., Minnie M., Bobbie, Walter, Cherokee G., Mary I., Richard W., Ada, Ira, Thomas H., Hugh A., and Alta N. Shoemaker, Bessie E. and Susie Clark, Thomas K. and William L. Collins, Mary J., Gracie D., Ellis E. and Tilmon M. J. Garrett, Minnie H., William W., Angie E. and Della G. Hensley, Rhoda M. Brannum, and Joseph V. King, and dismissing the application for the enrollment of Mattie B. Clark, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 3, 1904.

Respectfully,

Chairman.

Cherokee D 123
et al

Muskegee, Indian Territory, June 14, 1904.

Thomas H. Owen,
Attorney for William H. Shoemaker, et al.,
Muskegee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated November 16, 1903, granting the applications for the enrollment of William H., Lula B., Mary E., John W., Calvin B., Luda G., Claude, Maud, Maggie M., Effie, William M., Georgia A., Glen, Pigeon, James, John W., William A., Grace L., James H., Harmon A., Rose Anna, James W., Noah H., Mattie M., Rexie L., Ella, Jesse E., Oscar, Maud, Hugh, Walsie L., Della, Minna, Grace, Charles F., Minnie M., Bobbie, Walter, Cherokee G., Mary I., Richard W., Ada, Ira, Thomas H., Hugh A., and Alta M. Shoemaker, Bessie E. and Susie Clark, Thomas E. and William L. Collins, Mary J., Gracie D., Ellis E. and Tilmon N. J. Garrett, Minnie M., William W., Angie M. and Della G. Mensley, Rhoda M. Branson, and Joseph W. King, and dismissing the application for the enrollment of Mattie B. Clark, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 3, 1904.

Respectfully,

Chairman.

Cherokee
D 1158.

Muskogee, Indian Territory, January 10, 1907.

Annie Shoemake,
Gritts, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, denying, among others, your application for enrollment as a citizen by intermarriage of the Cherokee Nation. Your attorneys have heretofore been furnished copies of the record of proceedings had in your case and there has this day been forwarded them copies of the Commissioner's decision.

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

Respectfully,

Encl.HJ--58.
HJC

Commissioner.

Cherokee R.
63 et al.

Muskogee, Indian Territory, January 10, 1907.

Thomas & Harrison,
Attorneys for Sirena P. Shoemaker, et al.,
Muskogee, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, denying the application for the enrollment of Sirena P. Shoemaker, et al., as citizens by intermarriage of the Cherokee Nation. You have heretofore been furnished a copy of the record of proceedings had in this case.

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

Respectfully,

Encl. HJ-71.
HJC

Commissioner,

Cherokee R.
63 et al/

Muskogee, Indian Territory, January 10, 1907.

Thomas H. Owen,
Attorney for Sirena P. Shoemaker, et al.,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, denying the application for the enrollment of Sirena P. Shoemaker, et al., as citizens by intermarriage of the Cherokee Nation. You have heretofore been furnished a copy of the record of proceedings had in this case.

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

Respectfully,

Encl. WJ-70.
HJC

Commissioner.

Cherokee R.
63 et al.

Muskogee, Indian Territory, January 10, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation.

Muskogee, Indian Territory:

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, denying the application for the enrollment of Sirena P. Shoemaker, et al., as citizens 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 the same.

Respectfully,

Encl. HJ-90.
HJC

Commissioner.

Muskogee, Indian Territory, January 10, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of December 1, 1906 (I.T.D.512-1904), there is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Sirena P. Shoemaker, et al., for enrollment as citizens by intermarriage of the Cherokee Nation, together with the decision of the Commissioner to the Five Civilized Tribes dated January 10, 1907, denying the applications for the enrollment of Sirena P. and Elizabeth Shoemaker, Charles P. Clark, Clara, Nancy, Laura, Annie, and Mollie P. Shoemaker, and William A. Hensley as citizens by intermarriage of the Cherokee Nation.

Respectfully,

Through the Commissioner
of Indian Affairs.

Encl.HJ-60.
HJC

Commissioner.

(Copy)

Land
4433-1907

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

February 15, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of December 1, 1906, I.T.D. 512-1904, there is enclosed a report from the Commissioner to the Five Civilized Tribes, dated January 10, 1907, transmitting the record relative to the application of Sirena P. Shoemake et al., for enrollment as citizens by intermarriage of the Cherokee Nation. The parties to the case are Sirena P. and Elizabeth Shoemake, Charles P. Clark, Clara, Nancy, Laura, Annie and Mollie F. Shoemake and William A. Hensley, all of whom apply for enrollment as citizens by intermarriage.

The record in the case shows that Sirena P. Shoemake was married in 1865 to William H. Shoemake, who was not at that time a citizen of the Cherokee Nation but was admitted to citizenship therein in 1883; that Elizabeth Shoemake was married about 1870 to James H. Shoemake, who was not then a citizen but was admitted in 1883; that Charles P. Clark was married in 1888 or 1889 to Sophia Sheraff, a citizen by blood that Clara Shoemake was married in 1890 to James Shoemake, a

citizen by blood; that Nancy Shoemake was married in 1887 to Harmon A. Shoemake, a citizen by blood; that William A. Wensley was married in 1895 to Minnie Shoemake, a citizen by blood; that Laura Shoemake was married in 1887 to Jesse E. Shoemake, a citizen by blood; that Annie Shoemake was married in 1893 to Charles Franklin Shoemake, a citizen by blood; and that Mollie F. Shoemake was married in 1891 to Richard W. Shoemake, a citizen by blood.

The record also shows that all the applicants are white persons, and that none of them claims any right to enrollment in the Cherokee Nation except by virtue of the marriages mentioned. Mr. Bixby says, in his decision, that none of their names is found on the tribal roll of 1880.

Under the decision of the Supreme Court in the case of Daniel Red Bird, et al. vs. the United States (203 U.S., 76), the applicants are not entitled to enrollment, and the approval of the Commissioner's adverse decision of January 10, 1907, is recommended.

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

GAW-GH

Y.P.

D.C.10517-1907.
I.T.D.3556-1907.
LRB

Direct. DEPARTMENT OF THE INTERIOR, THE
WASHINGTON.

(COPY)

February 19, 1907.

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

Sir:

January 10, 1907, you transmitted the record in the matter of the application for the enrollment of Sirena P. Shoemake, Elizabeth Shoemake, Charles P. Clark, Clara Shoemake, Nancy Shoemake, Laura Shoemake, Annie Shoemake, Mollie P. Shoemake, and William A. Hensley, as citizens by intermarriage of the Cherokee Nation, including your decision of the same date, denying said application.

Reporting February 15, 1907 (Land 4433-07), the Indian Office recommends that said decision be approved. A copy of its letter is inclosed.

Your decision is hereby affirmed. The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

Thos Ryan,

1 inc. and 2 for Ind. Of. First Assistant Secretary.

A. P. Mc.
2-20-07.

Cherokee
D 1188

COPY

Muskogee, Indian Territory, March 11, 1907.

Annie Shoemaker,
Gritts, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, denying the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, February 19, 1907.

Respectfully,

RPI

Commissioner.

CHARACTER

D 1158

Charles F Shoemaker

FILE

Original testimony March 15, 1900

Memo. of application March 25/00

Birth certificate, Hester Shoemaker

Birth certificate, Charles F. Shoemaker

Marrriage certificate

Notice of final consideration, 3/15/00

Proof of service of notice 7/15/00



1158

See Character 1157, 1158, 1159, 1160, 1161, 1162, 1163

1157, 1159, 1160, 1161, 1162, 1163

Cher D 1159

Cher D 1159

CHEROKEES BY BLOOD AND ADOPTION.

1904.

33/

Date

January 28
Greets, D.T.

Name

Harmon A. Shoemaker

District

Canadian

Year

1846

Page

66

No.

1811

Citizen by blood

yes

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

28/

Wife's name

Nancy Shoemaker

District

Canadian

Year

1896

Page

43

No.

259

Citizen by blood

Mother's citizenship

Intermarried citizen

yes

Married under what law

Date of marriage

License

Certificate

Names of Children:

3	Rosanna Shoemaker	Dist. Canadian	Year 1846	Page 66	No. 1812	Age 11
4	James W.	" "	Year 1846	Page 66	No. 1813	Age 9
5	Brook H.	" "	Year 1846	Page 66	No. 1814	Age 6
6	Mattie M.	" "	Year 1846	Page 66	No. 1815	Age 4
7	Rexie L.	" "	Year	Page	No.	Age 3
8	Ella	" "	Year	Page	No.	Age 1
		" "	Year	Page	No.	Age
		" "	Year	Page	No.	Age
		" "	Year	Page	No.	Age
		" "	Year	Page	No.	Age

~~Adopted~~

No 1 on 1896 roll as
 " 3 " 1846 " "
 " 5 " 1846 " "

Harmon Shoemaker
 Roe A.
 Harmon

No. 1 + 2. Evidence of marriage to be supplied

7 + 8 Birth affidavits to be supplied

8-11-11
1

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

FILED
JAN 28 1901


ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 25, 1901.

In the matter of the application of Richard W. Shoemake for the enrollment of himself and two children as Cherokees by blood and his wife as an intermarried Cherokee; being sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A Richard W. Shoemake.
Q How old are you? A I will be thirty years old the 21st day of April.
Q What is your post-office address? A Gritts.
Q What district do you live in? A Canadian.
Q Are you a recognized citizen of the Cherokee Nation by blood?
A Yes sir.
Q Have you ever made application to be enrolled in any tribe except the Cherokee? A No sir.
Q Who do you want to enroll now? A Myself, wife and two children.
Q What is the name of your wife? A Mollie Frances.
Q What was her name before you married her? A Kendricks.
Q How old is she? A She will be 29 in July.
Q Have you any certificate of marriage? A Yes sir. (Produces papers)
Q Is he a citizen by blood? A No sir.

Com'r: The applicant produces duly authenticated marriage license and marriage record certifying that he was duly married according to the laws of the United States to Mollie Kendricks on the 7th day of December, 1891.

- Q What are the names of your children? A Ada.
Q How old is Ada? A Ada is seven years old I think.
Q Next child? A Ira.
Q How old is Ira? A Ira is three years old in June; that's all.
Q Are these children alive and living at this time? A Yes sir.
Q Mollie Kendrick your first wife? A Yes sir.
Q You her first husband? A Yes sir.
Q You living together now? A Yes sir.
Q You lived together continuously since you married her?
A Yes sir.
Q How long have you been in the Cherokee Nation? A Been here twenty years; come in 1881.
Q You are living here now? A Yes sir.

1896 Cherokee census roll examined for applicant; page 66 # 1819, Richard W. Shoemake, Canadian District.
1896 Cherokee roll examined for wife; page 93 # 261 Mattie F. Shoemake, Canadian District,
1896 Cherokee census roll examined for children; page 66 # 1820 Addie Shoemake, Canadian District.

Com'r Needles: The applicant applies for the enrollment of himself, wife and two children; his name is found upon the census roll of 1896, and he presents satisfactory proof of having been admitted to Cherokee citizenship by the Cherokee authorities on the 30th day of January, 1883, more particularly described in the testimony; he makes proof of marriage to Mollie F. Kendricks, a white woman, in the year 1891; her name is found upon the census roll of 1896 as Mattie F. Shoemake, and she is duly identified; the name of his oldest child Ada,

Richard W. Shoemake et al2

is found upon the census roll of 1896; and he makes satisfactory proof of birth as to his youngest child, Ira, whose name does not appear upon said roll; they are all duly identified according to page and number of the roll as indicated in the testimony, and make satisfactory proof as to residence; NOW comes the Cherokee Nation, by Mr. Baugh, its representative and protests against the enrollment of Mr. Shoemak, his wife and children, averring that their admission to Cherokee citizenship was procured by fraud, consequently final judgment as to the enrollment of said Richard W. Shoemake and his said children as Cherokee citizens by blood, and his wife, Mollie will be suspended, and their names will be placed upon a doubtful card.

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

(Signed) M. D. Green.
Subscribed and sworn to before me this March 23, 1901.

(Signed) C.R.Breckinridge,
Commissioner.

Cora E. Glendenning, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she correctly copied and the foregoing is a true and correct copy of a document on file with the Commission in the case of Richard W. Shoemake, et al

Cora E. Glendenning
Subscribed and sworn to before me this 26th day of August, 1904.

J. B. Campbell
Notary Public.

B - 81154

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

FILED
MAR 25 1901


ACTING CHAIRMAN

Lean

CHEROKEES BY BLOOD AND ADOPTION.

1 ³⁰ Name *Richard H. Shoemaker* Date *March 25* 1900.
 District *Can.* Year *1896* Page *66* No. *1819*
 Citizen by blood *yes* Mother's citizenship
 Intermarried citizen *no*

Married under what law _____ Date of marriage _____
 License *Mattie F.* Certificate
2 Wife's name *Mattie Shoemaker*
 District _____ Year *1896* Page *93* No. *261*

Citizen by blood *no* Mother's citizenship _____
 Intermarried citizen *yes*
 Married under what law _____ Date of marriage _____
 License _____ Certificate _____

Names of Children:

No.	Name	Dist.	Year	Page	No.	Age
3	<i>Adda Shoemaker</i>	<i>Lean</i>	<i>1896</i>	<i>66</i>	<i>1820</i>	<i>7</i>
4	<i>Errol</i>		Year	Page	No.	Age <i>3</i>
		Dist.	Year	Page	No.	Age
		Dist.	Year	Page	No.	Age
		Dist.	Year	Page	No.	Age
		Dist.	Year	Page	No.	Age
		Dist.	Year	Page	No.	Age
		Dist.	Year	Page	No.	Age
		Dist.	Year	Page	No.	Age
		Dist.	Year	Page	No.	Age
		Dist.	Year	Page	No.	Age

No. 2 on 1896 as Mattie F. Shoemaker

No. 3 on 1896 as Addyi Shoemaker

No. 4 Proof of birth to be supplied

Q 811:7

DEPARTMENT OF THE
SION TO THE
RECEIVED
MAR 2 1900

CERTIFICATE OF RECORD.



United States of America,
INDIAN TERRITORY }
First Judicial Division } ss.

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 19 day of Dec A. D. 1891, at 10 o'clock A. M., and duly recorded in Book "70" Marriage Record, Page 228

Witness my hand and seal of said Court at Muskogee in said Territory, this 19 day of Dec A. D. 1891.
William Nelson Clerk.

By _____ Deputy.

William Nelson
Clerk of the U. S. Court.

By _____ Deputy.

Certificate of Marriage.

United States of America,
INDIAN TERRITORY }
First Judicial Division. } ss.

1. *George H. Wilson*
a *ordained Minister of the Gospel*

Do hereby Certify, that on the 13 day of Dec A. D. 1891 I did duly, and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Bands of Matrimony between the parties therein named

Witness my hand this 13 day of Dec A. D. 1891
My credentials are recorded in the Office of the Clerk of the United States Court, Indian Territory, *First* Judicial Division, Book A, Page 21

George H. Wilson
Minister of Gospel

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 whom 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.

No. 162

MARRIAGE LICENSE



You are Hereby Commanded to solemnize the Rite and publish the Banns of Matrimony
 between Mr. *R. H. Shaemake* of *Stibben valls*
 in the *Sherookee* nation aged *20* years, and
 Miss *Mallie Nordriels* of *Stibben valls* in the
Sherookee nation 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, this *7* day of *Dec.* A. D. *1891*
William Nelson
 Clerk of the U. S. Court.

By _____ Deputy

Certificate of Marriage.

United States of America,
 INDIAN TERRITORY,
First Judicial Division.

1. George H. Wilson
 a *Ordained Minister of the Gospel*

Do Hereby Certify, that on the *13* day of *Dec* A. D. *1891*
 I did duly, and according to law, as commanded in the pertinent Laws, solemnize the Rite and publish the
 Banns of Matrimony between the parties therein named.

Witness my hand this *13* day of *Dec* A. D. *1891*
 My credentials are recorded in the Office of the Clerk of the United States Court, Indian Territory,
First Judicial Division, Book *A*, Page *21*

George H. Wilson
 Minister of Gospel

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 six 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.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Muskegee, I.T., October 27, 1902.

In the matter of the application of Richard W. Shoemaker for the enrollment of himself and his children Ada and Ira as citizens by blood of the Cherokee nation, and for the enrollment of his wife Mollie F., as a citizen by intermarriage of the Cherokee nation.

Richard W. Shoemaker, being first duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A Richard W. Shoemaker.
Q What is your postoffice address? A Gritts, I.T.
Q What is your age? A I was born in 1871.
Q Are you the same Richard W. Shoemaker who made application to be enrolled as a citizen by blood of the Cherokee nation in March, 1901? A Yes sir.
Q What is your wife's name? A Mollie F.
Q Is she a white woman? A Yes sir.
Q Is she living at this time? A Yes sir.
Q Is she an applicant for enrollment by intermarriage? A Yes sir.
Q When were you married to your wife Mollie? A I think it was '91.
Q Where were you married? A Webbers Falls.
Q Had you ever been married prior to your marriage to your wife Mollie?
A No sir.
Q Had she ever been married prior to her marriage to you? A No sir.
Q Have you and she lived together continuously from the time of your marriage up to the present time? 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 1st day of September, 1902? A Yes sir.
Q How long have you lived in the Cherokee nation? A I was small when we moved to the Cherokee nation; I have lived there ever since; I think it was '80 or '81.
Q You have lived in the Cherokee nation for the past 15 years all the time?
A Yes sir.
Q Has Mollie lived in the Cherokee nation all the time since her marriage to you? A Yes sir.
Q Are these children both by your wife Mollie? A Yes sir.
Q Both living? A Yes sir.
Q Lived all their lives in the Cherokee nation? A Yes sir.

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

Frances R. Lane

Subscribed and sworn to before me this November 4, 1902.

R. B. Jones
Notary Public.

BOP

Cherokee No. D-1159.

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

In the matter of the application of RICHARD W. SHOEMAKE, for the enrollment of himself, and children, ADA and IRA SHOEMAKE, as citizens by blood, and for the enrollment of his wife, MOLLIE F. SHOEMAKE, as a citizen by intermarriage of the Cherokee Nation.

S U P P L E M E N T A L S T A T E M E N T .

Upon a further examination of the tribal rolls of the Cherokee Nation, the applicants in this case are identified as follows:

1894 Strip Payment Roll.

No. 1 on page 97, No. 2060, Canadian District.
No. 3 on page 97, No. 2061, Canadian District.

1883 Pay Roll.

No. 1, Canadian District, No. 1365, as Richard Shoemake.


Commissioner.

Tahlequah, Indian Territory,
October 19, 1903.

DEPARTMENT OF THE INTERIOR,
 COMMISSION TO THE FIVE CIVILIZED TRIBES,
 Muskogee, Indian Territory, October 29, 1903.

In the matter of the application of WILLIAM H. SHOEMAKE, et al., for enrollment as Cherokee citizens, consolidating the applications of:

William H. Shoemake et al	Cherokee D 123
John W. Shoemake et al	" D 121
William M. Shoemake et al	" D 178
Charles P. Clark et al	" D 205
James Shoemake et al	" D 279
Thomas R. Collins	" D 1055
Mary J. Garrett et al	" D 1064
William L. Collins	" D 1065
Harmon A. Shoemake et al	" D 1071
William A. Hensley et al	" D 1092
Jesse E. Shoemake et al	" D 1157
Charles F. Shoemake et al	" D 1158
Richard W. Shoemake et al	" D 1159
Thomas H. Shoemake	" D 1160
Rhoda M. Branum	" D 1161
Hugh A. Shoemake	" D 1162
Alta M. Shoemake	" F 483
Joseph W. King	" D 1164

SUPPLEMENTAL STATEMENT.

An examination of the printed list of persons admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, shows that the names of the following applicants, among others, appear on said list as having been so admitted on the dates hereinafter mentioned, viz:

William M. Shoemake	Admitted by the name of William Shoemake, on January 30, 1883.
James Shoemake	Admitted on January 30, 1883.

Supplemental Statement, William H. Shoemaker et al.

-2-

Richard W. Shoemaker

Admitted by the name of Richard
Shoemaker, on January 30, 1883.

Hugh A. Shoemaker

Admitted by the name of Hugh
Shoemaker, on January 30, 1883.

Copies of this statement are ordered made a part of the
record herein.


Commissioner.

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

In the matter of the application of William H. Shoemaker, et al., for enrollment as citizens by blood of the Cherokee Nation, consolidating the applications of

William H. Shoemaker et al	Cherokee	D 123
John W. Shoemaker et al	"	D 121
William M. Shoemaker et al	"	D 178
Mattie B. Clark et al	"	D 205
James Shoemaker et al	"	D 279
Thomas E. Collins	"	D 1055
Mary J. Garrett et al	"	D 1064
William L. Collins	"	D 1065
Harmon A. Shoemaker et al	"	D 1071
Minnie M. Hensley et al	"	D 1092
Jesse W. Shoemaker et al	"	D 1157
Charles F. Shoemaker et al	"	D 1158
Richard W. Shoemaker et al	"	D 1159
Thomas E. Shoemaker	"	D 1160
Rhoda H. Branum	"	D 1161
Hugh A. Shoemaker	"	D 1162
Alta M. Shoemaker	"	D 463
Joseph W. King,	"	D 1134

D E C I S I O N.

The record herein shows that applications for enrollment as citizens of the Cherokee Nation were made to this Commission as follows:

By William H. Shoemaker for himself and his minor children, Lula B. and Mary E. Shoemaker, as citizens by blood, and for his

wife, Sirena P. Shoemake, as a citizen by intermarriage, but as the status of claimants by intermarriage is not fixed at this time, she is not embraced in this decision; by John W. Shoemake for himself and his minor children, Calvin B., Luda G., Claude, Maud, Maggie M. and Effie Shoemake, as citizens by blood, and for his wife, Elizabeth Shoemake, as a citizen by intermarriage, but as the status of claimants by intermarriage is not fixed at this time, she is not embraced in this decision; by William M. Shoemake for himself and his minor children, Georgia A. and Clem Shoemake, as citizens by blood; subsequent to the date of his original application an affidavit was filed showing the birth of his minor child, Pigeon Shoemake, and the same is made a part of the record herein; by Charles P. Clark for himself, among others, as a citizen by intermarriage, and for his wife, Mattie B. Clark, and his minor child, Bessie E. Clark, as citizens by blood; the other parties to the application being differently classified, are not embraced in this decision, and as the status of claimants by intermarriage is not fixed at this time, the said Charles P. Clark is not embraced in this decision; subsequent to the date of his original application an affidavit showing the birth of his minor child, Susie Clark, was filed and the same is made a part of the record herein; by James Shoemake for himself and his minor children, John W., William A. and Grace L. Shoemake, as citizens by blood, and for his wife, Clara Shoemake, as a citizen by intermarriage, but as the status of claimants by intermarriage is not fixed at this time, she is not embraced in this decision; subsequent to the date of his original application an affidavit was filed showing the birth of James N. Shoemake, a fourth child of the applicant, and the same is made a part of the record herein; by

Tillman A. Collins for the enrollment of his minor son, Thomas E. Collins, as a citizen by blood; by Lemuel Garrett for the enrollment of his wife, Mary J. Garrett, and his two minor children, Gracie D. and Ellis E. Garrett as citizens by blood; subsequent to the date of his original application an affidavit was filed showing the birth of Tilmon M. J. Garrett, a third child of the applicant, and the same is made a part of the record herein; by William L. Collins for himself as a citizen by blood; by Harmon A. Shoemake for himself and his minor children, Rose Anna, James W., Noah H., Mattie M., Roxie L. and Ella Shoemake, as citizens by blood, and for the enrollment of his wife, Nancy Shoemake, as a citizen by intermarriage, but as the status of claimants by intermarriage is not fixed at this time, she is not embraced in this decision; by William A. Hensley for his wife, Minnie M. Hensley, and his minor children, William W. and Angie M. Hensley, as citizens by blood, and for himself as a citizen by intermarriage, but as the status of claimants by intermarriage is not fixed at this time, he is not embraced in this decision; that subsequent to the date of his original application an affidavit was filed showing the birth of Della G. Hensley, a third child of the applicant, and the same is made a part of the record herein; by Jesse E. Shoemake for himself and his minor children, Oscar, Maud, Hugh, Walsie L., Della, Minna and Grace Shoemake, as citizens by blood, and for his wife, Laura Shoemake, as a citizen by intermarriage, but as the status of claimants by intermarriage is not fixed at this time, she is not embraced in this decision; by Charles F. Shoemake for himself and his minor children, Minnie M., Bobbie, Walter and Cherokee G. Shoemake, as citizens by blood, and for his wife, Annie Shoemake, as a citizen

by intermarriage, but as the status of claimants by intermarriage is not fixed at this time, she is not embraced in this decision; subsequent to the date of his original application an affidavit was filed showing the birth of Mary I. Shoemaker, a fifth child of the applicant, and the same is made a part of the record herein; by Richard W. Shoemaker for himself and his minor children, Ada and Ira Shoemaker, as citizens by blood, and for his wife, Rollis F. Shoemaker, as a citizen by intermarriage, but as the status of claimants by intermarriage is not fixed at this time, she is not embraced in this decision; by Thomas H. Shoemaker for himself as a citizen by blood; by Christopher C. Branum for his wife, Rhoda M. Branum, as a citizen by blood; by Hugh A. Shoemaker for himself, among others, as a citizen by blood; the other parties to the application being differently classified, are not embraced in this decision; by Verda A. Young for her minor child, Alta M. Shoemaker, as a citizen by blood; and by William H. Shoemaker for Joseph W. King, as a citizen by blood.

The evidence shows that the applicants, William H. Shoemaker and John W. Shoemaker, were admitted to citizenship in the Cherokee Nation on January 25, 1883, by a duly constituted Cherokee commission on citizenship, known as the Teehee Commission; that the applicants, Lula B. Shoemaker, Mary E. Shoemaker, Calvin B. Shoemaker, William H. Shoemaker, Mattie D. Clark (nee Shoemaker), James Shoemaker, Hanson A. Shoemaker, Minnie M. Kensley (nee Shoemaker), Jesse E. Shoemaker, Charles F. Shoemaker, Richard W. Shoemaker, Thomas H. Shoemaker, Rhoda M. Branum (nee Shoemaker), and Hugh A. Shoemaker, were admitted to Cherokee citizenship by said commission on January 30, 1883; and that Thomas E. Collins, Mary J. Garrett and

William L. Collins, were admitted to Cherokee citizenship by said commission on September 11, 1883. All the other applicants embraced in this decision were born since 1883 and are the respective descendants of the persons admitted to citizenship as aforesaid. Under the ruling announced by the Department in the case of Martha J. Hill et al., (I. T. D. 3886-1903), said descendants, being residents of the Cherokee Nation, are considered to have acquired the status of their said ancestors.

The right of the Cherokee Nation, acting through its duly constituted tribunals, to confer citizenship upon whomsoever it saw fit, has always been recognized; provided, said tribunals were acting within their jurisdiction and their judgments were not procured by fraud. The Cherokee Nation does not question the jurisdiction of said Teehee Commission, but alleges that the judgment admitting William H. and John W. Shoemaker, was procured by fraud, and is therefore void. The several judgments of said Commission admitting other members of the Shoemaker family, as above mentioned, are not assailed by the Cherokee Nation, either for want of jurisdiction or for fraud; but it is contended by the Nation that none of the members of the Shoemaker family are Cherokees by blood, and that their applications for enrollment should be denied, notwithstanding the judgments of the tribal commission admitting them to citizenship. This Commission holds to the view that the judgments of a duly constituted Cherokee commission on citizenship, if valid, should be given full faith and credit on the questions therein adjudicated, if the same are within their jurisdiction. The Commission does not care to go behind the valid judgments of such Cherokee commission in citizenship cases to inquire whether the

persons admitted by said tribunal were Cherokees by blood.

Hence, the sole question to be determined herein with respect to said Teehee judgment of January 25, 1883, is whether the same was procured by fraud. In considering this question the Commission has borne in mind the well settled principles of law, that fraud will not be presumed, but must be clearly proved by the party alleging it; but that said proof may be made either directly, or by circumstances which clearly lead the mind to the conclusion that fraud exists. It is especially necessary that the proof be clear when the solemn written judgment of a court of competent jurisdiction is sought to be impeached for fraud.

The evidence further shows that the said William H. Shoemaker, and his brother, John W. Shoemaker, made application for admission to Cherokee citizenship before the Cherokee Commission on Citizenship, on September 10, 1880; that the case was continued until January, 1881, and again until September, 1881; that the application was withdrawn September 24, 1881; and that on January 4, 1882, the claimants, by leave of said Commission, filed an amended application and the case, being reinstated on the docket, was afterwards continued until the September Term, 1882, and again continued until the January Term, 1883. The record herein shows that on January 12, 1883, a written motion was filed asking for a reconsideration of the case on the ground that the judgment was against the weight of the evidence, and because the members of the court were not unanimous in rejecting the claimants. From this it seems that the case must have been taken up at the January Term, sometime prior to January 12, 1883, and a judgment rendered rejecting the applicants. This motion purports to have been signed by C. H. Taylor and S. H. Benge, as attorneys for the claimants. Benge denies that he was an attorney in the case, or that he ever

of said Teehee Commission, that he drafted such motion and signed the names of Taylor and Bengé thereto, under the impression that they were representing the claimants. The filing of such motion by the clerk, if unauthorized, was a gross irregularity; but be that as it may, the fact remains that the original judgment of the Commission was reconsidered, and the evidence shows that the said Commission revoked its former judgment, and admitted the said William H. and John W. Shoemake to citizenship in the Cherokee Nation on January 25, 1883.

It is contended by the Cherokee Nation that the motion for reconsideration, having been drawn up and filed by D. V. C. Duncan without authority, and no notice having been given to the solicitor of the Cherokee Nation that the case was to be reconsidered and no additional evidence or argument having been heard in the case, strongly indicate that fraudulent means had been used to bring about a reversal of the original judgment. Assuming these facts to have been proven by the evidence, they do not establish fraud. A court or tribunal, during the term at which a judgment is rendered, has full control over its records, and may, of its own motion, modify or revoke such judgment without hearing any additional evidence or argument, and without giving notice to anyone.

It appears from an examination of the said judgment of January 25, 1883, as recorded in the original docket of said Teehee Commission, that the same bears evidence of having been altered. That portion of said judgment underlined in red ink in the record herein at page nine of the supplemental testimony taken on March 17, 1902, has evidently been written in the place of something erased. No one seems to be able to fully explain this erasure; but

it is shown that the entire record, from the entry made on January 24, 1882, down to and including the entry made on January 25, 1883, is in the handwriting of D. W. C. Duncan, clerk of the said Teehee Commission. The Cherokee Nation contends that the erased portion of the page contained the original judgment of rejection; and further intimate that said Duncan, having erased the first judgment which rejected the claimants, substituted, without the authority or consent of the Commissioners, the judgment of admission over their signatures. This theory that the judgment of admission was unauthorized by the members of said commission, is not sustained by the evidence. The only witnesses produced who would, presumably, have been in a position to know the facts concerning the rendition of such judgment are T. E. Thompson, who was at that time one of the judges of said Commission, and D. W. C. Duncan, the clerk thereof. Both of these witnesses testify positively that the judgment, as shown on the Commission's docket, properly represents the final action of the Commission in that case, and that no fraudulent or corrupt means were used to influence its rendition. Even Samuel H. Sange, the Cherokee Nation's own witness, testifies that he was present in open court when the Commission reconsidered said case, and rendered its decision in favor of the claimants. The fact that the interlineation complained of is in the handwriting of Duncan, who was clerk of said Commission, having custody of the records and authority to record the proceedings of the Commission, would seem to require stronger proof to establish fraud than if said interlineation had been made by a third person. Moreover, if said judgment of the Commission had been made fraudulently, and without the knowledge of said Commission, it is difficult to

understand why the same Commission should have, five days later, on January 30, 1883, admitted to citizenship the children of William M. Shoemaker and John T. Shoemaker. It is unreasonable to suppose they would reject the parents and five days later admit their children, who could have no rights except through such parents. The latter judgment admitting the Shoemaker children is not questioned by the Cherokee Nation, and there seems to be no dispute as to its being a regular and valid judgment of said Commission.

After a careful consideration of all the evidence herein, this Commission is of the opinion that the same fails to show that the judgment of the Teehee Commission rendered January 25, 1883, is fraudulent; and therefore said judgment, together with the judgment of the same Commission rendered January 30, 1883, and September 11, 1883, must be accepted as the valid and final judgments of a Cherokee tribunal of competent jurisdiction.

Although the charge that said judgment of the Teehee Commission, rendered January 25, 1883, was procured by fraud, was expressly referred to the Cherokee National Council for investigation by the Cherokee Commission on Citizenship, known as the Spears Commission, as early as September, 1884, yet no action has ever been taken by the Cherokee Nation to set aside said judgment, and it was never directly assailed until the hearing of the cases now under consideration. On the contrary, the Cherokee Nation seems to have acquiesced in said judgment and recognized the members of the Shoemaker family as Cherokee citizens by placing the said William M. Shoemaker and John T. Shoemaker, together with their descendants, on the tribal rolls of the Cherokee Nation.

It is shown by the evidence that the applicants herein are

identified on the Cherokee tribal rolls as follows:

William H. Shoemaker, Lula B. Shoemaker, Mary E. Shoemaker, John W. Shoemaker, Calvin B. Shoemaker, William H. Shoemaker, Mattie B. Clark (nee Shoemaker), James Shoemaker, Harmon A. Shoemaker, Minnie H. Hensley (nee Shoemaker), Jesse E. Shoemaker, Charles F. Shoemaker, Richard W. Shoemaker, Thomas H. Shoemaker, Rhoda M. Branun, (nee Shoemaker), and Hugh A. Shoemaker, on the 1883 pay roll.

William H. Shoemaker, Lula B. Shoemaker, Mary E. Shoemaker, John W. Shoemaker, Calvin B. Shoemaker, Luda G. Shoemaker, Claude Shoemaker, Laud Shoemaker, Maggie H. Shoemaker, William H. Shoemaker, Georgia A. Shoemaker, Mattie B. Clark (nee Shoemaker), James Shoemaker, John W. Shoemaker (son of James Shoemaker), Thomas D. Collins, Mary J. Garrett (nee Collins), William L. Collins, Harmon A. Shoemaker, Rose Ann. Shoemaker, James W. Shoemaker, Noah H. Shoemaker, Minnie I. Hensley (nee Shoemaker), Jesse E. Shoemaker, Oscar Shoemaker, Laud Shoemaker, Hugh Shoemaker, Charles F. Shoemaker, Richard W. Shoemaker, Ada Shoemaker, Thomas H. Shoemaker, Rhoda M. Branun (nee Shoemaker), Hugh A. Shoemaker and Alta M. Shoemaker, on the 1894 strip payment roll.

All the applicants herein except Clem Shoemaker, Pigeon Shoemaker, Dessie E. Clark, Susie Clark, Grace L. Shoemaker, James W. Shoemaker, Gracie D. Garrett, Ellis E. Garrett, Tilmon W. J. Garrett, Rennie L. Shoemaker, Ella Shoemaker, Angie M. Hensley, Della M. Hensley, Minna Shoemaker, Grace Shoemaker, Walter Shoemaker, Cherokee G. Shoemaker, Mary I. Shoemaker and Ira Shoemaker are also identified on the 1896 census roll. The said applicants who are not identified on said 1896 roll are too young to appear on any of the tribal rolls but are duly identified by birth affidavits made a part of the record herein.

The evidence further shows that all the applicants who were admitted to citizenship in the Cherokee Nation as hereinbefore stated, have resided in said Nation since their admission in 1883. The other applicants herein, being the respective descendants of such admitted persons, born since 1883, are considered to have resided in said Nation all their lives.

It is further shown by the evidence that the said Mattie S. Clark died August 26, 1902.

Section twenty-five of the act of Congress approved July 1, 1902 (32 Stats., 716), provides as follows:

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

It is, therefore, the opinion of this Commission that the said William H. Shoemaker, Lula B. Shoemaker, Mary E. Shoemaker, John W. Shoemaker, Calvin B. Shoemaker, Luda G. Shoemaker, Claude Shoemaker, Laud Shoemaker, Maggie L. Shoemaker, Effie Shoemaker, William H. Shoemaker, Georgia A. Shoemaker, Clem Shoemaker, Pigeon Shoemaker, Bessie W. Clark, Susie Clark, James Shoemaker, John W. Shoemaker (son of James Shoemaker), William A. Shoemaker, Grace L. Shoemaker, James L. Shoemaker, Thomas E. Collins, Mary J. Garrett, Gracie D. Garrett, Ellis E. Garratt, Tilton M. J. Garrett, William L. Collins, Harmon A. Shoemaker, Rose Anna Shoemaker, James W. Shoemaker, Noah H. Shoemaker, Mattie M. Shoemaker, Rexie L. Shoemaker, Ella Shoemaker, Minnie M. Hensley, William W. Hensley, Angie H. Hensley, Della G. Hensley, Jesse E. Shoemaker, Oscar Shoemaker, Maud Shoemaker, Hugh Shoemaker, Walsie L. Shoemaker, Della Shoemaker, Minna Shoemaker, Grace Shoemaker, Charles F. Shoemaker, Minnie M. Shoemaker,

Robbie Shoemake, Walter Shoemake, Cherokee G. Shoemake, Mary I. Shoemake, Richard W. Shoemake, Ada Shoemake, Ira Shoemake, Thomas H. Shoemake, Rhoda B. Branum, Hugh A. Shoemake, Alta M. Shoemake, and Joseph W. King, 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; it is further ordered by this Commission that the application for the enrollment of Mattie B. Clark as a citizen by blood of the Cherokee Nation, be, and the same is, hereby dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) TAMM BIXBY,
Chairman.

(Signed) T. B. NEEDLES,
Commissioner.

(Signed) C. R. BRECKINRIDGE,
Commissioner.

(Signed) V. E. STANLEY,
Commissioner.

Dated at Muskogee, Indian Territory,
this NOV 16 1903.

C.F.B.

COPY.

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

In the matter of the application for the enrollment of Sirena P. Shoemake et al. as citizens by intermarriage of the Cherokee Nation, consolidating the applications of:-

Sirena P. Shoemake	Cherokee R 63
Elizabeth Shoemake	Cherokee R 62
Charles P. Clark	Cherokee D 205
Clara Shoemake	Cherokee D 279
Nancy Shoemake	Cherokee D 1071
William A. Hensley	Cherokee D 1092
Laura Shoemake	Cherokee D 1157
Annie Shoemake	Cherokee D 1158
Mollie F. Shoemake	Cherokee D 1159

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as citizens by intermarriage of the Cherokee Nation were made to the Commission to the Five Civilized Tribes for Sirena P. Shoemake, Elizabeth Shoemake, Charles P. Clark, Clara Shoemake, Nancy Shoemake, William A. Hensley, Laura Shoemake, Annie Shoemake and Mollie P. Shoemake.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Sirena P. Shoemake, was married in 1865, to William H. Shoemake, who was not at the time of said marriage a citizen of the Cherokee Nation, and did not become such until the date of his admission to citizenship in said Nation in 1883; that the said Elizabeth Shoemake was married about the year 1870 to James H. Shoemake, who was not at that time a citizen of the Cherokee Nation; and who did not become such until his admission to Cherokee citizenship in 1883; that the said Charles P. Clark was married in the year 1888 or 1889 to one Sophia Sheraff, a citizen by blood of the Cherokee Nation; that the said Clara Shoemake married, in the year 1890, one James Shoemake, a citizen by blood of the Cherokee Nation; that the said Nancy Shoemake married, in the year 1887, one Harmon A. Shoemake, a citizen by blood of the Cherokee Nation; that the said William A. Hensley married, in the year 1895, one Minnie Shoemake, a citizen by blood of the Cherokee Nation; that the said Laura Shoemake, in the year 1887, married one Jesse E. Shoemake, a citizen by blood of the Cherokee Nation; that the said Annie Shoemake married, in the year 1893, one Charles Franklin Shoemake, a citizen by blood of the Cherokee

-1-

Nation; that the said Mollie F. Shoemake was married in the year 1891 to one Richard W. Shoemake, a citizen by blood of the Cherokee Nation. The evidence further shows that all of the applicants herein are white persons, and neither claim nor possess any right to enrollment as citizens of the Cherokee Nation except by virtue of said marriages. None of said applicants can be identified on the Cherokee authenticated tribal roll of 1860.

In view of the foregoing it is considered that none of the applicants herein were married in accordance with Cherokee law to recognized citizens by blood of the Cherokee Nation prior to November 1, 1875.

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 case of Daniel Red Bird et al vs the United States, Nos. 125, 126, 127 and 128, appealed from the Court of Claims, Sirena P. Shoemake, Elizabeth Shoemake, Charles P. Clark, Clara Shoemake, Nancy Shoemake, William A. Hensley, Laura Shoemake, Annie Shoemake and Mollie F. Shoemake are not entitled to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

(Signed) Tams Bixby.

Commissioner.

Dated at Muskogee, Indian Territory,
this January 10, 1907.

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

ALLISON L. AYLESWORTH
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING
Cherokee D-1159

Muskogee, Indian Territory, February 27, 1902.

Mr. Richard W. Showmake,

Gritts, 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 18 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, that you may deem necessary.

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

Copy to Thomas H. Owen,
Muskogee, I.T. Register.

Yours truly,

Commissioner in Charge.

~~XXXXXXXXXXXX~~
Acting Chairman.

B

D1159

FEB 28 1966

[Handwritten signature]

NOTICE!

IN THE MATTER OF the application of Richard W. Shoemaker, et al.
for enrollment as Cherokee citizens:

Case No. D 1159

To Richard W. Shoemaker, or Thomas H. Owen, his attorney:

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 15, 1902, or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this March 10, 1902.

W. W. Hastings
Attorneys for the Cherokee Nation.

D. 1129

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 190...

Given under my hand this
day of A. D. 190

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
..... day of 190.....

John A. Owen
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

.....
on the day of A. D. 190.....

Subscribed and sworn to before me
this

.....
Notary Public.

FILED
MAR 25 1902

[Signature]
NOTARY PUBLIC

Cherokee D-123
et al.

Muskogee, Indian Territory, November 16, 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 November 16, 1903, granting the application for the enrollment of William H., Lula B., Mary E., John W., Calvin B., Luda G., Claude, Maud, Maggie M., Effie, William M., Georgia A., Clem, Pigeon, Shoemake, Bessie E. and Susie Clarke James, John W., William A., Grace L., James N. Shoemake, Thomas E. Collison, Mary J., Gracie D., Ellis R. and Tilmor N. J. Garrett, William L. Collins, Harmon A., Rose Anna, James W., Noah H., Mattie M., Rexie L., Ella Shoemake, Minnie M., William W., Angie M., Della G. Hensley, Jesse E., Oscar, Maud, Hugh, Walsie L. Della, Ninna, Grace, Charles F., Minnie M., Bobbie, Walter, Cherokee G., Mary I., Richard W., Ada, Ira, Thomas H. Shoemake, Rhoda M. Branum, Hugh A., Alta M. Shoemake and Joseph W. King as citizens by blood of the Cherokee Nation, and dismissing the application for the enrollment of Mattie B. Clark as a citizen by blood of said Nation, she having died on August 26, 1902.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire

W.W.H., No.2.

to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

[Signature]

Chairman.

Cherokee D-123 et al.

Muskogee, Indian Territory, November 30, 1903.

Thomas & Harrison,

Attorneys for William H. Shoemake et al.,
Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the record of proceedings had in the consolidated case of William H. Shoemake et al., together with a copy of the Commission's decision dated November 16, 1903, granting the applications for the enrollment of William H., Lula B., Mary E., John W., Calvin B., Luda G., Claude, Maud, Maggie M., Effie, William M., Georgia A., Clem and Pigeon Shoemake, Bessie E. and Susie Clark, James, John W., William A., Grace L., and James N. Shoemake, Thomas E. Collins, Mary J., Gracie D., Ellis E. and Tilmon N. J. Garrett, William L. Collins, Harmon A., Rose Anna, James W., Noah H., Mattie M., Rexie L., and Ella Shoemake, Minnie M. William W., Angie M. and Della G. Hensley, Jesse E., Oscar, Maud, Hugh, Walsie L., Della, Minna, Grace, Charles F., Minnie M., Bobbie, Walter, Cherokee G., Mary I., Richard W., Ada, Ira and Thomas H. Shoemake, Rhoda M. Branum, Hugh A. and Alta M. Shoemake and Joseph W. King, as citizens by blood of the Cherokee Nation, and dismissing the application for the enrollment of Mattie B. Clark as a citizen

by blood of said Nation, she having died August 26, 1902.

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

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

Respectfully,

Chairman.

Refer in reply to the following:

Land: 78202-1903.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, Jan'y 12, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith for the consideration of the Department the record of the proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application of William H. Shoemaker, for the enrollment of himself and his minor children Lela B. and Mary E. Shoemaker, as citizens by blood, and for the enrollment of his wife Sirena P. Shoemaker, as a citizen by intermarriage; of John W. Shoemaker, for the enrollment of himself and his minor children Calvin W., Lura W., Claude, Paul, Maggie M. and Effie Shoemaker, as citizens by blood, and for the enrollment of his wife Elizabeth Shoemaker, as a citizen by intermarriage; of William H. Shoemaker for the enrollment of himself and his minor children Georgia A. and Slem Shoemaker, as citizens by blood; of Charles P. Clark, for the enrollment of himself as a citizen by intermarriage, and for his wife Martha P. Clark and her minor child, Bessie H. Clark, as citizens by blood; of James Shoemaker for the enrollment of himself and his minor children, John W., William A., and Grace L. Shoemaker, as citizens by blood, and for his wife Clara Shoemaker, as a citizen by

intermarriage; of Tillmon A. Collins, for the enrollment of his minor son, Thomas E. Collins, as a citizen by blood; of Emanuel Garrett, for the enrollment of his wife, Mary J. Garrett, and his two minor children, Gracie D., and Ellis E. Garrett, as citizens by blood; of William L. Collins for the enrollment of himself as a citizen by blood; of Harmon A. Shoemaker, for the enrollment of himself and his minor children, Rose Anna, James W., Noah H., Mattie M., Roxie L., and Ella Shoemaker, as citizens by blood, and for the enrollment of his wife, Nancy Shoemaker, as a citizen by intermarriage, of William A. Hensley for the enrollment of his wife, Minnie M. Hensley, and his minor children, William W., and Angie M. Hensley, as citizens by blood, and for the enrollment of himself as a citizen by intermarriage; of Jesse E. Shoemaker, for the enrollment of himself and his minor children, Oscar, Maud, Hugh, Walsie L., Della, Minna and Grace Shoemaker, as citizens by blood, and for the enrollment of his wife, Laura Shoemaker as a citizen by intermarriage; of Charles T. Shoemaker, for the enrollment of himself and his minor children, Minnie M., Bebbie, Walter and Cherokee C. Shoemaker, as citizens by blood, and for the enrollment of his wife, Annie Shoemaker, as a citizen by intermarriage; of Richard W. Shoemaker, for himself and his minor children, Ada and Ira Shoemaker, as citizens by blood, and for the enrollment of his wife, Mollie F. Shoemaker, by intermarriage; of Thomas H. Shoemaker, for the enrollment of himself as a citizen by blood; of Christopher C. Branum, for the enrollment of his wife, Rhoda M. Branum, as a citizen by blood; of

Hugh A. Shoemaker, for the enrollment of himself among others as a citizen by blood; of Verda A. Young, for the enrollment of her minor child, Alta M. Shoemaker, as a citizen by blood; and of William M. Shoemaker, for the enrollment of Joseph W. King, as a citizen by blood; all of the Cherokee Nation.

On November 16, 1903, the Commission rendered a decision in this case in which it is set out that the status of the claimants to the right to enrollment as Cherokee citizens by inter-marriage is not fixed at this time, and therefore the applicants, Sirena M. Shoemaker, as wife of William M. Shoemaker, Elizabeth Shoemaker, as wife of John W. Shoemaker, Charles P. Clark, as the husband of Mattie B. Clark, Clara Shoemaker, as the wife of James Shoemaker, Nancy Shoemaker, as the wife of Harmon A. Shoemaker, William A. Mansley, as the husband of L. M. Mansley; Laura Shoemaker, as the wife of Jesse L. Shoemaker, Annie Shoemaker, as the wife of Charles P. Shoemaker, and Nellie F. Shoemaker, as the wife of Richard F. Shoemaker, are not embraced in this decision.

It is further stated by the Commission in said decision that subsequent to the date of the original application of William M. Shoemaker, an affidavit was filed showing the birth of his minor child, Pigeon Shoemaker, and that the same is made a part of the record herein, that in the application of Charles P. Clark for the enrollment of himself among others, the other parties except his wife Mattie B. Clark, and his minor child Bessie E. Clark, are differently classed and are not embraced in this

decision, that subsequent to the date of the original application of Charles P. Clark an affidavit was filed showing the birth of his minor child Susie Clark, and the same is made a part of this record; that subsequent to the application filed by James Shoemake et. al., an affidavit was filed showing the birth of James H. Shoemake, a fourth child of the applicant, and the same is made a part of the record; that subsequent to the date of the original application of Lemuel Garrett, et. al., an affidavit was filed showing the birth of Tillmon N. J. Garrett, a third child of the applicant, the same being made a part of the record herein; that subsequent to the date of the original application of Wm A. Hensley, an affidavit was filed showing the birth of Della G. Hensley, a third child of the applicants, the same being made a part of the record; that subsequent to the date of the original application of Charles F. Shoemake, an affidavit was filed showing the birth of Mary I. Shoemake, a fifth child of the applicant, the same being made a part of the record. The decision further states that the other parties to the application of Hugh A. Shoemake are differently classed and are not embraced in said decision.

The Commission finds from the evidence submitted in this case that the applicants William H. Shoemake and John F. Shoemake were admitted to citizenship in the Cherokee Nation on January 25, 1883, by a duly constituted Cherokee commission on citizenship known as the Teehee Commission; that the applicants Lula B. Shoemake, Mary E. Shoemake, Glavin B. Shoemake, William M.

Shoemaker, Mattie E. Clark (nee Shoemaker), James Shoemaker, Harmon A. Shoemaker, Minnie M. Henkley, (nee Shoemaker), Jesse E. Shoemaker, Charles F. Shoemaker, Richard W. Shoemaker, Thomas S. Shoemaker, Rhoda M. Branum (nee Shoemaker) and Hugh A. Shoemaker were admitted to Cherokee citizenship by said Commission on January 30, 1883, and that Thomas E. Collins, Mary J. Garrett and William L. Collins were admitted to Cherokee citizenship by said Commission on September 11, 1883; that all the other applicants embraced in said decision were born since 1883 and are the respective descendants of the persons admitted to citizenship as aforesaid.

The Commission then holds that under the ruling announced by the department in the case of Martha J. Hill, et. al., (I.T.D. 3886-1903), said descendants being residents of the Cherokee Nation, are considered to have acquired the status of their said ancestors.

The Commission then goes into the evidence in this case at some length, and discusses the question of the validity of judgments of duly constituted Cherokee authorities and especially of the Teehee Commission wherein parties are admitted to citizenship in the Cherokee Nation. The charge that the Teehee judgment of January 25, 1883, admitting the said William F. and John W. Shoemaker, was a fraudulent judgment, is then discussed by the Commission in its said decision, and they say relative thereto that "After a careful consideration of all the evidence herein this Commission is of the opinion that the same fails to show that the judgment of the Teehee Commission returned January 25, 1883,

is fraudulent, and therefore said judgment, together with the judgments of the same Commission rendered January 30, 1883, and September 11, 1883, must be accepted as the valid and final judgments of a Cherokee tribunal of competent jurisdiction."

Said Commission further recites the fact that the applicants' names are on certain rolls of the Cherokee Nation, and that all of the applicants, except those who are too young to appear on any of the tribal rolls, are identified on the 1896 census roll. The Commission further finds from the evidence that all of the applicants who were admitted to citizenship in the Cherokee Nation, have resided in said Nation since their admission in 1883, that all the other applicants who were not so admitted are descendants of such admitted persons born since 1883, and are considered to have resided in said Nation all their lives; that the evidence further shows that the said Mattie B. Clark died August 26, 1902, and that section 25 of the Act of Congress approved July 1, 1902, (32 Stats., 710), provides as follows:

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

By reason of the foregoing facts and findings the Commission is of the opinion that the said William H. Shoemake, Lula B. Shoemake, Mary E. Shoemake, John W. Shoemake, Calvin B. Shoemake, Luda C. Shoemake, Claude Shoemake, Maud Shoemake, Maggie M. Shoemake, Effie Shoemake, William M. Shoemake, Georgia

A. Shoemake, Clem Shoemake, Pigeon Shoemake, Bessie E. Clark, Susie Clark, James Shoemake, John W. Shoemake (son of James Shoemake), William A. Shoemake, Grace L. Shoemake, James N. Shoemake, Thomas E. Collins, Mary J. Garrett, Gracie D. Garrett, Ellis E. Garrett, Tillmon N. J. Garrett, William L. Collins, Harmon A. Shoemake, Rose Anna Shoemake, James W. Shoemake, Noah H. Shoemake, Mattie M. Shoemake, Rexie L. Shoemake, Ella Shoemake, Minnie M. Hensley, William W. Hensley, Angie M. Hensley, Della G. Hensley, Jesse E. Shoemake, Oscar Shoemake, Maude Shoemake, Hugh Shoemake, Walsie L. Shoemake, Della Shoemake, Minna Shoemake, Grace Shoemake, Charles F. Shoemake, Minnie M. Shoemake, Bobbie Shoemake, Walter Shoemake, Cherokee G. Shoemake, Mary I. Shoemake, Richard W. Shoemake, Ada Shoemake, Ira Shoemake, Thomas H. Shoemake, Rhoda M. Franum, Hugh A. Shoemake, A. ta M. Shoemake and Joseph W. King 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 20, 1898 (30 Stats. 495) and that the application for the enrollment of Mattie E. Clark as a citizen by blood of the Cherokee Nation, should be dismissed.

Attached to said decision of the Commission is a protest by the Cherokee Nation against said decision of the Commission and requesting that the same be forwarded to the Secretary of the Interior for review, together with the record and briefs filed by the Cherokee Nation, dated respectively June 5, and June 25, 1902. In this protest the Cherokee Nation says it has heretofore in the briefs above referred, etc, stated its views with reference to

the enrollment of these people, both as to these applicants and the law which should govern them with reference to their right to enrollment, and it does not think it necessary to file an additional brief, but calls the attention of the Department to the finding of the Commission wherein it is argued that some subsequent admissions were made by other courts or commissions; that the brief in this case shows that no other testimony was ever introduced before the Cherokee Commission after the alleged fraudulent admission of William H. Shoemaker in January 1883, and that proof of relationship to him was all that was ever afterwards submitted, and the Nation contends that if he and his family were fraudulently admitted, that the other admissions, being based upon his, were also fraudulent.

Said protest further declares that it is not believed that Congress intended that any technical construction should be placed upon the word "fraud" as used in the act of June 28, 1898, and that the widest latitude should be given in the investigation of alleged fraudulent citizenship cases. The Attorney for the Nation in said protest further states that D. W. C. Duncan was the educated clerk of the court, and that the court was composed of two full blood Indians, now dead; that they are not here to testify and if living, in the very nature of things, it would be indeed be difficult to more directly prove fraud in this or in any other case; and said protest concludes by holding that these applicants are not Cherokee Indian, but that they are frauds, and have no equities

whatever, and that they ought not to be enrolled as citizens of the Cherokee Nation.

I have examined said briefs filed by the Cherokee Nation, and the one filed on July 5, 1902, begins by taking up the original application of William N. Shoemaker and his brother John W. Shoemaker, filed with the Commission on citizenship, September 10, 1880. It is shown that the application was continued until the January term 1881, by the plaintiff, when it was again continued by him until the September term 1881; that on September 24, 1881, the case was withdrawn; that the application was refiled on the 4th day of January 1882, continued to the September term of that year by the Commission, and was again continued to the January term 1883, and that on January 25, 1883, the Nation claims that a judgment was entered admitting the applicants to citizenship and that the same was fraudulent. The basis for this claim of a fraudulent judgment seems to be upon the ground that there was a judgment entered rejecting the applicants, and that part of the judgment was erased and rewritten, admitting the applicants to citizenship. In the Cherokee Nation, and it is contended in said brief that the same is in the handwriting of the Clerk of the Court. The brief then sets out that there was introduced by the Cherokee Nation a motion to reconsider, which motion it is contended, discloses the fact that the applicants were rejected. It is alleged that this motion to reconsider is signed by S. H. Benge and C. H. Taylor, at-

torneys for claimants, but that it is in the handwriting of the clerk of the court, and that W. H. Benge denies that he was ever attorney for the claimants, or that he ever had any knowledge of any such motion having been written, or that he ever authorized his signature to be same.

The brief then goes into the matter of the testimony as submitted to the said Teehee Commission, and undertakes to show that the evidence was not sufficient to sustain the claim of the applicants. I do not deem it necessary to go through this long brief and take up the different reasons therein attempting to show that this judgment of the Teehee Commission was fraudulent.. The question of vital importance is-- Has the Cherokee Nation submitted sufficient proof to show that the entry of this judgment was a fraudulent act of the Clerk? I do not consider that the Nation has so shown, and I do not consider under all the circumstances connected with this transaction, that the Cherokee Nation now has a right to complain or to attempt to defeat the enrollment of these parties on the ground of a fraudulent admission of the principal applicants.

The record shows, on page 15, of the record of the "Supplemental testimony and proceedings in the matter of the application of William H. Choewake, for the enrollment of himself and children as citizens of the Cherokee Nation" the following:

Office Commission
on Citizenship,
Tahlequah, C. N.

Hon D. W. Bushyhead,
Principal Chief, C. N.
Dear Sirs

In the case of W. C. Shoemake, et. al., and J. D. Shoemake, et. al., versus the Cherokee Nation, petitions for citizenship in the Cherokee Nation, ~~W. C. Shoemake et. al. to be the son of W. E. Shoemake, who was admitted to the rights of citizenship in the Cherokee Nation by the Thomas Teehee Commission on the 25 day of January 1883. And J. D. Shoemake et. al., who claims to be the son of Betsy Ann Shoemake, who was a full sister to J. W. Shoemake and W. H. Shoemake, who were admitted to citizenship in the Cherokee Nation, by the Thomas Teehee Commission on the 25 day of January 1883. The Commission after a careful examination of the evidence in the said case of W. C. Shoemake and J. D. Shoemake decided that inasmuch as the docket and records of the said Thomas Teehee Commission shows that said J. W. Shoemake and W. H. Shoemake were admitted to all the rights, privileges and immunities as other native born Cherokees within the limits of the Cherokee Nation on the 25 day of January 1883. The Commission finding the above mentioned cases upon the said records of the said Teehee Court or Commission as above stated, could not legally decide to reject the said case of W. C. Shoemake, et. al., and J. D. Shoemake et. al.~~

But at the same time, believing that said W. C. Shoemake et. al., and J. D. Shoemake, et. al., are not Cherokees by blood, and that the said J. W. and W. H. Shoemake, whose respective cases were decided by the Thomas Teehee Commission on the date above mentioned, was a fraud committed upon the Nation by the said parties, we would therefore ask, and recommend, that the said cases of J. W. & W. H. Shoemake, be reinvestigate by the National Council, believing that the said J. W. & W. H. Shoemake obtained their rights through fraud. We would also refer the case of W. C. Shoemake, et. al., and J. D. Shoemake, et. al., to the national Council.

We remain, very respectfully,

(Eli Spears, President.
(Andrew Young, Com.
(John Lee, Com.

Attest, C. O. Frye)
(Chf. Clk.)

This the 27th day of September 1884.

It appears from this communication that the matter of the admission of the said W. C. and J. D. Shoemake, by the Teehee Commission, was taken up at an early date and the charge of fraud

brought against the proceedings by which they were admitted. It further appears that the citizenship court then in existence held that it had no power to set aside the judgment admitting them, but took the proper action in bringing the matter to the attention of the Principal Chief and suggested that the Shoemake case be brought to the attention of the National Council, which Council could assume jurisdiction and by means of legislation annul the judgment of the citizenship court; but the record does not show that the National Council ever did anything relative to the matter submitted to the Principal Chief, nor does it show that the Principal Chief called the attention of the National Council to the alleged fraud as he was requested to do by the members of the Citizenship Commission.

If there were fraud in this case, the Nation was fully advised thereof almost twenty years ago, and yet it never took any action looking toward changing its record of what it claimed to be a fraudulent judgment as to citizenship; but instead it permitted the names of William H. and John W. Shoemake, together with the members of their family, to go upon the 1883 pay-roll and on the 1904 strip payment roll of the Cherokee Nation, and they have been exercising all the rights of Cherokee citizenship ever since the date of their said admission by the Tee nee Commission.

In its brief filed July 25, 1902, the attorneys for the Nation set out several citations as to fraud, and it is

a well known principle, as stated therein, that fraud vitiates everything. But it is also a well known legal principle that as soon as the fraud is discovered the party defrauded is expected to take action within a reasonable time to have the fraudulent transaction set aside; and that unless the party defrauded does take such action within a reasonable time, or at least within the time fixed by the Statute of Limitations, he must abide by the consequences of the fraud and can not have the transaction set aside. I know of no Statute of Limitation in force in the Cherokee Nation in 1883 relative to fraud, but I do not consider the fact that there is no such Statute gives the party complaining of the fraud the right to delay action to have it set aside for an indefinite period, and the Cherokee Nation in this instance has certainly been guilty of gross laches, for it was advised of fraud in this matter very soon after the judgment was entered.

It is not to be inferred from this that I consider that even though fraud might be established, the Nation in equity is now barred from attempting to establish it. By reason of the fact then that I do not consider that the Nation has been able to prove that the judgment of the Teehee Commission admitting the principal applicants to citizenship in the Cherokee Nation, and as a consequence making it possible for the admission of all of the other applicants, was fraudulent, and for the further reason that I do not consider that the protest of the Nation on the ground of fraud should be entertained by reason of the lapse of

time and neglect of the Nation. I am of the opinion that the decision of the Commission to the Five Civilized Tribes is in accordance with the established facts and the law, and I therefore recommend that it be approved by the Department.

Very respectfully,

Commissioner.

W.C.B.- L.C.

I.T.D.
512-1904.

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

DEPARTMENT OF THE INTERIOR.

Office of the Assistant Attorney -General.

Washington, May 27, 1904.

The Secretary of the Interior.

Sir:

I am in receipt, by reference of April 21, 1904, with request for opinion thereon, of the record of the Commission to the Five Civilized Tribes upon the application of William H. Shoemaker and others to be enrolled as citizens of the Cherokee Nation.

The applicants based their right upon the adjudication of the Cherokee Commission on citizenship, rendered January 25, 1883, admitting W. H. Shoemaker and John W. Shoemaker to citizenship by reason of Cherokee blood. The Cherokee Nation resisted and protested against the admission of the applicants upon the grounds that the judgment was fraudulently obtained by false and insufficient evidence and bribery, and further that the judgment itself was by reason of an erasure upon the record not entitled to credit. The Commission found and adjudged that the applicants, whose names are set out in the record, should be enrolled. The Cherokee Nation insists upon its protest, and in its brief argues three questions:

First. Were the members of the Shoemaker family Cherokees?

Second. Were improper and fraudulent means used by them to obtain favorable decision in their behalf from the citizenship court?

Third. Was the record introduced, in fact, a judgment of the Tehee court at all, or was it not a judgment of the Clerk of that court, obtained by fraudulently erasing the adverse judgment previously rendered against the Shoemaker family?

The first of these questions, for reasons given by me at length in my opinion of February 18, 1904, in case of the Denson family, I.T.D. 7442, 1903, is foreclosed by the judgment of the citizenship court, if that is valid. The present case, however, is somewhat stronger, in that the attention of the national council was called to the proceeding by the Speer's Commission, successor of the Tahoe Commission, September 27, 1884, and action for its investigation and annulment was advised. The council took no action in the matter, and thenceforward the Shoemaker family were recognized by the nation, its members were chosen to fill national offices, one serving as circuit judge for the Canadian district, and its members continually resided in the nation, acquired property, reared families, built houses, and have co-operated for more than twenty years in the national development.

It is unnecessary here to repeat the reasons before given. If there was a judgment rendered, for the reasons then given, I am of opinion that such judgment so long recognized and respected set the question of Cherokee blood at rest beyond further controversy.

The judgment of the Cherokee Commission on Citizenship, as it appears in the record of that tribunal, was that:

And now on this the 25th day of January, A. D. 1863, this case coming on for final hearing, and all the evidence introduced into the case on both sides being carefully read and duly considered by the Commission on Citizenship, it was adjudged and determined by said Commission on Citizenship that the above named W. H. Shoemaker and John V. Shoemaker are Cherokees by blood, and that they are therefore entitled to all the rights and privileges of Cherokee citizenship within the Cherokee Nation, and that they should be, and they are, here by admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

D. C. W. Duncan,
Clerk of Commission.

Thos. Tehee, Pres. of Com.
Alex. Wolf, } Commis-
T. F. Thompson, } sioners.

The words above underscored are written upon an erasure. They, together with all the signatures of the commission, are in the handwriting of the clerk, D.C.W. Duncan, whose duty it was to record the proceedings. This fact alone would go far to relieve the erasure from the suspicion, or discredit, that attaches to records and documents showing manifest erasure or alterations, for the presumption arises that the clerk, like any other officer, has done his duty. But the judgment showing this erasure does not depend for credit upon the presumption alone. Thompson, one of the commission, Duncan, the clerk, have both testified respecting it, as also has Wilson Sanders, then solicitor for the Cherokee Nation. Judge Thompson, upon examination of the record as it exists, testified, among other things, answering interrogatories, as follows:

Q. . . . Does that properly represent the action of the Commission? A Yes, sir.

Q. Is that a proper and legal judgment? A. Yes, sir.

Q. Was it rendered, was it tried legally, on legal evidence, before you, and without any improper motive? A I think so.

Q. Was this a proper judgment of the Commission? A. Yes, sir.

Q. You have some recollection of what was involved in the case? A. Yes, sir.

Q. Does this judgment as it stands now, represent the judgment as found by the Commission? A. Yes, sir; I think so.

Q. The final judgment? A Yes, sir.

Q. Do you remember that they were admitted to citizenship? A. Yes, sir, that has always been my belief.

Q. You know? A Yes, sir

As to the signitures of the commissioners the testimony shows that Judges Tehee and Wolf, now dead, were unable to write their names, and usually directed the clerk to write them. Judge Thompson could write, and examining the record of the commission indicated as his own signatures upon pages 54, 62, 76, 92, 93, and as not his own signatures at pages 58, 63, 67, 70, 75, 78, 91, 92, and further says that he thinks they were written by his authority.

Duncan testifies that the record as now standing truly speaks the action of the Commission, while his recollection of the circumstances does not enable him satisfactorily to explain the erasure. Wilson Sanders before the Cherokee Citizenship Commission, September 29, 1884, testified that he was solicitor of the Cherokee Citizenship Commission when W. H. Shoemaker and

John W. Showmake were admitted to citizenship; that the commission--

just said that they were going to reconsider the case again. . . .
It was on the 25th day of January that the case was decided. . . .
It was about two weeks or so after the claimants were rejected
when their case was reconsidered and they were readmitted.

The verity of the record is thus affirmatively proved by one of the judges who rendered it, the clerk who recorded it, and the attorney of the nation acting for it at the time.

I am therefore of opinion that the action of the Commission to the Five Civilized Tribes should be approved and the applicants be enrolled as citizens of the Cherokee Nation.

Very respectfully,

Frank L. Campbell,
Assistant Attorney-General

Approved: May 27, 1904.

Thos. Ryan,
Acting Secretary.

J.W.H.

FHE

D.C. 18632-1904.

I.T.D. 512-1904
4380- "

L.R.S.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, June 3, 1904.

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

Gentlemen:

November 30, 1903, you transmitted the record in the matter of the application of William H. Shoemaker (Cherokee D-123); et. al., for enrollment as citizens of the Cherokee Nation.

In your decision of November 16, 1903, which was transmitted with the record, you held that all of the parties applicant in this case, claiming Cherokee citizenship by reason of their Cherokee blood, are entitled to enrollment except Mattie B. Clark, who died August 26, 1902.

Inasmuch as the right of intermarried Cherokees to enrollment has not been determined, you took no action as to the rights of the applicants in said case who claimed enrollment by intermarriage.

It appears that the principal applicants in this case were admitted to Cherokee citizenship in 1863, by certain decrees of tribal courts. The attorneys for the Cherokee Nation allege that the said decrees were obtained through fraud, and that the record of the court which admitted them was fraudulently altered. Said attorneys accordingly protest against the enrollment

-2-

of the applicants.

The record in the case was submitted to the Assistant Attorney General for this Department April 21, 1904, with the request that he advise the Department, in view of the evidence of fraud submitted, what course should be pursued. An opinion was rendered by the Assistant Attorney General in the matter on May 27, 1904, and approved by the Department on the same day, a copy of which is inclosed herewith for your information. In this opinion it is held that the applicants should be enrolled as citizens of the Cherokee Nation, the testimony relative to fraud being insufficient to impeach the verity of the record.

Reporting in the matter January 19, 1904, the Acting Commissioner of Indian Affairs recommended that your action be approved. The Department has examined the testimony pertinent to the questions in issue, and is satisfied that your action in the matter was correct. Your decision is accordingly affirmed.

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

Respectfully,

(Signed)

Thos Ryan,
Acting Secretary.

2 inclosures.

Cherokee D 125
et al

Muskogee, Indian Territory, June 14, 1904.

Thomas H. Owen,

Attorney for William M. Shoemaker, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated November 16, 1903, granting the applications for the enrollment of William H., Lula B., Mary E., John W., Calvin B., Luda G., Claude, Maud, Maggie M., Effie, William M., Georgia A., Clem, Pigeon, James, John W., William A., Grace L., James H., Harmon A., Rose Anna, James W., Noah H., Mattie M., Rexie L., Ella, Jesse E., Oscar, Maud, Hugh, Walsie L., Della, Minna, Grace, Charles F., Minnie M., Hobbie, Walter, Cherokee G., Mary I., Richard W., Ada, Ira, Thomas H., Hugh A., and Alta E. Shoemaker, Bessie E. and Susie Clark, Thomas E. and William L. Collins, Mary J., Gracie D., Ellis E. and Tilmon M. J. Garrett, Minnie M., William W., Angie M. and Della G. Hensley, Rhoda M. Brannum, and Joseph W. King, and dismissing the application for the enrollment of Mattie B. Clark, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 3, 1904.

Respectfully,

Chairman.

Cherokee D 123
et al

Muskogee, Indian Territory, June 14, 1904.

Thomas & Harrison,
Attorneys for William H. Shoemake, et al.,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated November 16, 1903, granting the applications for the enrollment of William H., Lula B., Mary E., John W., Calvin B., Luda G., Claude, Maud, Maggie M., Effie, William M., Georgia A., Clem, Pigeon, James, John W., William A., Grace L., James N., Harmon A., Rose Anna, James W., Noah H., Mattie M., Rexie L., Ella, Jesse E., Oscar, Maud, Hugh, Walsie L., Della, Ninna, Grace, Charles F., Minnie M., Bobbie, Walter, Cherokee G., Mary I., Richard W., Ada, Ira, Thomas H., Hugh A., and Alta M. Shoemake, Bessie E. and Susie Clark, Thomas E. and William L. Collins, Mary J., Gracie D., Ellis E. and Tilmon N. J. Garrett, Minnie M., William W., Angie M. and Della G. Hensley, Rhoda M. Branum, and Joseph W. King, and dismissing the application for the enrollment of Mattie B. Clark, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 3, 1904.

Respectfully,

Chairman.

Cherokee D 123
et al

Muskogee, Indian Territory, June 14, 1904.

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

Dear Sir:

You are hereby advised that the Commission's decision dated November 16, 1903, granting the applications for the enrollment of William H., Lula B., Mary E., John W., Calvin B., Luda G., Claude, Maud, Maggie K., Effie, William M., Georgia A., Clem, Pigeon, James, John W., William A., Grace L., James N., Harmon A., Rose Anna, James W., Noah H., Mattie K., Roxie L., Ella, Jesse E., Oscar, Maud, Hugh, Walsie L., Della, Finna, Grace, Charles F., Minnie M., Bobbie, Walter, Cherokee G., Mary I., Richard W., Ada, Ira, Thomas K., Hugh A., and Alta M. Shoemaker, Beadie E. and Susie Clark, Thomas E. and William L. Collins, Mary J., Gracie D., Ellis R. and Tilmon M. J. Garrett, Minnie M., William W., Angie M. and Della G. Hensley, Rhoda M. Branum, and Joseph W. King, and dismissing the application for the enrollment of Mattie B. Clark, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 3, 1904.

Respectfully,

Chairman.

Cherokee

D 1159.

Muskogee, Indian Territory, January 10, 1907.

Mollie F. Shoemake,
Gritts, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, denying, among others, your application for enrollment as a citizen by intermarriage of the Cherokee Nation. Your attorneys have heretofore been furnished copies of the record of proceedings had in the case and there has this day been forwarded them copies of the Commissioner's decision.

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

Respectfully,

Encl. HJ-59.

H.J.C.

Commissioner.

Cherokee R.
63 et al.

Muskogee, Indian Territory, January 10, 1907.

Thomas & Harrison,

Attorneys for Sirena P. Shoemaker, et al.,

Muskogee, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, denying the application for the enrollment of Sirena P. Shoemaker, et al., as citizens by intermarriage of the Cherokee Nation. You have heretofore been furnished a copy of the record of proceedings had in this case.

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

Respectfully,

Encl. 47-71.
HJC

Commissioner.

Cherokee R.
63 et al/

Muskogee, Indian Territory, January 10, 1907.

Thomas F. Owen,

Attorney for Sirena P. Shosmake, et al.,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, denying the application for the enrollment of Sirena P. Shosmake, et al., as citizens by intermarriage of the Cherokee Nation. You have heretofore been furnished a copy of the record of proceedings had in this case.

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

Respectfully,

Encl. HJ-70.
HJC

Commissioner.

Cherokee R.
83 et al.

Muskogee, Indian Territory, January 10, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation.

Muskogee, Indian Territory:

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, denying the application for the enrollment of Sirena P. Shoemaker, et al., as citizens 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 the same.

Respectfully,

Encl.HJ-90.
HJC

Commissioner.

Muskogee, Indian Territory, January 10, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of December 1, 1906 (I.T. 512-1904), there is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Sirena P. Shoemaker, et al., for enrollment as citizens by intermarriage of the Cherokee Nation, together with the decision of the Commissioner to the Five Civilized Tribes dated January 10, 1907, denying the applications for the enrollment of Sirena P. and Elizabeth Shoemaker, Charles P. Clark, Clara, Nancy, Laura, Annie, and Yollie T. Shoemaker, and William A. Hensley as citizens by intermarriage of the Cherokee Nation.

Respectfully,

Through the Commissioner
of Indian Affairs.

Encl. HJ-60.
HJC

Commissioner.

(Copy)

Land
4433-1907

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

February 15, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of December 1, 1906, I.T.D. 512-1904, there is enclosed a report from the Commissioner to the Five Civilized Tribes, dated January 10, 1907, transmitting the record relative to the application of Sirena P. Shoemake et al., for enrollment as citizens by intermarriage of the Cherokee Nation. The parties to the case are Sirena P. and Elizabeth Shoemake, Charles P. Clark, Clara, Wangy, Laura, Annie and Mollie F. Shoemake and William A. Wensley, all of whom apply for enrollment as citizens by intermarriage.

The record in the case shows that Sirena P. Shoemake was married in 1865 to William H. Shoemake, who was not at that time a citizen of the Cherokee Nation but was admitted to citizenship therein in 1883; that Elizabeth Shoemake was married about 1870 to James H. Shoemake, who was not then a citizen but was admitted in 1883; that Charles P. Clark was married in 1888 or 1889 to Sophia Sheraff, a citizen by blood that Clara Shoemake was married in 1890 to James Shoemake, a

citizen by blood; that Nancy Shoemaker was married in 1867 to Harmon A. Shoemaker, a citizen by blood; that William A. Fensley was married in 1895 to Minnie Shoemaker, a citizen by blood; that Laura Shoemaker was married in 1887 to Jesse E. Shoemaker, a citizen by blood; that Annie Shoemaker was married in 1893 to Charles Franklin Shoemaker, a citizen by blood; and that Mollie F. Shoemaker was married in 1891 to Richard W. Shoemaker, a citizen by blood.

The record also shows that all the applicants are white persons, and that none of them claims any right to enrollment in the Cherokee Nation except by virtue of the marriages mentioned. Mr. Bixby says, in his decision, that none of their names is found on the tribal roll of 1880.

Under the decision of the Supreme Court in the case of Daniel Red Bird, et al. vs. the United States (203 U.S., 76), the applicants are not entitled to enrollment, and the approval of the Commissioner's adverse decision of January 10, 1907, is recommended.

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

GAW-GW

Y.P.

D.C.10517-1907.
I.T.D.3556-1907.
LRS

Direct. DEPARTMENT OF THE INTERIOR, FIVE
WASHINGTON.

(COPY)

February 19, 1907.

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

Sir:

January 10, 1907, you transmitted the record in the matter of the application for the enrollment of Sirena P. Shoemake, Elizabeth Shoemake, Charles P. Clark, Clara Shoemake, Nancy Shoemake, Laura Shoemake, Annie Shoemake, Mollie P. Shoemake, and William A. Hensley, as citizens by intermarriage of the Cherokee Nation, including your decision of the same date, denying said application.

Reporting February 13, 1907 (Land 4433-07), the Indian Office recommends that said decision be approved. A copy of its letter is inclosed.

Your decision is hereby affirmed. The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

Thos Ryan,

First Assistant Secretary.

1 inc. and 2 for Ind. Of.

A. P. C.
2-20-07.

Cherokee
D 1159

COPY

Muskogee, Indian Territory, March 11, 1907.

Mollie F. Shoemaker,
Gritts, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the
Commissioner to the Five Civilized Tribes, dated January 10,
1907, denying the application for your enrollment as a
citizen by intermarriage of the Cherokee Nation, was affirmed
by the Secretary of the Interior, February 19, 1907.

Respectfully,

SIGNED *James S. G.*

Commissioner.

RPI

Cherokee R 63
et al

COPY

Muskogee, Indian Territory, March 11, 1907.

Thomas & Harris,
Attorneys for Sirena P. Shoemaker et al.,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the
Commissioner to the Five Civilized Tribes, dated January 10,
1907, denying the application for the enrollment of Sirena P.
Shoemaker, et al., as citizens by intermarriage of the Cherokee
Nation, was affirmed by the Secretary of the Interior, February
19, 1907.

For your information, there is enclosed herewith
a copy of departmental letter referred to.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

RPI

Enc I-3

Cherokee R. 63

et al.

COPY

Muskogee, Indian Territory, March 11, 1907.

Thomas H. Owen.

Attorney for Sirena P. Shoemaker, et al.,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the
Commissioner to the Five Civilized Tribes, dated January 10,
1907, denying the application for the enrollment of Sirena P.
Shoemaker, et al., as citizens by intermarriage of the Cherokee
Nation, was affirmed by the Secretary of the Interior, February
19, 1907.

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

Respectfully,

SIGNED *Wams Kirby*

Commissioner.

RPI

K c I-2

Cherokee^R 63
et al.

COPY

Muskogee, Indian Territory, March 11, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, denying the application for the enrollment of Sirena P. Shoemaker, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, February 19, 1907.

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

Respectfully,

SIGNED *James Dixby.*

Commissioner.

RPI

Enc I-1

RECORDED
Walter F. Sherman

1:59

- Original testimony, March 25, 190
- Memo. Application March 25, 19
- Marriage license and certificate
- Birth certificate, Walter Sherman
- Notice of final consideration, 2/15/0
- Proof of service of notice 13/0

D

11057, 11058, 11059, 11060, 11061, 11062, 11063, 11064, 11065, 11066, 11067, 11068, 11069, 11070, 11071, 11072, 11073

Cher D 1160

Cher D 1160

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 25, 1901.

In the matter of the application of Thomas H. Shoemaker for the enrollment of himself as a Cherokee citizen by blood; being sworn and examined by Commissioner Needles he testified as follows:

- Q What is your name? A Thomas H. Shoemaker
Q What is your age? A Twenty-three next birth.
Q What is your post-office address? A Webbers Falls.
Q What district do you live in? A Canadian.
Q Are you a recognized citizen of the Cherokee Nation? by blood?
A Yes sir.
Q Who do you want to enroll? A Myself.
Q Just yourself? A Yes sir.
Q Haven't you married yet, Tom? A No sir, I am unlucky.
Q Is your name on the roll of 1890? A You will have to apply to my father for that, I do not know.

Com'r: Applicant presents certificate of admission issued by the authorities of the Commission on citizenship, 30th day of January 1893, signed by Thomas Taha, President of the Commission, Alex Wolfe and T.F. Thompson, Comided ones, attested by D.W.C. Duncan, Clerk, approved by W.C. Boudinot, Executive Secretary, under the seal of the Cherokee Nation, certifying among others that one Thomas Shoemaker was duly admitted to citizenship by the Cherokee authorities on the 30th day of June 1893.

- Q In the certificate you present we find the name of Thomas ~~Shoemaker~~, are you the identical Thomas Shoemaker mentioned in said certificate, A Yes sir, I suppose so.

1896 Cherokee census roll examined for applicant, page 65, #1774, Thomas H. Shoemaker, Canadian District.

- Q How long have you lived in the Cherokee Nation? A I have ~~lived~~ lived here most all my life; I was about two years old I suppose when I came.
Q Been living here ever since. A Yes sir.
Q Live in the Cherokee Nation now. A Yes sir.

Com'r Needles: The name of Thomas H. Shoemaker is found upon the census roll of 1896, and he presents satisfactorily proof of admission to Cherokee citizenship, more particularly described in the testimony, and makes satisfactory proof of residence; now comes the Cherokee Nation, by Mr. Baugh, its representative, and protests against the enrollment of said Thomas H. Shoemaker, averring that his admission to citizenship was procured by fraud, consequently, final judgment as to the enrollment of said Thomas H. Shoemaker as a Cherokee citizen by blood will be suspended and his name will be placed upon a doubtful card.

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

Subscribed and sworn to before me this March 25, 1901.

Com'r.

A. D. 1160

RECEIVED
MAY 10 1897

FULLER

MAY 10 1897

L. P.
1160

IN THE MATTER OF THE APPLICATION

Thomas H. Shoemaker

D-1160

A. Original testimony March 25, 1902

B. Memo. of application March 25, 1902

Notice of final consideration, 3/15/02

Part of account of value 3/15/02

Shoemaker, matter no 74 24 D-1157
D-1159, D-1161, D-1162, D-1163

Cher D 1161

Cher D 1161

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 25, 1901.

In the matter of the application of Christopher C. Bramum for the enrollment of his wife, Rhoda M. Bramum as a Cherokee citizen by blood; being sworn and examined by Commissioner Needles, she testified as follows:

Q What is your name? A Christopher C. Bramum.
Q What is your age? A Thirty-two.
Q What is your post-office address? A Webbers Falls.
Q What district do you live in? A Canadian.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q Who do you want to enroll? A My wife.
Q When were you married to her? A 15th of ~~August~~ this month.
Q You are a white man? A Yes sir.
Q How old is your wife? A 22.
Q What was her father's name? A W.H. Shoemaker.
Q Is he living? A Yes sir.

Com'r: Applicant presents a certificate issued by the authorities of the Commission on citizenship, dated Tahquah, 30th of January 1883, signed by Thomas Tabeo, President, Alex Wolfe and T.P. Thompson Commissioners, attested by D.W.C. Duncan, Clerk of the Commission, under the great seal of the Cherokee Nation, certifying among others that one Rhoda Shoemaker was duly admitted to Cherokee citizenship on the 30th day of January 1883.

Q Is the Rhoda Shoemaker in the certificate you present the identical person you claim to be your wife? A Yes sir.
Q How long has she lived in the Cherokee Nation? A 18 years.
Q She living there now? A Yes sir.

1896 Cherokee census roll examined for applicant's wife, page 65, #1775, Rhoda M. Shoemaker, Canadian District.

Com'r Needles: The name of Rhoda M. Bramum is found upon the census roll of 1896 by her maiden name, Rhoda M. Shoemaker; and the applicant presents satisfactory proof of admission of his wife Rhoda to Cherokee citizenship, and satisfactory proof as to her residence; she is duly identified; ~~but comes Dr. Baugh on behalf of the Cherokee Nation, and protests against the enrollment of said Rhoda Bramum, averring that as Rhoda M. Shoemaker she was admitted to Cherokee citizenship by fraud, consequently, final enrollment as to said Rhoda M. Bramum will be suspended, and her name will be placed upon a doubtful card.~~

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

M. D. Green

Subscribed and sworn to before me this March 27th, 1901.

Chas. M. ...

Commissioner.

IN THE MATTER OF THE APPLICATION OF

Rhoda M. Branum

A. Original testimony March 17, 1901.

B. Memo. of application March 25, 1901.

Notice of final consideration, 3/15/02

Order to receive 3/15/02

See this case under No. 100, 24 1/2 700.

811 2 1/2 100 1 1/2 100 1 2 1/2 100

Case No. 10123

Cher D 1162

Cher D 1162

DOUBTFUL as to applicant, Hugh A. Shoemake.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegon, I.T., March 25, 1901.

In the matter of the application of Hugh A. Shoemake for the enrollment of himself, wife and children as Cherokee citizens by blood; being sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A Hugh A. Shoemake.
Q What is your age, Mr. Shoemake? A I was born in '68
Q How many years old are you? A I will be 33 in November I
guess.
Q What district do you live in? A Canadian.
Q What is your post-office? A Webers Falls.
Q Are you a recognized citizen of the Cherokee Nation? A Why,
yes sir.
Q By blood or intermarriage? A By blood.
Q Who do you want to enroll besides yourself? A Family, and I
have an orphan girl with me.
Q Your wife, and how many children have you got? A 2
Q What is the name of your wife? A Nancy Bell Ray.
Q Is she a Cherokee by blood? A Yes sir.
Q Her name was Ray before you married her? A Yes sir.
Q How old is she? A Twenty-seven.
Q What was her father's name? A I couldn't tell you. She was
an orphan girl.
Q Do you know her mother's name? A Her mother's name was Jones
she married a man named Jones.
Q What was her given name? A Ray.
Q Her mother is living? A Yes sir.
Q Her mother is a Cherokee by blood? A Yes sir.
Q What are the names of your children? A Oldest one is named
Carrie.
Q How old is Carrie? A Three years old.
(Produces certificate of birth.)
Commissioner reads: Peachie is next, born January, 1901.
Q Are these children alive and living with you at this time?
A Yes sir.
Q What is the name of the other one which you desire to enroll?
A Her name is Daniels.
Q Is she a stepchild of yours? A No sir, she is an orphan
child.
Q Do you know Rufus Jones? A Yes sir, he was my step-father's
brother.
Q Do you know ~~James Jones~~ James? A He is not a Jones, nor, that must
be Asa Ray, you will find his name in places as Cap Ray.

1890 authenticated Cherokee roll examined for applicant's wife,
page 27 #741 Nancy Jones, Canadian.

- Q Is Nancy Jones living? A Yes sir.
Q Are these two children living? A Yes sir.
Q Was Nancy Shoemake your first wife? A Yes sir.
Q You was her first husband? A Yes sir.

Com'r Needles: The name of Nancy Jones is found upon the
authenticated roll of 1890.

- Q How do you explain the fact that her name was Ray, and she is
on the 1890 roll as Jones? A Her step-father was named Jones,
and he put their names on the roll.

1896 roll Cherokee census roll examined for applicant, -page
65 #1791 Hugh Shoemake, Canadian District

Hugh Shoemaker et al 2

1896 Cherokee census roll examined for applicant's wife, page 40 #1600 Nancy B. Ray, Canadian District;

- Q Carrie and Peachie, are they the children of your wife Nancy B?
A Yes sir.
Q Has she always lived in the Cherokee Nation? A Yes sir.
Q Lives in the Cherokee Nation now? A Yes sir.

Gen'l Needles: The name of Hugh A. Shoemaker is found upon the census roll of 1896; he presents satisfactory proof of admission to Cherokee citizenship, more particularly described in the testimony; he presents satisfactory proof of marriage to his wife Nancy B. Ray, a Cherokee citizen by blood, and her name is found upon the authenticated roll of 1890 under the name of Nancy Jones; she is fully identified as said Nancy B. Ray, now the wife of said Hugh A. Shoemaker, - he makes satisfactory proof of birth of the two children, Carrie and Peachie, by reason of his marriage to said Nancy B. Ray, whose names do not appear upon the census roll of 1896, having been born after the same was compiled; they are all duly identified and make satisfactory proof as to residence; ~~and~~ Now comes the Cherokee ~~Native~~ authorities by Mr. Baugh, and protests against the enrollment of said Hugh A. Shoemaker as a Cherokee citizen by blood, averring that the admission to Cherokee citizenship was obtained by fraud; his wife Nancy B., and his two children Carrie and Peachie, having been duly identified as Cherokee citizens by blood, will be listed for enrollment as Cherokee citizens by blood; final judgment in his case will be suspended and his name will be placed upon a doubtful card.

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

M.D. Green

Subscribed and sworn to before me this March 27 1901.

Commissioner

Commissioner.

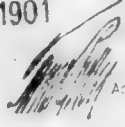
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L1162

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAR 29 1901



ACTING CHIEF

R.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, July 21st, 1902.

In the matter of the application of Hugh A. Shoemaker for the enrollment of himself as a citizen by blood of the Cherokee nation.

Supplemental to D-1182.

Appearances:

Thomas Owen for Applicant.
W. W. Hastings for Cherokee nation.

WILLIAM H. SHOEMAKE, being duly sworn, testified as follows:
Examination by Mr. Owen.

- Q. Your name is William H. Shoemaker? A. William H. Shoemaker.
Q. Your residence is Webbers Falls? A. Yes, sir.
Q. Do you know Hugh A. Shoemaker? A. Yes, sir.
Q. What relation? A. He is my son.
Q. Where does he live? A. He lives in Canadian district near Webbers Falls.
Q. How long has he lived there? A. Lived there 20 years.
Q. How old is he? A. He is, I expect—I don't recollect exactly his age.
Q. Tell us about? A. He is 30 or more.
Q. Where has he lived—has he lived in the Cherokee nation?
A. Yes, sir; lived in the Cherokee nation ever since we were admitted.
Q. Ever lived out of the Cherokee nation since you were admitted?
A. He has travelled a little in the Cherokee nation and travelled in the Choctaw nation awhile with a race horse. He has never been off more than two months at a time since he was admitted.

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

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

Jesse O. Carr
W. W. Hastings
Notary public.

Cherokee D 1562.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T., November 25, 1903.

In the matter of the application for the enrollment of
P. F. Armstrong as a citizen of the Cherokee Nation.

Johnson Falling, being duly sworn, and examined by the
Commission, testified as follows:

- Q What is your name? A Johnson Falling.
Q How old are you? A Forty-nine, will be in February.
Q What is your post office? A Vinita.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q You say you know one P. F. Armstrong, a white man? A Yes sir.
Q About how old would he be, about fifty? A Yes, I guess he would;
he would be past fifty; he is older than I am.
Q Did he marry a citizen of the Cherokee Nation? A Yes sir, he
married a Cherokee.
Q What was her name? A Darcus Falling.
Q Your sister? A Yes sir.
Q When were they married, before '80? A Yes, before '75.
He is on the '80 roll in Delaware District. He lived in Delaware
about that time.
Q Did they separate? A He just picked up and left and never
told her anything.
Q Was that since '80? A Yes sir.
Q Did they have any quarrel or any falling out? A None at all.
Q Do you know where he went to? A He was with those robbers
when they robbed Southwest City.
Q When was that? A I don't know what year that was. He was gone
four or five years and a man by the name of Rattlingourd who lived
on the strip that used to stop with him, and he used to know him
when they lived on the Creek down there and Rattlingourd told me
he was in the gang when they robbed at Southwest City. He left
the crowd and they don't know where he went.
Q So that he deserted his wife? A Yes sir.
Q His wife is dead, is she? A Yes sir.
Q When did she die? A I don't recollect, about ten years ago.
Q Did they ever have a divorce? A No sir.
Q He never sent her any money after he left? A No sir, she never
did get none.
Q You don't know anything about his whereabouts now? A No sir.
He has two children living.
Q Have they been enrolled? A Yes sir.
Q What are their names? A Frank Armstrong and John Armstrong.
Q Who enrolled them? A I enrolled John, and Frank is of age.
Q They don't know anything about their father? A One of them do,
John does.
Q They don't know where he is? A No sir, they don't know.
-

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

E. J. Rothert

Subscribed and sworn to before me this 30th day of November, 1903.

Samuel Foreman
Notary Public.

20.150

Handwritten text, likely bleed-through from the reverse side of the page. The text is oriented vertically and is mostly illegible due to fading and the texture of the paper. Some words are difficult to decipher but appear to include "The first", "the second", and "the third".



Y 1162

THE MATTER OF THE APPLICATION OF

Hugh A. Shoemaker

- 1. Original testimony, March 25/01
- 2. Memo. of application to act, 25/01
- 3. Notice of final consideration, 3/15/02
- 4. ... 15/02

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Cher D 1163

Cher D 1163

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 25, 1901.

In the matter of the application of Hugh A. Shoemaker for the enrollment of an orphan child, LUDIE DANIELS, as a Cherokee by blood being sworn and exhibited by Commissioner Needles he testified as follows:

- Q What is the name of this child you want to enroll?
A Ludie Daniels.
Q How old is she? A She is something about 11 years old.
Q What was her mother's name? A Jodie Daniels.
Q Is she living? A No sir, she is dead.
Q Was she a Cherokee by blood? A Yes sir.
Q What is the name of her father? A J.W. Shoemaker.
Q Her mother's name must have been Shoemaker then wasn't it?
A Well that was her name before she was---
Q What was her name when this child was born? A Daniels.
Q What was her father's name? A Richard Daniels.
Q Her mother and father are both dead? A Yes sir.
Q What was this child's mother's name before she married Daniels?
A Shoemaker.
Q Was that her maiden name? A Yes sir, Jodie Shoemaker.
Q What relation was she to your nine? A She was a first cousin of mine.
Q Was she a citizen by blood? A Yes sir.
Q Is her name on any of the rolls of the Cherokee Nation?
A They should be-- this little girl drew Strip money.

Testified by J.W. BAUGH, representative of the Cherokee Nation:

- Q Was she ever admitted to citizenship? A Her father and family was, and she was a child of the family.
Q What was her father's name? A W.H. Shoemaker.
Q Where is the certificate of admission of the child's mother?
(Produce papers)

1897 Cherokee census roll enrolled for child, page 18 #538
Ludie Daniel Cherokee District.

Confir: The applicant presents a certified copy from the office of the Commission on citizenship dated Table quah January 30 1893, signed by Thomas Wolfe, President, Alex Wolfe and C. A. Thompson Commissioners, approved by D.W.C. Duran, Clerk of the commission, certifying that one Jodie A. Shoemaker was duly admitted to Cherokee citizenship on the 30th day of January 1893.

- Q Is the ~~child~~ said Jodie Shoemaker mentioned in the certificate you present the mother of Ludie Daniels? A Yes sir.
Q Is she Daniels living now? A Yes sir.
Q Where is she living? A She is living at my house.
Q In the Cherokee Nation? A Yes sir, Canadian District.

Commissioner Needles: The name of Ludie Daniels is found upon the census roll of 1896; she is duly identified as the child of Jodie A. Shoemaker, who was duly admitted to Cherokee citizenship in the year 1893, act of admission more particularly described in the testimony; satisfactory proof is made as to her real name; now comes the Cherokee Nation, by Mr. Baugh, attorney, and protests against the enrollment of said Ludie Daniels, because of the fact that her mother, as he claims, was admitted to Cherokee citizenship by fraud, consequently final judgment ~~is made~~ to the enrollment of said Ludie Dan-

Ludie Daniels 2

lets will be suspended, and her name will be placed upon a doubtful card.

M. J. 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. J. Green

Subscribed and sworn to before me this March 27 1901.

A. H. ...

Commissioner.

A 2463

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

FILED
MAR 29 1901



ACTING CHAIRMAN



Cherokee D-1163.

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

In the matter of the application for the enrollment of
Ludie Daniels 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 March 25, 1901, Hugh A. Shoemake appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of Ludie Daniels 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 12, 1903. Proceedings had on March 17, 1903, at Muskogee, Indian Territory, in the matter of the application of William H. Shoemake et al., as citizens by blood of the Cherokee Nation, are filed with and made a part of the record herein.

The evidence shows that Ludie Daniels is the minor child of one Richard Daniels, a white man, and his wife, Joda Daniels, formerly Shoemake. It is further shown that the applicant's mother, Joda Shoemake, was duly admitted to citizenship in the Cherokee Nation, on January 30, 1863, by the legally constituted authorities of said nation. The evidence further shows that the Cherokee Nation attacks the validity of the admission to Cherokee citizenship of the Shoemake family, of which Joda Daniels, formerly Shoemake, was a member. This Commission has found the case of William H. Shoemake et al., and the judgment admitting said Shoemakes, legal and valid and binding upon the Cherokee Nation.

The evidence further shows that Ludie Daniels is identified on the Cherokee strip payment roll of 1894 and the Cherokee census roll of 1896, and it is further shown that she has lived in the Cherokee Nation all her life.

It is, therefore, the opinion of this Commission that Ludie Daniels 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.

[Signature]

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this MAR 10 1904

DEPARTMENT OF THE INTERIOR,

Vinita I. T. April 1st 1904.

In the matter of the application for the enrollment of Ludie Daniels as a citizen by blood of the Cherokee Nation.

Comes now the Cherokee nation and protests against the decision of the Commission rendered in this case on March 10 1904 and prays an appeal to the Honorable secretary of the Interior.

The testimony in this case shows that the principal applicant is a daughter of William H. Shoemaker Cherokee D 123 in which case a protest was filed by the Cherokee nation giving at length our reasons why we did not believe the applicants entitled to enrollment as citizens of the Cherokee nation.

The reasons therein stated apply with equal force to the present applicant and the Department is respectfully referred to the brief filed in that case.

^R
Respectfully,
W. H. ...

Attorney for the Cherokee Nation.

Cherokee D 1163.

M.D.

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

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1163

ALLISON L. AVLESWORTH
SECRETARY

Al
COMMISSION TO THE FIVE CIVILIZED TRIBES

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 Hugh A. Shoemake for the enrollment of Ludie Daniels 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-17

MS 9

COMMISSIONER
OF THE INTERIOR
DEPARTMENT OF THE INTERIOR
WASHINGTON, D. C.
W. W. BEALL
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

PLEASE REFER TO THE FOLLOWING
Cherokee D/ 1163

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 23, 1904.

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

Dear Sir:

You are hereby advised that the Commission's decision, dated March 10, 1904, granting the application of Hugh A. Shoemake, for the enrollment of Ludie Daniels, as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 14, 1904.

Respectfully,



Commissioner in Charge.

V1163

IN THE MATTER OF THE APPLICATION OF

Ludie Daniels

~~A. J. ... 2/2/01
 ...
 Notice of final consideration, 3/15/02
 Copy of ...~~

~~...
 ...
 ...~~

Cher D 1164

Cher D 1164

Department of the Interior,
Commission to the Five Civilized Tribes,
Mustang, I.T., March 25, 1901.

In the matter of the application of William H. Shoemaker for the enrollment of a child, JOSEPH W. KING, as a Cherokee by blood; being sworn and examined by Commissioner Needles he testified as follows:

- Q What is your name? A William H. Shoemaker.
Q How old are you? A Fifty-six.
Q What is your post-office address? A Webbers Falls.
Q What district do you live in? A Canadian District.
Q Who do you apply for enrollment of now? A Joseph W. King.
I don't know exactly his age, he is about eight years old.
Q What is his father's name? A John King.
Q Is he living? A No sir.
Q What was his mother's name? A Mattie Shoemaker I think that was her maiden name, - Mattie King.
Q Was John King a citizen by blood? A Yes sir.
Q Was Mattie King? A Yes sir.
Q Is she living? A Yes sir, now Mattie Clark.
Q What was her maiden name? A Shoemaker.
Q How old is she? A She is about 20 years old I suppose.
Q What was her father's name? A John Wesley Shoemaker.
Q Is he living? A Yes sir.
Q What was her mother's name? A Elizabeth.
Q Is she living? A Yes sir, last account I had of her, I saw her the other day, and they were both alive then.
Q Who has custody of Joseph W. King? A John W. Shoemaker.
Q Why isn't he here to enroll this child himself? A He is getting old and infirm and he is partially paralyzed.
Q Why isn't the child in the custody of its mother? A I think likely she would rather it would stay with its grand-father.
Q You don't know but what she has enrolled it? A No, he hasn't, I can certify to that fact, that she hasn't enrolled that child.

1896 Cherokee census roll examined for name of child, page 40
1094 Joseph W. King, Canadian District, one year of age.

- Q Was Mattie King a Cherokee citizen by blood? A Yes sir.
Q Is her name on the roll of 1896? A No sir.
Q Have you any certificate of admission? (Produces papers.)
Q Is she living? A Yes sir, was a few days ago.

Clar. The applicant presents certificate of admission issued from the citizenship committee at Muskogee the 30th day of January, 1893, signed by Thomas Toke, President, Alex Wolfe and T. F. Thompson Commissioners, approved by D. W. C. Duncan, Clerk certifying among others that one Mattie Shoemaker was admitted to Cherokee citizenship on the 30th day of January 1893.

- Q Is the Mattie Shoemaker whose name appears in the certificate you present the mother of Joseph W. King? A Yes sir.
Q Where was Joseph W. King born? A He was born in the Cherokee Nation.

EXAMINED BY CHEROKEE REPRESENTATIVE, J. L. BAUGH:

- Q When was she married to Clark? A She has been married to Clark since 1896.

1896 Cherokee census roll examined for child's mother, page 40 #1083 Mattie King, Canadian District.

COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C.
MAR 27 1901
Wm H Shoemaker for Jos W King 2

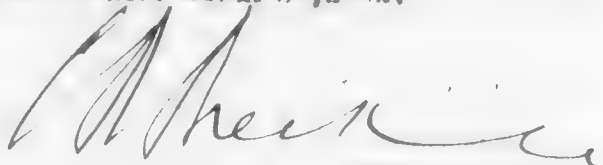
Commissioner Medley: The name of Joseph W. King is found upon the census roll of 1896; he is identified as the child of Mattie King, whose maiden name was Mattie Shoemaker, and the name of Mattie Shoemaker is found upon the census roll of 1896; satisfactory proof is made as to her being admitted to citizenship, more particularly described in the testimony; satisfactory proof as to residence is made; now comes the Cherokee Nation, by Mr. Baugh, attorney, and protests against the enrollment of said Joseph W. King, because of the fact that the mother, as he contends, was admitted to Cherokee citizenship by fraud, consequently final judgment as to the enrollment of said Joseph W. King will be suspended, and his name will be placed upon a doubtful card.

-----*****-----

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

M. D. Green

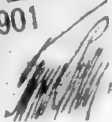
Subscribed and sworn to before me this March 27, 1901.


Commissioner.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAR 29 1901



ACTING CHAIRMAN

IN THE MATTER OF THE APPLICATION OF

Joseph H. King

At. actual return on March 25/01.
R. Return of application March 25/01.
Notice of final consideration, 3/15/01.
R. of same 3/15/01

See return on March 25, 1901.
1157 1158 1159 1160 1161 1162 1163 1164
1165 1166 1167 1168 1169 1170 1171 1172

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., MARCH 15th, 1901.

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

- Q What is your name? A Miller Davis.
Q How old are you? A I am about 40 years old.
Q What is your post office address? A Nowata.
Q What district do you live in? A Coowescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir
Q by blood of intermarriage? A Blood.
Q Who do you want to enroll, anybody besides yourself? A Wife
and children.
Q How many children? A Four.
Q What is your wife's name? A Lizzie.
Q Is she a Cherokee by blood? A No, sir.
Q What was her name before you married her? A Simmons.
Q When did you marry? A 1886.
Q Have you any certificate of marriage? A No, sir.
Q Any proof of your marriage? A Yes, sir.
Q Well what have you got? A This is my sister here, she seen
us married.
Q What are the names of your children? A Mary Lee.
Q How old is Mary Lee? A 15.
Q What is the next child? A Sally S.
Q How old is Sally S? A She is 12.
Q The next child? A Earl Tate.
Q How old is Earl? A He is ten years old.
Q Is that all? A John Miller.
Q How old is he? A He is two.
Q How long have you lived in the Cherokee Nation? A '93.
Q You haven't removed from Georgia lately? A No, sir.
Q Is your name on the roll of 1890? A No, sir. It is on the roll
of 1896.
Q What proof have you got of your citizenship? A I have a
citizenship paper.

Com'r Needles:--Applicant presents a certificate of admission to Cherokee citizenship issued by the Commission on Citizenship on the 16th day of December, 1887, signed by J. T. Adair, Chairman of the Commission, attested by F. T. Hanks, Assistant Clerk, approved and endorsed by J. B. Mayes, Principal Chief, under the great seal of the Cherokee Nation; certifying that among others that one Miller Davis was admitted to Cherokee citizenship on the 16th day of December, 1887.

- Q You were married in 1886? A Yes, sir.
Q Before you ~~were~~ were admitted to citizenship? A Yes, sir.
Q Your wife was not admitted at the time you were, was she?
A No, sir.
Q How long have you lived in the Cherokee Nation? A '93.
Q Been living here since 1893? A Yes, sir.
Q And you were admitted in 1887? A Yes, sir.
Q Where did you live from 1887 to 1893? A In Georgia.
Q Have you lived here continuously since 1893? A I have been
out some.
Q What do you mean by being out? A I have been out for my
health.
Q Where have you been? A Georgia.
Q Haven't we been corresponding with you in Georgia? A Yes, sir.
Q Did you have your family with you in Georgia? A Yes, sir.

Miller Davis, et al.--2.

- Q When did you remove from Georgia to the Cherokee Nation the last time? A I have just come from Georgia.
- Q That is what I want to know, when you come out from Georgia? A I come here Thursday.
- Q With your family? A No, sir.
- Q Your family is in Georgia now? A Yes, sir.
- Q The fact is then you have been residing in ~~Knox~~ Georgia until Thursday? A Yes, sir.
- Q Have you ever voted in Georgia, A No, sir.
- Q Have you ever voted in Georgia since 1887? A Yes, I think I have.

BY W. W. HASTINGS, Cherokee Representative:

- Q When did you vote? A I don't remember.
- Q Did you vote this last time, last November, President, Presidential Electors? A Yes, sir.
- Q The fact is you voted every time an election come around? A That is the only time I recollect of voting.
- Q You were admitted in 1887? A Yes, sir.
- Q Was your wife ever been to the Cherokee Nation? A Yes, sir.
- Q When did she come? A Come in 1893.
- Q She came here on a visit? A No, sir, I moved here and went in business at Nowata.
- Q How long? A 1897.
- Q You came here in 1893 or 1894 you say? A Yes, sir.
- Q Did you live here three or four years continuously? A Yes, sir.
- Q All the time without going back to Georgia? A Yes, sir.
- Q You went back to Georgia in 1897? A Yes, sir.
- Q And you have not been back here since? A I went there when my wife's mother was sick and me too.
- Q Have you any children? A Yes, sir.
- Q They were all born in Georgia? A Yes, sir.
- Q Where are they now? A In Georgia.

BY COMMISSIONER NEEDLES:

- Q The fact is you are not keeping house in the Territory now are you, Mr. Davis? A No, sir.

-tribal Rolls of the Cherokee Nation examined and applicants' names found thereon as follows:

1896 Census roll; page 146, #1405, Miller Davis, Cooweescoowee District.

1896 Census roll; page 301, #292, Lizzie Davis, Cooweescoowee District.

1896 Census roll; page 146, #1406, Mary Lee Davis, Cooweescoowee District.

1896 Census Roll; page 146, #1407, Sallie S. Davis, Cooweescoowee District.

1896 Census Roll; page 146, #1408, Earl T. Davis, Cooweescoowee District.

- Q Have you any proof of birth as to this youngest child? A I sent a birth certificate of to the Commission.
- Q Have you got anybody here who knew you were married; where were you married, in Georgia? A Yes, sir.
- (Applicant required to furnish documentary proof of marriage.)

COM'R NEEDLES: The name of Miller Davis appears upon the census roll of 1896 and he makes satisfactory proof of his admission to citizenship in the year 1887, on the 16th day of December, more particularly described in the testimony. He avers

Miller Davis, et al.--3.

that he was married to one Lizzie Simmons, a white person, in the year 1886, and the name of his wife, Lizzie and the names of his children, Mary L. Sally S. and Karl T., are found upon the census roll of 1896, and he avers that he has one younger child, John W., whose name does not appear upon the census roll of 1896, having been born after the same was compiled. Parties are duly identified, but do not make satisfactory proof as to residence, consequently final judgment as to the enrollment of the said Miller Davis and his children, as enumerated herein as citizens of the Cherokee Nation by blood, and his wife, Lizzie, as a Cherokee citizen by intermarriage, will be suspended and their names will be placed upon a doubtful card; awaiting satisfactory proof of residence and proof of marriage and proof of birth as to John W.

The evidence further shows that he was married to his wife, Lizzie Simmons in the year 1886, which was before his admission to Cherokee citizenship and no certificate of admission is presented as to the admittance of his wife.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony 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 25th day of March, 1901.

Commissioner.

M. D. Greer
Notary Public

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAR 29 1901



ACTING CHAIRMAN

Department of the Interior
Commission to the Five Civilized Tribes
Muskegon 27 March 1901

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

D.#1165.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
MILLER DAVIS, et al., as citizens of the Cherokee Nation;

HANNAH CORN, being sworn and examined by Commissioner T. B.
Needles, testified as follows:

- Q What is your name? A Hannah Corn.
Q What is your age, Mrs. Corn? A 46.
Q What is your post office address? A Nowata.
Q You desire to give testimony in the case of Mr. Miller Davis,
do you? A Yes, sir.
Q What do you desire to state? A I desire to state that he was
a citizen here all the time; he has been away from here because of
his health, and he remained out longer than he would on account
of his health, he owns property here, his effects are here and
he has never moved them away.

BY J. L. BAUGH, Cherokee Representative:

- Q Is that all? A You put him on a doubtful card; I don't see
how come that when he had not moved away.

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J.O. Fosson, being first duly sworn, states that as stenog-
rapher to the Commission to the Five Civilized Tribes, he correctly
recorded the testimony and proceedings in this case, and that the
foregoing is a true and complete transcript of his stenographic notes
thereof.

J. O. Fosson

Subscribed and sworn to before me this 27th day of March, 1901.

Commissioner.

M. D. Green

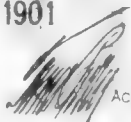
Notary Public

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

FILED

MAR 29 1901



ACTING CHAIRMAN

Supl.-C.D.#1165.

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

SUPPLEMENTAL in the matter of the enrollment of MILLER DAVIS
as a citizen of the Cherokee Nation:

The applicant was notified by registered letter March 1st, 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 20th day of March, 1902, and that on said day he might appear before the commission either in person or by attorney when an opportunity would be given him to introduce any further testimony affecting his application. The applicant has this day, to-wit: the 20th day of March, 1902, been called and failing to respond either in person or by attorney the case 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. Ressen, do hereby certify that as Stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings had this day in the above application, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

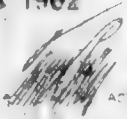
J. O. Ressen

CO 1165

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAR 28 1902



ACTING CHAIRMAN

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

In the matter of the application of Miller Davis for the enrollment of himself and his minor children, Mary L., Sallie S., Earl T., and John M. Davis as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Lizzie Davis, 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 March 28, 1901, Miller Davis appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself and his minor children, Mary L., Sallie S., Earl T. and John M. Davis as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Lizzie Davis, as a citizen by intermarriage of the Cherokee Nation.

The evidence in this case, and an examination of the Cherokee records, in the possession of this Commission, show that the said Miller Davis was admitted to citizenship in the Cherokee Nation, by the duly constituted authorities of said Nation on December 16, 1887. His wife Lizzie was married to him on September 5, 1886. The above named applicants, excepting the youngest child, John M. Davis, are identified on the Cherokee Census roll of 1896.

The evidence further shows that the said Miller Davis came to the Cherokee Nation from the State of Georgia with his family, a few days prior to the date of this application. He had previously lived in the Cherokee Nation, but never acquired a permanent residence therein, and it appears that he voted in Georgia in the Presidential election of 1900. The residence of Lizzie Davis and her children is necessarily that of the said Miller Davis.

Paragraph 9, Section 21, of the Act of Congress approved June 28, 1898 (30 Stat., 495), provides:

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

It is, therefore, the opinion of this Commission that the application of Miller Davis for the enrollment of himself and his children Mary L. Davis, Sallie S. Davis, Earl T. Davis and John M. Davis as citizens by blood of the Cherokee Nation, and for the enrollment of his wife Lizzie Davis as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, I. T.

this SEP 20 1901

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., SEPTEMBER 12, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Miller Davis et al., as citizens by blood of the Cherokee Nation.

APPEARANCES:

Applicant appears in person and by attorney, J. A. Tillotson. Cherokee Nation by its representative, W. W. Hastings.

OLA EVANS, being first duly sworn, testified as follows:

BY MR. TILLOTSON:

- Q State your name? A Ola Evans.
Q What is your age? A 29.
Q What is your post office address? A Nowata.
Q Are you acquainted with Miller Davis? A Yes sir.
Q Are you any relation of his? A I am a niece of his.
Q How long have you known him, all your life? A Yes sir.
Q Do you know whether Miller Davis ever lived in the Cherokee Nation or not? A Yes sir.
Q When did he come here, do you know? A In 1894.
Q 1894? A Yes sir.
Q Did he come by himself? A No sir he came with my mother.
Q Who else? A His family, wife and children.
Q How many children? A Three.
Q What is his wife's name? A Lizzie.
Q How long did they remain here? A I don't remember just exactly how long.
Q About how long, give us your judgment? A About three years, they left here in '97 or '98 I won't be positive which.
Q Were they here continuously from '94 until the time they left? A Yes sir.
Q What business, if any, was Miller Davis engaged in? A He and my mother were in business at Nowata together.
Q What official position, if any, did Mr. Davis hold while here? A He was City Marshal for awhile at Nowata.
Q Did he own any property in Nowata? A Yes sir and still owns property there.
Q What kind of property? A Town property, and his household and kitchen furniture is there just as he left it.
Q Did he bring that with him in '94 or buy it here? A Bought it here.
Q Did he take them away in '97 or '98? A No sir.
Q Has his household and kitchen furniture been here from '94 up to the present time? A Yes sir except their wearing clothes.
Q Do you know why he left here? A He left here on account of his health.
Q Has he owned town property in Nowata continuously from '94 until the present time? A Yes sir.
Q Where did he claim his residence if you know? A He claimed Nowata as his residence because when he come here he come with the intention of making it his home.

- Q Did he leave with the intention of staying or returning? A His intention when he left was to come back as soon as he got so he could come.
- Q What kind of health was Mr. Davis in when he left? A Do you want me to state what the doctors said was the matter with him.
- Q Go ahead? A He was very sick and in a bad condition so the doctor said and advised him to go away.
- Q Did you hear them advise him to leave? A Yes sir and he was quite bad sick at our house and my brothers hauled him to the train.
- Q Did his famil. go with him at the time he left? A No sir.
- Q They remained here? A They went before he did, his wife was sick in the first place wher she went.
- Q They went before he did? A Yes sir.

BY MR. HASTINGS:

- Q Where does Mr. Davis now live? A He has been in Georgia since they rejected him here.
- Q Is he here now? A Yes sir.
- Q When did he come back from Georgia? A It has not been very long, I don't remember the exact date.
- Q About how long? A A couple or three weeks, he come back here, the Dawes Commission advised him to appear again.
- Q He come since he has been notified this last time? A Yes sir.
- Q Where is his wife? A In Georgia.
- Q Where are his children? A There.
- Q In Georgia? A Yes sir.
- Q He hadn't been back here, he nor his wife since he left in '97 or '98 until the last two or three weeks? A Yes sir he was here in 1901.
- Q When he made his application before the Commission? A Yes sir, when he had his other application before the Commission.
- Q Where was his wife then? A In Georgia.
- Q His children in Georgia? A Yes sir.
- Q Do you know how many children he has? A Four.
- Q Where were they born? A In Georgia.
- Q Do you know what business he follows in Georgia? A He doesn't follow any that I know of.
- Q Do you know how he makes a living? A He farms of course, but he doesn't own any property there.
- Q What kind of business were he and your mother engaged in? A Kind of a grocery and restaurant.
- Q He sold out his interest? A Yes sir.
- Q He came back a few days ago in response to the notice from the Commission? A Yes sir.
- Q His wife and children are still in Georgia? A Yes sir.

MILLER DAVIS, being first duly sworn, testified as follows:

BY MR. TILLOTSON:

- Q What is your name? A Miller Davis.
- Q What is your age? A 43.
- Q What is your post office address? A Nowata.
- Q When did you come to Nowata last? A I don't remember exactly, about two or three weeks ago, about the 22nd or 23rd somewhere along there.

- Q You come in response to a notice from the Commission that your case had been re-opened? A Yes sir.
- Q When were you admitted to citizenship here? A 1887.
- Q And when did you come to the Cherokee Nation? A 1893.
- Q How long did you live here? A 4 or 5 years.
- Q Did you bring your family with you? A Yes sir.
- Q Did you keep house there in Nowata? A Yes sir.
- Q Were you in any business there? A Yes sir.
- Q What was it? A Confectionary, restaurant and bakery.
- Q When did you leave the Cherokee Nation? A It was in '97.
- Q Why did you leave Nowata or the Cherokee Nation? A My health got so bad I could not stay on foot and my doctor advised me to change climate.
- Q What doctor? A W. O. Patton.
- Q I will ask you Mr. Davis, what you took with you when you left here in '97 as you say? A My grip and some wearing clothes.
- Q Did you take our house goods? A No sir.
- Q Where have they been? A Nowata.
- Q Where did you go? A To North Georgia.
- Q Did you set up house keeping there? A No sir.
- Q Where did you live? A With my wife's father and mother.
- Q You got better did you when you went down there? A Yes sir.
- Q Why didn't you return when your health got better? A The doctor there advised me to stay there awhile and my father-in-law is very old and fell and hurt himself and was an invalid and I stayed on that account and he died about two months after he got hurt.
- Q Why did you stay then? A I stayed there to look after the property my wife got.
- Q Did you live with your wife's mother all the time you was there?
- A Yes sir in the house with her, just two old people there by themselves.
- Q Have you ever owned any property in Georgia since you went back there? A No sir I controlled my wife's that she heired from her father.
- Q What was your intention, if any, as to remaining in Georgia or returning to the Cherokee Nation? A I intended to return to the Cherokee Nation as quick as I could get back.
- Q When did you receive the notice of your rejection? A I disremember.
- Q After you were rejected, you didn't return? A No sir I thought they had locked me out.
- Q Do you own any other property in the Cherokee Nation besides your household goods you spoke of? A I owned some city lots there.
- Q How long have you owned them? A I bought them in '95 I guess.
- Q Have you owned them ever since? A Yes sir.
- Q Have you got any evidence here with you showing that you own property there, city lots? A I have a deed to one, I have got it in my pocket.
- Q Present that, let them see it? (Witness hands paper to Commission).

BY THE COMMISSION:

Applicant presents Cherokee deed to town property in Nowata, lot 5 in block 27, dated November 10, 1898.

BY MR. TILLOTSON:

- Q Why is it Mr. Davis you say you have owned town property since '05 and this deed is dated November 10, 1898? A There were three payments, the lot was sold in '95 and three payments, and you didn't get the deed until the last payment.

- Q Did you leave here in '97 before or after your wife went away?
A She went away a little before I did.
Q Why did she go? A Her health was not good and she went back there to see her father and mother.
Q Just go on a visit? A Yes sir.
Q And afterwards your health become bad and you went? A Yes sir.
Q Why didn't you come back here after the Commission rejected you if you intended to come? A My wife didn't want to come, she fell heir to a little estate there and said we could live on that.
Q Did you intend to come to the Cherokee Nation all of the time up until the time you were rejected? A Yes sir, I never had any intention of going back to Georgia to live.

BY MR. HASTINGS:

- Q You came back from Georgia this last time on the 22nd or 23rd of August? A Somewhere along there.
Q Where is your wife at present? A In Georgia.
Q Where are your children? A In Georgia.
Q You have been in Georgia continuously since '97 with the exception of the time you came out here to make application in 1901, is that correct? A Yes sir.
Q You have been there yourself for the last 7 years? A I guess that time.
Q Is your wife's mother alive? A Yes sir.
Q When did her father die? A February '91.
Q You mean 1901? A Yes sir.
Q Your wife owns property there? A Yes sir.
Q Farm? A Yes sir.
Q You cultivated the farm? A Well I have it done.
Q In what business have you been engaged for the past seven years?
A Looking after my father-in-law's business.
Q Are you in bad health now? A My health is not very good.
Q How is your wife's health? A Very good now except rheumatism.
Q These two lots in Nowata was vacant lots when you left here?
A Yes sir.
Q You gave \$11.00 for one and that was paid in three different installments? A Yes sir.
Q What did you give for the other? A I think it was \$11.00, ten or eleven.
Q What office did you hold in Georgia? A None.
Q You voted in Georgia? A Yes sir.
Q How many times? A I don't know.
Q You vote in the regular elections like other people? A No not regular.
Q You vote when you feel like it? A Yes sir I have voted there.
Q What is your post office in Georgia? A Tworun.
Q How much land does your wife own there now? A I believe 187 acres.

BY MR. THILLOTSON:

- Q Your wife inherited all this land from her father? A Yes sir.
Q And after her father died why didn't you come to the Cherokee Nation? A Just after he died, as soon as I could get off I came out here to apply for admission and they put me on a doubtful card and I stayed there to look after the property.
Q Whose property? A My wife's, he died in February before I was out here in March.
Q Did you ever set up house keeping to yourselves there in Georgia?
A Not before I was before this Commission in 1901.

Q Did you ever set up house keeping down there until you was re-
jected by the Commission? A No sir.

BY MR. HASTINGS:

Q Are you keeping house there now? A Yes sir.

Q And have been for the past two years? A About two years I
reckon.

Q You live separate and apart from your mother-in-law? A On my
wife's estate.

Q Apart from your mother-in-law? A—Yes sir.

BY THE COMMISSION:

Q You spoke of leaving some household goods in the Cherokee Nation
after you went back to Georgia in '97, what did you leave up
there? A I couldn't tel you what all, bed and quilts and
everything it takes to make the household effects.

Q Where is that stuff? A At Nowata at my sisters.

Q Was it stored with your sister when you left there? A Yes sir.

Q What else besides some quilts? A I couldn't tell, feather beds,
bedsteads and chairs, we didn't sell anything.

BY MR. TILLOTSON:

Q They are still there and you are still the owner of them?

A Yes sir.

WILLIAM A. DODGE, being first duly sworn, testified as follows:

BY MR. TILLOTSON:

Q State your name? A William A. Dodge.

Q Age? 50.

Q Post office? A Nowata.

Q Are you acquainted with Miller Davis? A Yes sir.

Q When did you first become acquainted with him? A It was in
'94 I believe as we l as I remember.

Q How did you become acquainted with him? A I was draying there
in our town then and the family came in on a late train and I
showed them the house Mr. Holland built for him.

Q Him and his family? A Yes sir.

Q How long did Mr. Davis remain at Nowata? A I couldn't say just
how long.

Q Give us your judgment? A For several years he ran a restaurant
by us there and was City Marshal there for awhile under Fred
Metzner, a Cherokee.

Q He stayed there with his family during that time? A Yes sir.

Q You don't remember the number of years but some few years?

A No sir, I don't.

Q Three, four or five years? A Probably five years, something
like that.

Q Do you know Mr. Dodge of his owning property there? A No sir
only that he owned business there, I don't know anything about
the property there at all, I know they have property there, but
I know nothing about it.

BY MR. HASTINGS:

Q Where does he and his wife now live? A My understanding was
that they were in Georgia.

Q Tworun, Georgia? A I declare I don't know.

Q You don't know his post office? A No sir.

- Q He testified he went back to Georgia in '97, you think that was about correct? A I expect it is.
- Q His wife and family have been in Georgia since that time? A As far as I know, Yes sir.
- Q How long has he been here this time? A It has been some two or three weeks since I seen him.

JOHN H. COODY, being first duly sworn, testified as follows:

BY THE COMMISSION:

- Q What is your name? A John H. Coody.
- Q How old are you? A 49.
- Q Post office? A Nowata, Indian Territory.
- Q Are you acquainted with Miller Davis? A Yes sir.
- Q How long have you know him? A For several years.
- Q When did you first become acquainted with him? A I forget, '94 or '96 somewheres along there.

BY MR. TILLOTSON:

- Q Where was he when you got acquainted with him? A Nowata.
- Q Was he living there with his family? A He was.
- Q Was he engaged in business there? A Yes sir, a restaurant awhile.
- Q How long did he remain there? A I don't know exactly.
- Q Short time or several years? A Quite awhile.
- Q More than one year? A Yes sir more than one year.
- Q Did he occupy any official position there that you know of?
- A He was City Marshal awhile under Cherokee Law.

BY MR. HASTINGS:

- Q Where does he live now? A I couldn't say where he lives now, here I suppose I see him here around Nowata, I don't know where he lives.
- Q Where does his wife live? A I couldn't tell you.
- Q How long has it been since you saw his wife? A Several years.
- Q Several years? A Yes sir.
- Q What does he do up around Nowata now? A Stays out on a farm, I don't know what he does.
- Q Make a crop this year? A I couldn't say whether he did or not.
- Q Do you see him frequently now and then like you see other people?
- A I have, yes.
- Q You see him every month do you like you see your neighbors?
- A For the last short time I have.
- Q Since what short time? A I don't know just how long ago, it has been since I seen him.
- Q Where has he been living around Nowata? A I couldn't say, been about two months I reckon may be not so long before, I don't know where he has been living since he left Nowata.
- Q How long had it been since you saw him before the last two months? A It has been several years, couldn't say how long.
- Q How long when you last saw him before? A There in Nowata.
- Q How many years ago? A I couldn't say, been quite awhile.
- Q Seven or eight years? A I guess it has not been that long.
- Q Two years? A Yes sir that long anyway.

- Q About how long since you saw his wife? A About the same time, I guess when they were running that restaurant there.
Q How many years ago was that? A I couldn't be positive.
Q You haven't paid much attention to their whereabouts? A No sir, I haven't.

This was all the testimony submitted in this case.

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

H. W. Vance
St

Subscribed and sworn to before me this the 8th day of December, 1904.

Charles H. Sawyer

Notary Public.

My Commission expires Oct 28 06.

FILED
DEC 5 1904
COMMISSION TO FIVE TRIBES.

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[Faint handwritten notes, possibly including "11/15/04" and "Commission to Five Tribes"]

Cherokee-R-761.

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

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

D E C I S I O N .

The record in this case shows that the principal applicant, Miller Davis, appeared before the Commission on March 25, 1901, at Muskogee, Indian Territory, and made personal application for the enrollment of himself and his minor children, Mary L. Davis, Sallie S. Davis, Earl T. Davis, and John M. Davis, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Lizzie Davis, as a citizen by intermarriage thereof; subsequently, proper proof of birth of the said John M. Davis was filed with and made a part of the record in this case. The rights of the said Lizzie Davis, being differently classified, are not adjudicated in this decision.

The record herein further shows that, on September 20, 1902, the Commission rendered a decision in the matter of this application in which all of the applicants herein were denied the right to enrollment as citizens of the Cherokee Nation, which decision was affirmed by the Department on October 25, 1902. Said decision was subsequently rescinded by the Department, as is shown by Departmental Letter of March 23, 1904, and the case remanded to the Commission for readjudication. Further proceedings were had in the matter of this application at Muskogee, Indian Territory, on September 12, 1904..

The record herein further shows that the principal applicant, Miller Davis, was admitted to citizenship in the Cherokee Nation by the Commission on Citizenship, on December 16, 1887, and that about the year 1893 or '94, he with his wife and minor children removed from the state of Georgia to the Cherokee Nation; that he resided continuously in said Nation from the date of his said removal until about 1897 or '98 when, for health reasons, he returned to Georgia and remained there, with the intention of

returning and taking up his residence in the Cherokee Nation as soon as circumstances would permit; that he held office while in the Cherokee Nation under the Cherokee authorities; that he has continuously retained ownership of property, in the form of household goods and town lots, in said Nation; and that he, with his wife and minor children living at that time, are duly identified upon the 1896 Cherokee Census Roll.

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Joseph D. Yeargain, et al., (I.T.D. 2900-1903), Miller Davis, Mary L. Davis, Sallie S. Davis, Earl T. Davis, and John M. Davis 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.

(SIGNED)

James Bixby.

Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory.

APR 22 1905

D.

**INDIAN TERRITORY,
CHEROKEE NATION.**

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 190 .

Given under my hand this
day of A. D. 190

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
..... day of , 190 .

.....
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

.....
on the day of A. D. 190 .

.....
Subscribed and sworn to before me
this

.....
Notary Public.

NOTICE!

IN THE MATTER OF the application of Miller Davis
for enrollment as Cherokee citizens:

Case No. D 115.

To Miller Davis, Nowata, 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, Indian Territory, on April 20th, 1900, at 8 o'clock 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 April 13, 1900.

M. W. Fleming
Attorneys for the Cherokee Nation. R

ATTORNEYS

L. B. HELL

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. 1165.

VINITA, IND. TER.

190

Muskogee, I. T., March 13, 1902.

John H. Coody, Esq.,

Nowata, I. T.

Dear Sir:

A man by the name of Miller Davis has applied to the United States Commission for enrollment, and he give his post-office as Nowata, I. T. I wish you would advise me if he has any improvement or any effects around there anywhere. And if he lives there now. The suspicion is that he lived in the state of Georgia ~~in~~ since 1897, and I believe he lives there yet. So if you will kindly look the matter up and advise me I will be much obliged to you.

A woman by the name of Hannah Corn whose post-office is Nowata, gave supplemental testimony on March 25th, 1901, and said that Miller Davis had all of his effects in the Cherokee Nation, but that he was out for his health. So we would like to know if this is true. And if it is not, and he has no property there investigate and let us know, and we may want to send for you to prove that point.

Yours truly,

Canada St.

March 10 1854

I had the

pleasure to receive your letter of the 7th inst. and in reply to inform you that the matter of your letter has not yet been settled. I am sorry to hear that you are still at the same place and I hope you will be able to get home soon. I am very much interested in the progress of your business and I hope you will be able to get it all settled soon. I am very much interested in the progress of your business and I hope you will be able to get it all settled soon. I am very much interested in the progress of your business and I hope you will be able to get it all settled soon.

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

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1165.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 24, 1902.

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

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 20, 1902, rejecting the application of Miller Davis for the enrollment of himself and his four minor children, Mary L., Sallie S., Earl T. and John M. Davis, as citizens by blood, and for the enrollment of his wife, Lizzie Davis, 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. 29.

538

COMMISSIONERS
HENRY L. DAW
TAMM BERRY
THOMAS B. NEEDLES
C. R. DREW

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

MADE IN REPLY TO THE FOLLOWING

Cherokee D 1165.

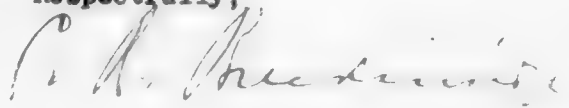
Muskogee, Indian Territory, November 8, 1902.

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

Dear Sir:

You are hereby advised that the Commission's decision, of date September 20, 1902, rejecting the application of Miller Davis for the enrollment of himself and his four minor children, Mary L., Sallie S., Earl T. and John M. Davis, as citizens by blood, and for the enrollment of his wife, Lizzie Davis, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 25, 1902.

Respectfully,



Commissioner in Charge.

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

ALLISON I. AYLESWORTH,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

J. W.
Cherokee R-763

Tahlequah, Indian Territory, April 9, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that on March 23, 1904, the Secretary of the Interior rescinded his decision of October 25, 1902, affirming the Commission's decision of September 20, 1902, rejecting the application of Miller Davis for the enrollment of himself and minor children, Mary L., Sallie S., Earl T. and John M. Davis as citizens by blood, and for the enrollment of his wife, Lizzie Davis, as a citizen by intermarriage of the Cherokee Nation, and remanded the same for readjudication.

You are further advised that said Miller Davis has this day been advised of the action of the Interior Department, and notified that he would be allowed thirty days from date hereof in which to appear before the Cherokee Land Office of this Commission at Tahlequah, I.T. for the purpose of offering further testimony as to the right to enrollment of himself and minor children as citizens of the Cherokee Nation, testimony being especially desired as to their continued residence in the Cherokee Nation.

Respectfully,

C. R. Breckinridge

Commissioner in Charge
Cherokee Land Office,

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COMMISSIONER
SAM BIXBY,
JOSEPH NEEDLES,
R. BRECKINRIDGE,
WM. C. BRALL,
Secretary

DEPARTMENT OF THE INTERIOR

Cherokee R-761.

COMMISSION TO THE FIVE CIVILIZED TRIBES

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 21, 1904.

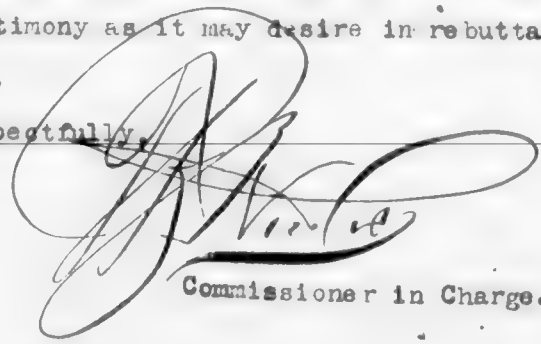
W. W. Hastings,
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

In the matter of the application of Miller Davis for enrollment as a citizen 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 the applicant's residence in the Cherokee Nation since his admission in 1887, and as to what property he has owned in said Nation since that date.

The applicant has therefore this day been directed to appear before the Commission at its office in Muskogee, at nine o'clock A. M. on Monday, September 12, 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.

COMMISSIONERS.

TAMM BIXBY,
THOMAS E. NEEDLES,
C. E. BRACKINRIDGE,

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR, Cherokee R-761.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 9, 1904.

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

Dear Sir:

There is herewith inclosed a copy of supplemental testimony taken at Muskogee, Indian Territory, on September 12, 1904, in the matter of the application for the enrollment of Miller Davis, et al., as citizens by blood of the Cherokee Nation.

Respectfully,

Incl. S-69.


Chairman.

COMMISSIONERS:
TAMM BLIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,

WM. O. BEALL,
Secretary

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

1661
NOTE IN REPLY TO THE CHAIRMAN
Cherokee R-761.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 22, 1905.

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

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 22, 1905, granting the application for the enrollment of Miller Davis, 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,

Incl. 8-37


Chairman.

COMMISSIONERS:
TAMS BIKBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. REALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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

266
COPIED IN REPLY TO THE FOLLOWING:
Cherokee R-762.

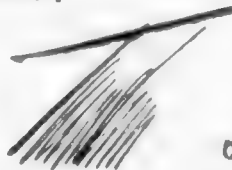
Muskogee, Indian Territory, June 27, 1905.

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

Dear Sir:

You are hereby advised that the Commission's decision dated April 22, 1905, granting the application for the enrollment of Miller Davis et al., as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 16, 1905.

Respectfully,



Chairman.

V 1166
IN THE MATTER OF THE APPLICATION OF

Miller Davis et al.

- A. Original testimony March 25/01.
- B. Memo of application March 25/01.

Marriage license & certificate
both certificates of John W Davis
certifying same as valid at no. 140102

Cher D 1166

Cher D 1166

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, IT., MARCH 25th, 1901.

In the matter of the application of James Lewis for the enrollment of himself, wife and children as citizens of the Cherokee Nation; said Lewis being sworn and examined by Commissioner T. B. Needles, testified as follows, through Interpreter Simon R. Walkingstick:

- Q What is your name? A James Lewis, about 48 years old; Turley post office.
- Q What district does he live in? A Cooweescoowee.
- Q Is he a full blood Cherokee? A Yes, sir.
- Q Who does he want to enroll besides himself? A Himself, wife and children.
- Q What is his wife's name? A Sally.
- Q Is she a Cherokee by blood? A Yes, sir; part Cherokee and Shawnee.
- Q What was her name before he married her? A Ellia.
- Q How old is she? A About 40.
- Q What are the names of his children? A Nannie. 21 years old Nannie is.
- Q Is she here? A No, sir; Jefferson, 18 years old; Runabout is the next one, 15 years old; David, is the next one.
- Q Well? A 13 years old; Bird, nine years old.
- Q Well next? A Thompson, five years old; Jacob, three years old.
- Q Is Sally the mother of all these children? A Yes, sir.
- Q Are they all living with him? A Yes, sir.
- Q Has he always lived in the Cherokee Nation himself? A He has only been in the Cherokee Nation eight years.
- Q Where has he been before that? A I lived among the Shawnees out in Oklahoma.

BY S. J. SCOTT, of Tecumseh, O. T., Attorney for Applicant:

- Q If he did not have a residence also in Cooweescoowee district as far back as ten years ago? A Not to have ahme; I really consider that my home was not; it has only been eight years that I have really had a home in that district.

BY COMMISSIONER NEEDLES:

- Q where was he born? A IN Candian District.
- Q Is his name on the roll of 1880? A I think not; my wife's name is on the 1880 roll.
- Q Why is not his name on the 1880 roll? A It must be from the fact that I was not located at any permanent place; I was just here and there and not in this country at that time.

INTERPRETER: He says that he was admitted by the National Council during the administration of Joel Mayes as Chief, in 1890.

BY W. W. HASTINGS, Cherokee Representative:

- Q How old were you when you left the Cherokee Nation? A Why, I must have been along about eight years old.
- Q Then you left the Cherokee Nation before the War? A Yes, sir; just after the commencement of the War my parents, at the breaking out of the War, went out of the Cherokee Nation and went West.
- Q And you never did remove back here until about eight years ago? A Yes, sir.
- Q That is true is it? A Yes, sir.
- Q Where did you marry this woman? A Out there.
- Q In Shawneetown? A Yes, sir; we really was not married according to law.

James Lewis, et al.--2.

- Q All these children born out there? A Three of our children were born in this country.
- Q Ask him if the Shawnees out there in that Shawnee country did not take allotments? A Yes, sir, and I also got an allotment.
- Q Got one for his wife? A Yes, sir.
- Q And his children that were then born? A Yes, sir; these children that were born out there.
- Q That country is a part of Oklahoma? A Yes, sir; he says that he relinquished his title to the land that they had given him; it was really without his consent he says; he said that he belonged to the Cherokee Nation and he returned the deed to the land; returned the deed to Washington City, to the Secretary of the Interior, he says.
- Q The Shawnees that took allotment down there are what are known as Absentees? A I think so; they must have been; I could not say as to what class of Shawnees they were, but they were Shawnees.
- Q Are you part Shawnee yourself? A No, sir.
- Q Was your mother Cherokee? A Yes, sir.
- Q Your father Cherokee by blood? A Yes, sir; that is what he stated.

Tribal Rolls of citizens of the Cherokee Nation examined and Applicants' names found thereon as follows:

1894 Pay Roll:

Page 233, #2525,	James Lewis,	Cooweescoowee District.
Page 233, #2526,	Sallie Lewis,	" "
Page 233, #2527,	Nannie Lewis,	" "
Page 233, #2528,	Jeff Lewis,	" "
Page 233, #2529,	Runabout Lewis,	" "
Page 233, #2530,	David Lewis,	" "
Page 233, #2532,	Bird Lewis,	" "

Com's Needles:--James Lewis applies for the enrollment of himself, his wife and seven children: His name is found upon the pay roll of 1894. The name of his wife, Sally, is also found upon the pay roll of 1894. The names of his children, Nannie, Jefferson, Runabout, David and Bird, are found upon the pay roll of 1894. Applicant says that he has two other children, Thompson and Jacob, whose names do not appear upon said roll, having been born since the said roll was compiled. Their names are not found upon the authenticated roll of 1880, neither do they appear upon the census roll of 1896. By reason of the facts as to the citizenship of said James Lewis, his wife and family, final judgment as to the enrollment of said parties will be suspended and their names will be placed upon a doubtful card. It will be necessary for him to file with this Commission satisfactory proof of birth as to his two younger children, Thompson and Jacob.

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

Subscribed and sworn to before me this 26th day of March, 1901.

J. O. Rosson
Notary Public
Commissioner.

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AS 1166

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAR 29 1901



ACTING CHAIRMAN

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

In the matter of the application of James Lewis for the enrollment of himself, wife and children as citizens of the Cherokee Nation.

Applicant represented by S. J. Scott.
Cherokee Nation represented by W. W. Hastings.

The applicant was notified by registered letter March 1st, 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 20th day of March, 1902. The applicant this day appears in person and by his attorney, S. J. Scott.

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

MR. SCOTT: Well, sir, I was under the impression that everything that I would have to say would have to be put in written shape and filed, which I have done, reserving a copy for myself.

COMMISSION: Well, now, if you will just sign this it will answer the part of a brief, and we will file it in the case. The attorney for the applicant presents brief in the case, which will be filed and made a part of the record.

The agent for the applicant requests and will be granted ten days in which to furnish the Commission with evidence of the admission of James Lewis to citizenship in the Cherokee Nation.

The attorney for the applicant and the representatives of the Cherokee Nation present submit the case; the same is now deemed completed, and will be reported to the Commission for final decision based upon the evidence now of record.

I, Arthur G. Croninger, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

Arthur G. Croninger

J A M E S L E W I S, E T A L,

A P P L I C A N T S

For enrollment as Cherokee Citizens.

Copies
In the matter of the
Application of James Lewis et al for
enrollment as citizens of the Cherokee Nation.

Cases before the Commission to the Five Civilized Tribes.
Cherokee D-1166-1167-1168-1280-1281-1348-1349. Consolidated. The
said applicants having been listed for enrollment on receipt card,
March 25th, 1901.

The testimony taken March 20th, 1902, in said consolidated
case establishes the fact that "Lewis" or Lewis Lewis and his wife,
Coo-ee-nelle Lewis, were recognized citizens of the Cherokee Nation;
were full blood Cherokee Indians and resided in Canadian District in
said Nation, prior to the year 1864 or 1865; that before the termination
of the late Civil War they removed from the Cherokee Nation, going west,
or to Kansas; that James Lewis, Sally or Inqu^r Chisholm, nee Lewis,
Nancy Chisholm, nee Lewis, and Alice Chisholm, nee Lewis, were then
their young children, and that Charles Lewis, their younger son, was
born after they left the Cherokee Nation.

The testimony shows that this Lewis family, these applicants,
descendants of Lewis Lewis and wife, Coo-ee-nelle Lewis, did not have
any permanent home until they returned to the Cherokee Nation about ten
years before this Testimony was taken, and they became owners of homes
on Bird Creek, Coo-wees-con-wee District, and that they were borne upon
the census rolls of said District in the year 1893 and 1894. Special
attention is here called to the supplemental testimony of Richard or
Dick Duck and George Mills, well known recognized citizens of the

Cherokee Nation--said supplemental testimony taken January 7th, 1903.

An examination of this somewhat elaborate testimony of these full blood Cherokee Indian applicants--correct in principle, very timid by nature, violently opposed by the representative of the Cherokee Nation, could give testimony only through an interpreter of the Cherokee language, brings out more clearly the good faith and honesty of these applicants.

The Honorable Commissioner of Indian Affairs in his report to the Honorable Secretary of the Interior, April 20th, 1901, (Land 19,386--1901) (Copy furnished the Commission to the Five Civilized Tribes) most thoroughly covers the relinquishments of the several Absentee Shawnee Trust Patents, based upon certificates of Cherokee citizenship with the seal of the Cherokee Nation thereto attached, and the cancellation of said Absentee Shawnee Trust Patents by the, then, Honorable Secretary of the Interior, the Department thus recognizing their rights as Cherokee Citizens.

The report by the Commission to the Five Civilized Tribes, April 20th, 1901, recommending the enrollment of all of said applicants as citizens of the Cherokee Nation meets the approval and recommendation of the Hon. Commissioner of Indian Affairs, except Sally Lewis, wife of James Lewis, rejected, who had sold her Absentee Shawnee allotment, and the said allotment has been approved by the Department. And of Alice Chickahominy and her two sons, Charles or James Chickahominy and Thomas or Harry Chickahominy, who had held their Absentee Shawnee allotments; that the said Alice Chickahominy and sons James and Harry Chickahominy be enrolled as citizens of the Cherokee Nation upon condition that they relinquish their Absentee Shawnee allotments, it being a distinct policy of the government to permit Indians to take more than one allotment.

The foregoing decision by the Commission to the Five Civilized Tribes, as stated, with the recommendation of the Hon. Commissioner of Indian Affairs, and the testimony in the said consolidated case now before the Hon. Secretary of the Interior for final decision.

The following applicants named in said case, to-wit; James, Hannie, Jefferson, Runabout, David, Bird, Thompson, Jacob, Frank N., John, Jennie and Hattie Lewis, and Sallie, John and Lucy Chisholm; also Nancy, Rose, Webster, Lizzie, Ollie, Davis and Lillie Chisholm, most respectfully ask that the decision of The Commission to the Five Civilized Tribes and the recommendation of the Hon. Commissioner of Indian Affairs be affirmed and agreed to and that the Hon. Secretary of the Interior instruct that they, the said applicants, now be permanently enrolled as citizens of the Cherokee Nation.

That Alice Chisholm, the mother of James, Harry and Daniel Chisholm most earnestly requests that her son, Daniel Chisholm be enrolled as a citizen of the Cherokee Nation, as recommended by the Hon. Commissioner of Indian Affairs.

That she herewith relinquishes to the United States, for her two minor children, Charles or James Chisholm, and Te-kah or Harry Chisholm all their right, title, and interest in their Absentee Shawnee allotment as follows: Absentee Shawnee allotment, No. 318, Charles Chisholm, being the East one-half (E 1/2) of Northeast Quarter (N.E. 1/4) of Section Thirty-three (33) Township Ten (10) north of range Three (3) east of I. and Absentee Shawnee allotment No. 319, Te-kah Chisholm, being the West One-half (W. 1/2) of the N. E. 1/4 of Section Thirty-three (33), Township Ten (10) north of Range Three (3) east of I. M., for the consideration reason that both of her said sons are Cherokees, and that she much prefers that they be enrolled as citizens of the Cherokee Nation with all the rights and privileges of such.

That she, Alice Chisholm, is Absentee Shawnee Allottee No. 317 and her allotment is the S. E. 1/4 of Section ³³ 33, Township 10 north of Range Three east of the Indian Meridian; that the same has been sold and deeded to J. V. Lewis, consideration \$1000.00 and raised in valuation \$100 or \$120.00.

This sale was made under the law for the benefit of non-residents, as she resides on the land in the Cherokee Nation which she intends for her youngest son, Daniel Chisholm. She, Alise Chisholm, respectfully asks that she be permitted to waive any right she may have to take an allotment in the Cherokee Nation on the condition that the Department approve her deed to the said Absentee Shawnee allotment to J. W. Lewis for amount stated, \$1100.00. (Deed now before the Department)

If her three sons, James, Harry and Daniel Chisholm can be enrolled as citizens of the Cherokee Nation, she would use the money received from the sale of her said Shawnee allotment to improve her children's land in the Cherokee Nation with whom she would live.

Respectfully submitted,

Copy

S. J. Scott

Attorney for applicants, James Lewis et al

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

" Cherokee D--1166. "
" "
" March 1st, 1902. "

Muskogee, I. T., March 20th, 1902.

In the Matter of the Application of James Lewis for himself, wife and seven children for enrollment as citizens of the Cherokee Nation.

Reference is made to his testimony before your Commission, March 25th, 1901, --that he was born in Canadian District; that he moved from place to place is the reason he gave for his name not being found upon the authenticated roll of 1880. He claimed (through Interpreter) that he had been admitted by the National Council during the administration of Joel Mayes as Chief in 1890. Application was made, by letter, to the Agent Executive National Secretary, Tahlequah, for certificate, offering to pay for same, but can draw no reply. Reference is made to Report of the Hon. Secretary filed in your office, May 14th, 1901. In said report your attention is especially called to special mention of a report of Agent D. M. Wisdom, August 28, 1896. Col. Wisdom having been requested by the Hon. Commissioner of Indian Affairs, to make a thorough report on Relinquishments of Trust Patents accompanied by certificates of Cherokee citizenship, with the seal of the Cherokee Nation thereto attached, of Nancy L. Chisholm nee Lewis for her minor children, and that of Luqua Chisholm nee Sallie Lewis for herself and daughter, Lucy Chisholm., approving the papers, classing them as citizens of the Cherokee Nation and recommending cancellation of Trust Patents, which was done Sept. 14, 1896. These two sisters of James and Charlie Lewis by said report of Col. Wisdom, embodied that they were daughters of "Lewis" deceased, and Che-go-nell, or Nellie Lewis aged 85 years--the said daughters aged respectively 36 and 38 years, drew money due them as old settler Cherokees.

Your Commission will also notice that in said report filed as stated, that James and Charles Lewis were sons of "Lewis" and Che-go-nell or Nellie Lewis, full blood Indians.

The patents of James Lewis and children and Mrs. Charles Lewis and children were cancelled February 8th, 1896. --See Secretary's Report

James Lewis and Charles Lewis received per capita payments, and also were paid amounts due them as old Cherokee settlers. These facts are given to strengthen their claim, they not appearing on the

authenticated roll of 1880. Realizing that your Commission have rules and regulations by which you are governed concerning all matters pertaining to the Indian people with due respect, I will state that the Honorable Commissioner of Indian Affairs and the Honorable Secretary of the Interior with all the papers before them touching the rights of these Indians, as citizens of the Cherokee Nation, certainly thought their claims were just, and so acted by cancelling the Trust Patents that they held as Absentee Shawnee Indians.

James Lewis with his wife and children have lived in Coe-wee-scou-we District for the past nine years in good faith as Cherokee citizens in their own home, and that Your Commission has left with them the numbers of land and plat of same on which they now reside.

Copy

Respectfully submitted,

S. J. Scott
For Applicant

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee I. T. June 10, 1902.

In the matter of the application of James Lewis et al for enrollment as citizens of the Cherokee nation.

Cherokee D 1136.

Trial on part of the Cherokee Nation.

The testimony in this case shows that James Lewis is is forty-eight years of age; he claims to have been born in the Cherokee Nation; that he left the Cherokee Nation some time during the war, has resided without the limits of the Cherokee nation until about eight years ago when he returned to the Cherokee Nation; there is no evidence whatever that he has been readmitted to citizenship in the Cherokee Nation upon his return. He evidently heard of the sale of the Cherokee Strip and that a large payment would be made in the Cherokee nation and he returned evidently for the purpose of getting his name placed upon the 1894 pay roll and unquestionably upon the theory of silence and division he succeeded in doing this. But the Cherokee national council subsequently passed in the act of May 3rd 1894, in making this a pay roll that it would not authenticate this roll nor that it was not an authenticated roll and that the Cherokee nation would not be bound by the roll and hence we contend that it is not a roll of the Cherokee Nation and that if the names of the applicants appear thereon when none of the children were born within the limits of the Cherokee nation and the father had not resided here since the civil war that clearly they were placed thereon "without authority of law," because only recognized citizens should have been placed upon that roll and if the applicant James Lewis was absent from the Cherokee nation since the civil war a period of more than thirty years, married outside of the Cherokee Nation, children all born outside of the Cherokee Nation, recognized in Oklahoma to the extent of giving

them allotments in the Absentee Shawnee Reservation but for some peculiar reason known perhaps to their Agent S. J. Scott alone these valuable allotments were relinquished and they removed to the Cherokee Nation. There is no evidence whatever of the citizenship of the applicant. It is true that a letter is on file from the Acting Commissioner of Indian Affairs stating that these people were the heirs of some old Settler Cherokee but that is no evidence of their citizenship neither is it evidence of their blood because white heirs from a number of states even as far west as California participated in the distribution of the old settler money, none of whom were recognized citizens of the Cherokee Nation. If this family desired to have been readmitted to citizenship in the Cherokee Nation they should have complied with the constitution of the Cherokee Nation and memorialized the authorities of the Cherokee Nation having jurisdiction to readmit to citizenship in the Cherokee Nation or they could have applied to the James Commission in 1896 under the act of June 10, 1896 when the Commission was then engaged in making hearing applications for admission to citizenship. The Commission is now charged with making a roll of the recognized citizens of the Cherokee Nation and we do not see how it can be contended that James Lewis and his family are recognized citizens of the Cherokee Nation unless they show that they have been legally readmitted to citizenship therein in accordance with the constitution and laws of the Cherokee Nation or the act of the Congress of the United States. No showing of this kind has been furnished. No certificate of readmission is on file. That they were illegally placed without authority of law on the 1894 roll but as above observed the act of May 3rd 1894 refused to confirm this roll. These people were refused enrollment in 1894 by the census takers and by the National Council and rightly so because they had not been residents of the Cherokee Nation since the civil war. If the Commission sees its way clear to enroll this family it would seem to us that the way would be open for all people claiming rights of citizenship by Cherokee blood to again submit their applications for citizenship in the Cherokee Nation before the Commission Congress never intended to confirm the 1894 roll but it was clearly the

intention of Congress to confirm the eighteen hundred and eighty roll and the names of the applicants appearing upon subsequent rolls is only corroborative of the fact that they were residing here at that time.

Respectfully submitted,

W. C. Hastings
Attorney for the Cherokee Nation.

Before the Department of the Interior:

In the matter of the application of James Lewis et al, and consolidated cases, for enrollment as citizens of the Cherokee Nation.

Cherokee Doubtful Number 1166.

Brief on Part of the Cherokee Nation.

The testimony shows that on June 10th 1902 we filed a brief representing our views in this case and we desire to urge again a careful reading of this brief as a final reason why we do not believe these applicants should be allowed to participate in the distribution of our lands and money and be enrolled as citizens of the Cherokee Nation.

Argument.

The testimony shows unquestionably that they left the Cherokee Nation before the civil war; that they went to the State of Kansas and that from there they went to the Territory of Oklahoma and became citizens of the Absentee Shawnee band of Indians where they took allotments and where they were recognized as citizens and drew their annuities as such but finally when they thought that they could draw more money and get more land by relinquishing their absentee Shawnee land they were prevailed upon by some means, to relinquish these lands which they had, and some of them did, and removed to the Cherokee nation about eight or ten years ago or just in time to have their names illegally, (And without authority of law) placed upon the 1894 pay roll. That their names appear upon the 1894 pay roll without authority of law there can be no question; their names should never have been taken by the Census takers because it was the duty of the Census takers to enroll or take the names of only recognized citizens of the Cherokee Nation and clearly these people were not recognized citizens of the Cherokee nation because for thirty years prior thereto they had never lived in the Cherokee Nation; they had no home in the Cherokee Nation; they had no effects there and if the rest of the Cherokee People had done as they did, under the conditions of the patent

to our lands signed to us by President Martin Van Buren our lands would have reverted to the United States and we would not have had any common estate to have divided among the Cherokee People.

Congress directed that the Commission refuse to enroll all persons whose names were placed upon any of these unauthenticated rolls without authority of law. Now what can this phrase "Without authority of law," mean if it does not apply to this class of cases. Can it be said that when their names were taken by the Census takers immediately after they came here in 1893 or 1894 that they were at that time citizens of the Cherokee Nation when they had been disconnected from the Cherokee tribe for thirty years; then if they were not citizens their names were illegally accepted by the Census takers and their names were placed upon the 1894 pay roll "without authority of law."

We have especially urged in our brief heretofore filed and hereinabove referred to these people were upon the 1894 pay roll without authority of law and that this roll of 1894 was never authenticated but upon the other hand the Cherokee National Council, not having time to investigate all of the names found thereon, yielding to the impatience of the people who were demanding a division of their money; their prorata part of the money received from the sale of the Cherokee Strip; an act was passed making the 1894 pay roll a pay roll, but Council specifically declared, by an act, that the Cherokee Nation would not be bound by that roll and that the Cherokee Nation would not be responsible for the names placed upon that roll. It is a fact well known to the Commission to the Five Civilized Tribes that many names appear upon the 1894 pay roll without authority of law; this roll was made in thirty days time whereas the Commission has been engaged more than three years in making the present roll with the work yet far from being complete, and there is no contention by any one that the 1894 pay roll is a correct roll.

What can the phrase "Without authority of law mean, if it does not apply to a case of this kind. Is the phrase meaningless? But did not Congress intend that it was the duty of the Commission to find that all names placed on all unauthenticated Cherokee rolls, were placed there without

authority of law, if they were not citizens at the time; in other words if a persons name did not appear upon the Cherokee Autenticated roll of 1880 or was not subsequently admitted, or a descendant of such persons since born, but was residing without the limits of the Cherokee Nation and had been so residing for a number of years, he was not a citizen of the Cherokee Nation and if his name was placed upon the roll it was illegally placed there and without authority of law.

It is our earnest opinion that none of these people are entitled to be enrolled as citizens of this nation. The fact that they speak the Cherokee language makes no exception, because the law must be uniform and so construed. If a full blood Indian came from the state of North Carolina certainly it would not be the duty of the Commission to enroll him because he spoke the Cherokee language. He must be a Cherokee Citizen, recognized and enrolled as such. The only evidence of their recognition that these applicants present is the fact that their names, illegally and without authority of law, were placed upon the 1894 pay roll-- a very bad roll indeed, for the Cherokee People.

We submit in the name of Justice, that the Cherokee People should not be forced to divide their estate with these people whose only claim to citizenship, as we view it, is because of the fact that their names have been placed on the 1894 pay roll "Without authority of law."

Respectfully,

J. C. S.

J. C. S.

Attorney for the Cherokee Nation.

STATE OF NEW YORK
IN SENATE
January 10, 1911.

[Handwritten signature]
[Handwritten initials BR]

REPORT OF THE COMMISSIONERS OF THE LAND OFFICE
IN ANSWER TO A RESOLUTION OF THE SENATE, PASSED MAY 15, 1908,
RELATIVE TO THE LANDS BELONGING TO THE STATE.

John Lewis et al	City	12 0
John Lewis et al	"	11 7
Alfred White et al	"	11
Henry White et al	"	10 0
Public Lands et al	"	10 0
Land Office	"	13 0
John Lewis et al	"	10 0

The report of the Commission of the Land Office for the year ending June 30, 1910, is herewith submitted to the Senate in accordance with the provisions of the resolution of the Senate of May 15, 1908, relative to the lands belonging to the State. The report contains a full and complete statement of the lands owned by the State, and of the proceeds of the sale of the same, and of the lands which have been acquired by the State during the year. It also contains a statement of the lands which have been reserved for the State, and of the lands which have been donated to the State. The report is divided into two parts, the first of which contains a general statement of the lands owned by the State, and the second of which contains a detailed statement of the lands which have been acquired by the State during the year. The report is accompanied by a number of maps and diagrams, which are intended to illustrate the various lands mentioned in the report. The report is printed in English and French, and is available for sale at the State Printing Office.

POOR ORIGINAL -
BEST AVAILABLE COPY

John Lewis, a Creek Indian. Sallie Chisholm is a daughter to James Lewis, a Creek Indian. Lucy Chisholm is a daughter of Sallie Chisholm; Rosa Chisholm is a daughter of Nancy Chisholm.

James, Sallie, Jennie, J. Gerson, Benbow, Davis, Jennie and Lewis, Alice Chisholm, Nancy, Webster, Ollie and Davis Chisholm are identified on the Cherokee census roll of 1890 and the Cherokee strip payment roll of 1894; Bird and Mattie Lewis, James, Nancy and Daniel Chisholm, Lizzie, Lillie, Sallie, Lucy and Rosa Chisholm are identified on the Cherokee strip payment roll of 1894; Thompson, James, Frank E. Lewis and John Chisholm are identified by list affidavit as a part of the record herein. It does not appear from the evidence that any of the applicants herein named as above are identified on the Cherokee census roll of 1896.

The evidence further shows that Alice Lewis for herself, James Lewis, their four children, George, Jefferson, Benbow and Frank Lewis; Jennie and John Lewis, children of one Charles Lewis, deceased; Alice Lewis for herself and her four children, James and Nancy Lewis; Clarence Lewis for himself and his wife, Webster, Lizzie, Alice and Sallie Lewis; Sallie Lewis for herself; Lucy Chisholm for herself and her four children, George, James, as a widow Chisholm, and the children of the latter, namely, Alice, James and Nancy Chisholm, are identified as such and are entitled to receive the same, by the Secretary of the Interior, to wit:

The evidence further shows that the applicant applied to in 1890 for a land grant, claiming to be the daughter of Rosa Chisholm, removed to the Cherokee strip, and that she was entitled to the same under the provisions of the act of Congress of March 3, 1875, which provided for the land grant to the children of the Cherokee Indians who were removed to the Cherokee strip. It appears that the applicant was not identified as such on the Cherokee census roll of 1896, and that she was not identified as such on the Cherokee strip payment roll of 1894. It further appears that the applicant was not identified as such on the Cherokee strip payment roll of 1894, and that she was not identified as such on the Cherokee strip payment roll of 1894.

The evidence further shows that Sallie Lewis, the wife of James Lewis, a Creek Indian, is the daughter of James Lewis, a Creek Indian, and that she is entitled to the same as a daughter of a Creek Indian, by the provisions of the act of Congress of March 3, 1875, which provided for the land grant to the children of the Cherokee Indians who were removed to the Cherokee strip.

The evidence further shows that the applicant was not identified as such on the Cherokee census roll of 1896, and that she was not identified as such on the Cherokee strip payment roll of 1894. It further appears that the applicant was not identified as such on the Cherokee strip payment roll of 1894, and that she was not identified as such on the Cherokee strip payment roll of 1894.

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The evidence further shows that the applicant was not identified as such on the Cherokee census roll of 1896, and that she was not identified as such on the Cherokee strip payment roll of 1894. It further appears that the applicant was not identified as such on the Cherokee strip payment roll of 1894, and that she was not identified as such on the Cherokee strip payment roll of 1894.

It is, therefore, the opinion of this Commission that James Lewis, Sallie Lewis, Hannie Lewis, Jefferson Lewis, Rinaldo Lewis, David Lewis, Bird Lewis, Thompson Lewis, Jacob Lewis, Frank H. Lewis, Jennie Lewis, John Lewis, Rattie Lewis, Alice Chism, James Chism, Harry Chism, Daniel Chism, Nancy Chishola, Webster Chishola, Lizzie Chishola, Ollie Chishola, Davis Chishola, Lillie Chishola, Lucy Chishola, Rosa Chishola, Sallie Chishola and John Chishola should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 20, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

James Starbuck

Chairman.

F. I. Woodlee

Commissioner.

John A. Smith

Commissioner.

W. E. Manning

Commissioner.

Date of Enrollment, T. C.

APR 10 1903

Department of the Interior
Bureau of Indian Affairs
In the matter of application of James Lewis
et al for enrollment as citizens of the
Cherokee Nation, consolidating the
applications of:
(The name in case in the
decision)

Prohibit John Cherokee Nation.

Comes now the
Cherokee Nation & most earnestly protests
against the decision of the Commission
made April 10th 1908 in the above
case & asks that the same be for
warded to the Secretary of the Interior
for review together with the brief
heretofore filed in said case.
There can be no doubt but that a
great injustice is done the Cherokee
Nation in this decision, it can't be the
law & neither is it equity.

These people, the testimony shows &
the ^{decisions} records, "returned to the Cherokee Nation
for the first time in 1893" & none of
them had resided in the Cherokee Nation
since the beginning of the war of
the rebellion, a period of 30 years.
Think of it! Left the country when the
war came up, took with them their
effects & left nothing behind, became
citizens of the Abantia Shawnee res-
ervation in Oklahoma where they
drew money & selected lands which

2

the testimony shows men cancelled at
the suggestion of their present representa-
tive S. J. Scott so that his ~~own~~-in-law
could get the land & Scott could
get the benefit of it. These allot-
ments were not cancelled by the
Secretary because they were not
citizens of the ~~territory~~ reservation
but because Scott persuaded them
to relinquish them.

In the face of these facts the decision
of the Commissioner says: "It is presumed
that the rights of Cherokee citizen ship
were not forfeited or abjured during their
absence from the Cherokee Nation or
Indian Territory". The Supreme Court
held very differently in the Eastern
Cherokee case 117 U.S. 288-312 wherein
the Court said "If Indians in that state
or any other wish to enjoy the benefits
of the common property of the
Cherokee Nation, in whatever form it
may exist, they must as held by the
Court of Claims, comply with the constitu-
tion & laws of the Cherokee Nation &
be admitted to citizen ship as therein
provided. They cannot live out of its
territory, evade the obligations &
burdens of citizen ship & at the
same time enjoy the benefits of the
funds & the common property of
the Cherokee Nation" Yet these
people for 30 years from 1863 to 1893

lived out of the Cherokee Nation, evaded
the burdens of citizenship but at the
same time are now about to
enjoy (I will unless removed by the
Secretary) the ~~benefits~~ ^{benefits} of the lands
& common property of the Cherokee
Nation ~~without~~ having been re-ad-
mitted - But it is argued that
Sallie Lewis wife of James Lewis
was re-admitted on November 28th 1888.
Read the act re-admitting her. She
was required to remove to & per-
manently locate in the Cherokee Nation
within one year as a condition
of her re-admission - She came
in 1893 or 5 years thereafter - Why
did not the Commission call attention to
this condition - The very fact that
she was re-admitted proves that it
was necessary for all of them to
be re-admitted but none were but
the wife of James Lewis & she never
complied with the act re-admitting her -
This degree of blood makes no
difference - It matters not whether
it is to be a full blood or 1/4, the
law is the same - About 30
years, not re-admitted upon return,
leaving no effects behind & in no
way connected with the Cherokee tribe,
citizens of a Shoshone reservation &
holding allotments there & still not

for filing their rights in the Cherokee
Nation is well said - The filing in
Cherokee Nation is this erroneous
decision is upheld - June in
names given & people are on
the 1894 Jay roll but the Depart-
ment is aware that Council agreed
to another treaty this roll & declared
that it was not binding on the
Cherokee Nation -

Suppose all Cherokees had left their
country as did those & remain away
30 years what would have become
of their lands under that clause of
the patent which provided; "that the lands
herby granted shall revert to the United
States if the said Cherokee Nation becomes
extinct, or abandons the same" Because
of this condition in their patent the
Cherokee constitution Art. 1 Sec. 2
provided that whenever any citizen
left the Cherokee Nation with his
effects & became a citizen of
another government, all of his
rights should cease - These people
did this - They lost their rights - They
were not re-admitted - Their names on
the 1894 roll "without authority -
of law" & should not be considered as
citizens given Cherokee Nation - Under
the act of June 10" 1896 the Commission
had authority to admit persons to citizen-
ship that came within this class
but no such authority - was in fact not

by the existing law - that these people
are full blooded cuts no figure - The
law is the same - It applies to all
alike - If these people are ad-
mitted every claimant will refer
to it as justifying an Commission
in going behind the rolls & re-ad-
mitting persons as under the
act of June 10th 1896 -
The decision should be reversed -

Respectfully submitted
Wm. H. King
atty for Chas. H. H. -

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes

Vinita, I. T. April 18th 1903.

In the matter of the application of James Lewis et al for enrollment as citizens of the Cherokee Nation consolidating the applications of:

James Lewis et al-----	Cherokee	D1166
Jennie Lewis et al-----	"	D1167
Alice Chism et al-----	"	D1166
Fancy Chisholm et al-----	"	D1280
Sallie Chisholm et al-----	"	D1281
Lucy Chisholm-----	"	D1248
Rosa Chisholm-----	"	D1249

Protest of the Cherokee Nation.

The Cherokee Nation most earnestly protests against the decision of the Commission in the above cases rendered on April 10th 1903 and asks that the same be forwarded to the Honorable secretary of the Interior for Review.

There can be no doubt but that a great injustice is done the Cherokee Nation in this decision; it can not be the law and neither is it equity. These people the testimony shows and the Commission's decision admits "Returned to the Cherokee Nation for the first time in 1893" and none of them had resided in the Cherokee Nation since the beginning of the war of the rebellion, a period of thirty years. Think of it! Left the Country when the war came up; took with them, their effects and left nothing behind; became citizens of the Absentee Shawnee reservation in Oklahoma where they drew money and selected lands which the testimony shows were cancelled at the suggestion of their present representative S.J Seott so that his son in law could get the land and Seott could get the Benefit of it. These allotments were not cancelled by the Secretary of the Interior because they were not citizens of the Shawnee reservation but because Seott persuaded them to relinquish them.

In the face of these facts the decision of the Commission says: "It is presumed that the rights of Cherokee Citizenship were not forfeited or abjured during their absence from the Cherokee Nation or Indian Territory" The Supreme Court held very differently in the Eastern Cherokee Case 117 U. S. 288- 312 wherein the court said:

"If Indians in that State or any other wish to enjoy the benefits of the common property of the Cherokee Nation, in whatever form it may exist, they must as held by the Court of Claims, comply with the constitution and laws of the Cherokee Nation and be readmitted to citizenship as therein provided- They can not live out of its territory, evade the obligations and burdens of citizenship and at the same time enjoy the

benefits of the funds and the common property of the Cherokee Nation"

yet these people for thirty years from 1863 to 1893 lived out of the Cherokee Nation, evaded the burdens of citizenship but at the same time are now about to enjoy (And will unless reversed by the Secretary of the Interior) the benefits of the funds and common property of the Cherokee Nation without having been readmitted. But it is urged that Gallie Lewis wife of James Lewis was readmitted on November 28th 1888. Read the act readmitting her. She was required to remove to and permanently locate in the Cherokee Nation within one year as a condition to her readmission She came in 1893 or five years thereafter. Why did not the Commission call attention to this condition. The very fact that she was readmitted proves that it was necessary for all of them to be readmitted but none were but the wife of James Lewis and she never complied with the act readmitting her) Their degree of blood makes no difference. It matters not whether it be a full blood or a one sixty-fourth; the law is the same. Absent thirty years not readmitted upon return; leaving no effects behind and in no way connected with the Cherokee tribe, citizens of the Shawnee Reservation in Oklahoma and taking allotments there and still not forfeiting their rights in the Cherokee Nation is new law. We pity the Cherokee Nation if this erroneous decision is upheld. True the names of these people are upon the 1894 pay roll but the Department is aware that Council refused to authenticate this roll and declared that it was not binding on the Cherokee Nation.

#3.

Suppose all Cherokees had left their country as did these and remain away thirty years what would have become of ~~their lands~~ their lands under that clause of the patent which provided: "That the lands hereby granted shall revert to the United States if the said Cherokee Nation becomes extinct, or abandons the same." Because of this condition in the patent the Cherokee Constitution Article I Section 2 provided that wherever any citizen left the Cherokee nation, with his effects and became a citizen of another ~~nation~~ all of his rights as a citizen of the Cherokee nation should cease. These people did this- they were not readmitted. Their names are on the 1894 roll "without authority of law" and should not be enrolled as citizens of the Cherokee Nation. Under the Act of June 10th 1896 the Commission had authority to admit persons to citizenship that came within this class but no such authority was intended by the existing law. That these people are full bloods cuts no figure- The Law is the same. It applies to all alike. If these people are admitted every claimant will refer to it as justifying the Commission in going behind the rolls and readmitting persons as under the act of June 10th 1896.

This decision is erroneous and should be reversed.

Respectfully

W W Hastings
Attorney for the Cherokee Nation.

JAMES LEWIS ET AL,

APPLICANTS

For enrollment as Cherokee Citizens.

In the matter of the
Application of James Lewis et al for
enrollment as citizens of the Cherokee Nation.

Cases before the Commission to the Five Civilized Tribes.
1281
Cherokee D-1166-1167-1168-1280-1348-1349. Consolidated. The said
applicants having been listed for enrollment on doubtful card, March
25th, 1901.

The testimony taken March 20th, 1902, in said consolidated
case establishes the fact that "Lewis" or Lewis Lewis and his wife,
Che-go-nelle Lewis, were recognized citizens of the Cherokee Nation;
were full blood Cherokee Indians and resided in Canadain District in
said Nation, prior to the year 1864 or 1865; that before the termination
of the late Civil War they removed from the Cherokee Nation, going west,
or to Kansas; that James Lewis, Sally or Iuqu^r Chisholm, nee Lewis,
Nancy Chisholm, nee Lewis, and Alice Chisholm, nee Lewis, were then
their young children, and that Charles Lewis, their younger son, was born
after they left the Cherokee Nation.

The testimony shows that this Lewis family, these claimants,
descendants of Lewis Lewis and wife, Che-go-nelle Lewis, did not have
any permanent home until they returned to the Cherokee Nation about ten
years before this testimony was taken, and they became owners of homes
on Bird Creek, Coo-wees-con-wee District, and that they were borne upon
the census rolls of said District in the year 1893 and 1894. Special
attention is here called to the supplemental testimony of Richard or
Dick Duck and George Mills, well known recognized citizens of the
Cherokee Nation--said supplemental testimony taken January 7th, 1903.

An examination of this somewhat elaborate testimony of these
full blood Cherokee Indian applicants--correct in principle, very timid
by nature, violently opposed by the representative of the Cherokee
Nation, could give testimony only through an interpreter of the Cherokee

language, brings out more clearly the good faith and honesty of these applicants.

The Honorable Commissioner of Indian Affairs in his report to the Honorable Secretary of the Interior, April 29th, 1901, (Land 19,886--1901) Copy furnished the Commission to the Five Civilized Tribes) most thoroughly covers the relinquishments of the several Absentee Shawnee Trust Patents, based upon certificates of Cherokee citizenship with the seal of the Cherokee Nation thereto attached, and the cancellation of said Absentee Shawnee Trust Patents by the, then, Honorable Secretary of the Interior, the Department then recognizing their rights as Cherokee Citizens.

The decision by the Commission to the Five Civilized Tribes, April 10th, 1903, recommending the enrollment of all of said applicants as citizens of the Cherokee Nation meets the approval and recommendation of the Hon. Commissioner of Indian Affairs, except Sally Lewis, wife of James Lewis, rejected, who had sold her Absentee Shawnee allotment, and the deed to same had been approved by the Department. And of Alice Chisholm and her two sons, Charles or James Chisholm and Te-kah or Harry Chisholm, who yet hold their Absentee Shawnee allotments; that the said Alice Chisholm and sons, James and Harry Chisholm, be enrolled as citizens of Cherokee Nation upon condition that they relinquish their Absentee Shawnee allotments, it being against the policy of the government to permit Indians to take more than one allotment.

The foregoing decision by the Commission to the Five Civilized Tribes, as stated, with the recommendation of the Hon. Commissioner of Indian Affairs, and the testimony in the said consolidated case now before the Hon. Secretary of the Interior for final decision.

The following applicants named in said case, to-wit:
James, Nannie, Jefferson, Runabout, David, Bird, Thompson, Jacob, Frank H., John, Jennie and Hattie Lewis, and Sallie, John and Lucy Chisholm:

Also Nancy, Rose, Webster, Lizzie, Ollie, Davis and Lillie Chisholm, most respectfully ask that the decision of The Commission to the Five Civilized Tribes and the recommendation of the Hon. Commissioner of Indian Affairs be affirmed and agreed to and that the Hon. Secretary of the Interior instruct that they, the said applicants, now be permanently enrolled as citizens of the Cherokee Nation.

That Alice Chisholm, the mother of James, Harry and Daniel Chisholm most earnestly requests that her son, Daniel Chisholm, be enrolled as a citizen of the Cherokee Nation, as recommended by the Hon. Commissioner of Indian Affairs.

That she herewith relinquishes to the United States, for her two minor children, Charles or James Chisholm, and Te-kah or Harry Chisholm, all their right, title and interest in their Absentee Shawnee allotments, as follows: Absentee Shawnee allotment, No. 318, Charles Chisholm, being the East one-half (E.1/2) of Northeast Quarter (N.E.1/4) of Section Thirty-three (33), Township Ten (10) north of Range Three (3) east of I. M. and Absentee Shawnee allotment No. 319, Te-kah Chisholm, being the West one-half (W.1/2) of the N. E. 1/4 of Section Thirty-three (33), Township Ten (10) north, of Range Three (3) east of I. M., for the consideration or reason that both of her sons are Cherokees, and that she much prefers that they be enrolled as citizens of the Cherokee Nation with all the rights and privileges of such.

That she, Alice Chisholm, is Absentee Shawnee Allottee No. 317 and her allotment is the S. E. 1/4 of Section 33, Township 10 north, of Range Three east of the Indian Meridian; that the same has been sold and deeded to J. W. Lewis, consideration \$1000.00 and raised in valuation \$100 or \$120.00.

This sale was made under the law for the benefit of non-residents, as she resides on the land in the Cherokee Nation which she intends for her youngest son, Daniel Chisholm. She, Alice Chisholm, respectfully asks that she be permitted to waive any right she may have to take an allotment in the Cherokee Nation on the condition that the Department approve her deed to the said Absentee Shawnee allotment to

J. W. Lewis for amount stated, \$1100.00. (Deed now before the Department)

If her three sons, James, Harry and Daniel Chisholm can be enrolled as citizens of the Cherokee Nation, she would use the money received from the sale of her said Shawnee allotment to improve her children's land in the Cherokee Nation with whom she would live.

Respectfully submitted,

S. J. Scott

Attorney for applicants, James Lewis et al.

Copy S. J. Scott

Tecumseh, O. T., March 27, 1902.

To the Commissioners to the Five Civilized Tribes.

Muskogee, I. T.

Gentlemen:-

I herewith enclose you a copy of Senate Bill No. 23, Laws of Cherokee Nation re-admitting a number of persons to citizenship in the Cherokee Nation, November 23rd, 1888.

At the final hearing in case of James Lewis et al, March 20th I was given time to furnish such certificates to be filed later.

I failed to get one certificate, expected--in which James Lewis testified that he had been re-admitted during the administration of Joel Vayes as Chief in 1890.

The enclosed certificate under seal, shows that Sallie Lewis ^{Applicant for Swallow with} (nee Sarah Ellis) was re-admitted with her father, Thomas Ellis, and that family; she then having three children. The father, Thomas Ellis ^{filed} died in Goo-wee-scoo-we district where a number of this family are now on the roll as Cherokee citizens. The Creek woman, Lucy Ellis, and the wife of Edward Ellis, returned to the Creek Nation, and she and her four Ellis children are now on your roll in Creek Nation, (Little River Tulsa Town) as Lucy Shownwo and four Ellis children--one having been born since 1888.

Most especially do I call your attention in said act of re-admission to the phrase that, "Sarah Ellis, now the wife of James Lewis, a Cherokee," showing that the National Council at that time did regard James Lewis as a Cherokee citizen of fact he also would have been included in said act of re-admission with his wife. They had but three children at that time.

From that date of re-admission in 1888 it is a fact that they did reside a greater portion of the time in ~~Goo-wee-scoo-we~~ ^{but}; while it is also a fact from the testimony of James Lewis, that they did not claim ownership of homes until about nine years ago. ^{in said district.}

I respectfully ask that this latter statement be filed with the certificate hereto attached.

Copy furnished through the Commission to the Five Civilized Tribes for W. W. Hastings, Cherokee Representative.

Yours very truly,
J. J. Scott
for Claimants, Jack Ruby et al con.

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

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D-
1166-7-8, 1280-1
& 1348-9.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 13, 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 April 10, 1903, in the consolidated case of James Lewis et al., granting the applications of: James Lewis for the enrollment of himself, his wife, Sallie, and his eight minor children, Nannie, Jefferson, Runabout, David, Bird, Thompson, Jacob and Frank H. Lewis, and for three orphan children, Jennie, John and Hattie Lewis; Alice Chism for the enrollment of herself and her three minor children, James, Harry and Daniel Chism; Nancy Chisholm for the enrollment of herself and her five minor children, Webster, Lizzie, Ollie, Davis and Lillie Chisholm; Lucy Chisholm for the enrollment of herself; Rosa Chisholm for the enrollment of herself; and Sallie Chisholm for the enrollment of herself and her minor child, John Chisholm, 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 applicants. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Chairman.

Enc. M-116

COMMISSIONERS
TAMM 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-
1166-7-8, 1200-1,
& 1348-9.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 4, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

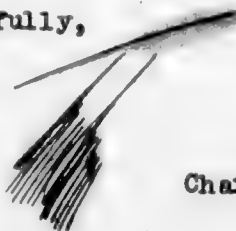
Tahlequah, Indian Territory.

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 consolidated case of James Lewis et al., together with the Commission's decision, dated April 10, 1903, granting the application for the enrollment of James, Sallie, Nannie, Jefferson, Runabout, David, Bird, Thompson, Jacob, Frank H., Jennie, John and Hattie Lewis, Alice, James, Harry and Daniel Chism, and Nancy, Webster, Lizzie, Ollie, Davis, Lillie, Sallie, John, Lucy and Rosa Chisholm, as citizens by blood of the Cherokee Nation, and the protest of the Cherokee Nation against said decision, dated April 20, 1903.

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

Respectfully,



Chairman.

COPY.

Refer in reply to the following:

Land
29,223-1903
34,189-1903.

Department of the Interior,

Office of Indian Affairs,

Washington, June 8, 1903.

The Honorable

The Secretary of the Interior.

Sir:

Referring to Department letter of May 18, 1903, I.T.D. 4424, relative to the applications of James Lewis et al., for enrollment as Cherokee citizens, there is enclosed herewith a report from the Commission, dated May 28, 1903, returning the papers forwarded by the Department, also a report from the Commission, dated May 4, 1903, transmitting the record relative to the proceedings in said case.

James Lewis applies for the enrollment of himself, his wife, Sallie, and their minor children, Mannie, Jefferson (or Jeptah or Jeff), Runabout (or Martin), David, Bird, Thompson and Jacob Lewis and for a grandson, Frank H. Lewis as citizens by blood of the Cherokee Nation. James Lewis also applied for the enrollment of three orphan minor children, to wit, Jennie, John and Hattie Lewis as citizens by blood. The three latter are the children of Charles Lewis and his wife, Alice Lewis, both now deceased. Alice Chism applies for the enrollment of herself and her three minor children, James, Harry and Daniel Chism as citizens by blood. Nancy Chisholm applies for the enrollment of herself and her minor children, Webster (otherwise known as Ezekiel and Ezkelan), Lizzie, Ollie, Davis

(also known as Tuxie), and Lillie Chisholm as citizens by blood. Sallie Chisholm applies for the enrollment of herself and her minor son, John Chisholm, as citizens by blood; Lucy Chisholm for the enrollment of herself as a citizen by blood and Rosa Chisholm for the enrollment of herself as a citizen by blood.

April 10, 1903, the Commission held that all of the parties above named were entitled to enrollment as citizens by blood of the Cherokee Nation. The Cherokee Nation, by its attorney, protests against the Commission's decision. The record shows that James Lewis, Alice Chism, Nancy Chisholm and Sallie Chisholm are brother and sisters, and that they are the children of Lewis Lewis and Checornahla (or Nelly) Lewis, both deceased. The names of the members of James Lewis' family except Thompson and Jacob appear on the 1894 Cherokee pay roll. Thompson and Jacob are properly identified by birth affidavits. Frank H. Lewis is the illegitimate child of Hannie Lewis, daughter of James Lewis, and he is properly identified by a birth affidavit. Jennie, John and Che-wan, understood by the office to be Hattie Lewis, are identified by the 1894 pay roll.

Alice Chism (nee Lewis), James, Harry and Daniel Chism are identified by the 1894 pay-roll, Harry Chism as Teder, and Daniel as Dannel.

Nancy Chisholm, Webster, Lizzie, Ollie and Davis Chisholm are identified by the 1894 pay-roll, Webster as Ezekiel; Ollie as Arle, and Davis as Tuxie. Lizzie Chisholm appears on said roll under the name of Oo-li-chey Chisholm. Sallie Chisholm is identified by the 1894 pay-roll as Ingue Chisholm. John Chisholm was born in 1897, and is properly identified by a birth affidavit. Lucy Chisholm is the daughter of Charlie Chisholm and Sallie Chisholm, otherwise

known as Ingue (or Iuka), and is identified by the 1894 pay-roll. Rosa Chisholm is the daughter of Nancy and Shawnee Chisholm, and she is identified by the 1894 pay-roll. Sallie Chisholm is now the wife of William Chisholm.

James Lewis, Sallie Lewis, Nannie Lewis, Jefferson Lewis, and Runabout Lewis; Alice Chism, James Chism, Harry Chism, Webster Chisholm, Lizzie Chisholm, Ollie Chisholm, Tuxie Chisholm and Sallie Chisholm took allotments as Absentee Shawnees. All of said parties have relinquished their allotments except Sallie Lewis, wife of James Lewis, Alice Chism, James Chism and Harry Chism. All of James Lewis' family except Thompson and Jacob Lewis are identified by the Cherokee census roll of 1890. From the record it does not appear that any of the applicants are identified by the 1896 census roll. All of the principal applicants, the record shows, except Lucy and Rosa Chisholm, removed from the Cherokee Nation soon after the commencement of the late Civil War. The record shows that all of the applicants, except those born in the Cherokee Nation subsequent to 1893, returned to the nation during the year 1893. They have all been continuous residents of the Cherokee Nation since that date except those subsequently born. All of the applicants are of Cherokee blood. Sallie Lewis, wife of James Lewis, was admitted to citizenship in the Cherokee Nation by an act of the National Council approved November 28, 1888. This act specifically declares that Sallie Lewis and the other parties mentioned therein are re-admitted to citizenship upon condition that they remove to and locate in the Cherokee Nation, and report to the principal chief within twelve

months from the date of the passage of the act, "otherwise they shall forfeit their citizenship in the Cherokee Nation." She did not remove within twelve months, and the record shows that she did not remove until 1893, which was five years subsequent to the date of her re-admission to citizenship. Furthermore, she did not relinquish her allotment as an absentee Shawnee. Part of the allotment was sold by her to W. J. Riggs, and the other part to Samuel J. Scott (see Department letters of February 3, 1903, and November 10, 1902). In view of the above the office does not agree with the Commission with reference to the citizenship of Sallie Lewis, wife of James Lewis, and therefore respectfully recommends that the Commission's decision declaring her entitled to enrollment as a Cherokee be not approved.

Alice, James and Harry Chism have not relinquished their allotments as absentee Shawnees. It is against the policy of the Government to permit Indians to take more than one allotment. There is now before this office a deed made by Alice Chism (Chisholm) by the provisions of which she agrees to convey to John R. Lewis her allotment as an absentee Shawnee for and in consideration of \$1100.00. If she is permitted to dispose of this land, she should not be enrolled as a citizen of the Cherokee Nation. She is unquestionably of Cherokee blood, and there is nothing in the record to show that she removed from the Cherokee Nation with the intention of abandoning her citizenship in that nation, with the possible exception of her having taken an allotment as an absentee Shawnee. It is therefore respectfully recommended that Alice, James and Harry Chism be declared entitled to citizenship in the Cherokee Nation upon condition

that they relinquish their respective allotments as absentee Shawnees, and that Daniel Chism, minor child of Alice Chism, be declared entitled to enrollment.

All of the other applicants to the case, who were given allotments as absentee Shawnees, except Sallie Lewis, have relinquished their allotments as such, which relinquishments were permitted on the ground that they were entitled to Cherokee citizenship, and the office considers that that action is sufficient to determine their citizenship. They were recognized by the Cherokees as citizens, and were enrolled as such. The principal applicants have lived in the Cherokee Nation since 1893. It is therefore respectfully recommended that James, Nannie, Jefferson, Runabout, David, Bird, Thompson, Jacob, Frank H., Jennie, John, and Hattie Lewis; that Sallie Chisholm, John, Lucy, ^{Rosa} Nancy, Webster, Lizzie, Ollie, Davis and Lillie Chisholm be enrolled as citizens by blood of the Cherokee Nation; that Daniel Chism be enrolled; that Alice, James and Harry Chism be enrolled upon condition that prior to their enrollment they relinquish their allotments as absentee Shawnees; and that Sallie Lewis, wife of James Lewis, be not enrolled.

Very respectfully,

A.C.Tonner,

Acting Commissioner.

GAW-CGC

D.C. 17770-1903.

LRS

J.P.
F.H.E.

DEPARTMENT OF THE INTERIOR.

I.T.D. 4984-1903.

WASHINGTON.

June 23, 1903.

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

Gentlemen:

On June 8, 1903, the Acting Commissioner of Indian Affairs submitted the Cherokee enrollment case of James Lewis et al., and recommended that your decision be affirmed as to the applicants except Sallie Lewis and Alice, James and Harry Chism. As to Alice, James and Harry Chism he recommends that they be declared entitled to citizenship in the Cherokee Nation upon the condition that they relinquish their allotments as Absentee Shawnees.

It is directed that you advise these applicants and the attorney for the Cherokee Nation of the recommendation of the Indian Office, and that thirty days from date of such notice will be allowed in which to file any argument they may desire; that a copy of such argument must be served upon the opposite party.

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

Respectfully,

(Signed) E. A. Hitchcock.

1 inclosure.

Secretary.

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

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES. Cherokee D-2268

REFER IN REPLY TO THE FOLLOWING

ALLISON L. AYLESWORTH
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 23, 1908.

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

Dear Sir:

There is herewith enclosed a copy of Departmental letter of June 23, in regard to the enrollment of James Lewis and others as Cherokee citizens.

Your attention is called to the last paragraph of the Commissioner of Indian Affairs' letter in which he recommends that certain members of the Lewis family be enrolled, that others be enrolled upon condition that prior to their enrollment they relinquish their allotments as absentee Shawnees and that Sallie Lewis, wife of James Lewis, be not enrolled.

In accordance with the instructions contained in the Department's letter you will be given thirty days from the date of this notice in which to file with the Commission for transmission to the Department, any argument you may desire to submit in the matter. You will be required to serve a copy of such argument upon the applicants.

Respectfully,



Commissioner in Charge.

Enc. D-92

17824

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

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

REFER IN REPLY TO THE FOLLOWING

ALLISON L. AYLESWORTH,
SECRETARY.

AS
ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 14, 1903

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

Dear Sir:

There is herewith enclosed a copy of the argument filed in Cherokee case D-1176 et al., James Lewis et al., of the attorney for the applicant.

Your attention is called to the fact that the thirty days time allowed you in which to file your argument in this case will be up on the 22nd instant.

Respectfully,



Commissioner in Charge.

Enc. D-85

COPY.

Refer in reply to the following:
Land. 63874-1903.
70496-1903.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, November 7, 1903.

The Honorable

The Secretary of the Interior.

Sir:

Under date of February 22, 1897, Agent Thomas of the Sac and Fox Agency, Oklahoma, returned to this office Absentee Shawnee patent No. 318, issued February 6, 1892, to Charles Chisholm for the E/2 of the NE 1/4 of S.33, T.10- N., R. 3-E., relinquished by Charles Chisholm on the ground that he was regularly enrolled as a Creek Indian. March 5, 1897, Agent Thomas was advised by this office that Charles Chisholm, allottee No. 318, was, when allotted in 1889, but four years of age and the son of Alice Chisholm, and that, therefore, the patent seemed to have been improperly delivered to Charley Chisholm. The patent was returned with an endorsement thereon showing that the relinquishment was void, with instructions to deliver the patent to Alice Chisholm, the mother of the allottee. Under date of June 8, 1903, this office referring to Departmental letter of May 18, 1903, (I.T.D. 4424), relative to ~~the~~ the application of James Lewis, et al., for enrollment as Cherokee citizens, forwarded the record in the case of James Lewis, et al., applicants for Cherokee citizenship, which record included the application of Alice Chisholm for the enrollment of herself and her three minor children - James, Harry and Daniel Chisholm, as citizens by blood.

The record in the case showed that James Chisholm was identical with Charles Chisholm, Absentee Shawnee allottee No. 318, and Harry Chisholm with Tekah Chisholm, Absentee Shawnee allottee No. 319. In said report it was recommended that Alice Chisholm and Harry Chisholm be declared entitled to citizenship in the Cherokee Nation, upon condition that they relinquish their respective allotments as Absentee Shawnees. It was stated, however, that Alice Chisholm preferred to retain her Shawnee allotment.

Under date of October 2, 1903, the Commission to the Five Civilized Tribes returned to this office the patent, No. 319, issued to Tekah Chisholm for the W/2 of the N.E. 1/4 of S. 33, T. 10- N., R. 3-E, I.M., with a relinquishment endorsed thereon signed by Tekah Chisholm by Alice Chisholm, as mother and guardian, for the land covered thereby, the consideration being "that the said Tekah Chisholm, my son, is a Cherokee Indian by blood and borne on the roll of the Cherokee Nation as a member of said nation and that he is no part Shawnee Indian or a member of the Absentee Shawnee band, and that the said Tekah Chisholm is not entitled to hold the land allotted to him as an Absentee Shawnee Indian by the within patent, nor do I desire him to hold same, as we reside in the Cherokee Nation." This relinquishment was executed September 8, 1896. The Commission also enclosed the affidavit and relinquishment of Alice Chisholm for her son Charles Chisholm, in which she stated that she had never received patent for his allotment as Absentee Shawnee.

October 26, 1903, Superintendent Thackery, of the Shawnee Indian Training School transmitted to this office, at the request of S.J.Scott, attorney for the applicants, the patent No. 318, issued to Charles Chisholm, as above stated.

The relinquishment of Alice Chisholm, transmitted by the Commission, have been attached to this patent and is believed to be sufficient. It is recommended that the two patents be cancelled, provided the enrollment of the patentees as citizens of the Cherokee Nation be approved.

There is also forwarded the letter of the Commission to you dated October 2, 1903.

Very respectfully,

W.A.Jones,

Commissioner.

J.P.A.
H.S.R.

MDG

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRICKNORRIDGE,
W. E. STANLEY.

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

REFER IN REPLY TO THE FOLLOWING

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 5, 1904.

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

Dear Sir:

There is herewith enclosed a copy of the argument of the attorney for the applicants in Cherokee D 1166, James Lewis et al., together with blank form for acknowledging receipt thereof, which you are requested to sign and return to the Commission by next mail.

Respectfully,



Enc. D-2.

Chairman.

JP. FHK. LRS.

D.C.No. 4666-1904.

I.T.D. 4984-8006-1903
8090-8112- "
8598-10679- "

DEPARTMENT OF THE INTERIOR,

WASHINGTON, February 5, 1904.

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

Gentlemen:

The Department has considered the case involving the applications for the enrollment as citizens by blood of the Cherokee Nation, of James Lewis for himself, his wife, Sallie, and their minor children, Nannie, Jefferson, Runabout, David, Bird, Thompson and Jacob Lewis, and a grandson, Frank H. Lewis; of James Lewis for three orphan children, Jennie, John and Hattie Lewis; of Alice Chism for herself and minor children, James, Harry and Daniel Chism; of Nancy Chisholm for herself and minor children, Webster, Lizzie, Ollie, Davis and Lillie Chisholm; of Sallie Chisholm for herself and minor son, John Chisholm; of Lucy Chisholm for herself; and of Rosa Chisholm for herself, submitted with your letter of May 4, 1903.

It appears, as stated in your decision of April 10, 1903, in favor of all of the applicants, that

"James Lewis is a full blood Cherokee Indian; that he was born in the Cherokee Nation and resided therein until just prior or subsequent to the commencement of the war of the rebellion, at which time he removed to Kansas and later to Oklahoma, where he married his wife Sallie, also a full blood Cherokee Indian. As a result of that marriage Nannie, Jefferson, Runabout, David, Bird, Thompson and Jacob Lewis were born. Frank H. Lewis, the principal applicant's grandson, is a child of Nannie Lewis by a white man. Jennie, John and Hattie Lewis are the orphan children of one Charles Lewis, who was a brother to said James Lewis. Alice Chism is a full sister to James Lewis, the principal applicant, and James, Harry and Daniel Chism are her children by one Cecil Chism, deceased, who was a Creek Indian. Nancy Chisholm is a full sister to James Lewis and her children, Webster, Lizzie, Ollie, Davis and Lillie Chisholm are her children by one Shawnee Chisholm, a Creek Indian. Sallie Chisholm is a full sister to James Lewis, and John Chisholm is her child by one Willie Chisholm, a Creek

Indian. Lucy Chisholm is a daughter of Sallie Chisholm; Rosa Chisholm is a daughter of Nancy Chisholm.

James, Sallie, Nannie, Jefferson, Runabout, David, Jennie and John Lewis, Alice Chism, Nancy, Webster, Ollie and Davis Chisholm are identified on the Cherokee census roll of 1890 and the Cherokee strip payment roll of 1894; Bird and Hattie Lewis, James Harry and Daniel Chism, Lizzie, Lillie, Sallie, Lucy and Rosa Chisholm are identified on the Cherokee strip payment roll of 1894; Thompson, Jacob and Frank H. Lewis and John Chisholm are identified by birth affidavits made a part of the record herein. It does not appear from the evidence that any of the applicants herein who were then alive are identified on the Cherokee census roll of 1896."

You further state that James Lewis, Sallie Lewis and their children, Nannie, Jefferson, Runabout, and David Lewis; Jennie, and John Lewis; Alice Chism for herself and children, James and Harry Chism; Webster, Lizzie, Ollie and Davis Chisholm; Sallie Chisholm; Lucy Chisholm, and Rosa Chisholm, secured, as absentee Shawnees, allotments of land in the Pottawatomie country, Oklahoma; that it appears that all the applicant allottees except Alice, James and Harry Chism, relinquished, and their allotments were cancelled by the Secretary of the Interior in 1896. These allotments apparently were secured about 1890 or 1891. The allotments in Oklahoma of these allottees that have been cancelled were cancelled, it appears, because of the disavowal of the allottees of their Shawnee citizenship, and on account of their claims to Cherokee citizenship.

So far as Sallie Lewis is concerned, your decision is incorrect. She has not relinquished her allotment. The Sallie Lewis mentioned in the Indian Office letter of April 26, 1901, copy with the record in this case, as having relinquished her allotment, is not Sallie Lewis, wife of James Lewis.

It appears that the principal applicants in the several cases, excepting Lucy and Rosa Chisholm, removed from the Cherokee Nation immediately preceding or subsequent to the commencement of the civil war. Lucy and Rosa Chisholm are the adult daughters of two of the principal applicants, born during said principal applicants' absence from the Cherokee Nation. The evidence shows that all the applicants returned to the Cherokee Nation for the first time in 1893, excepting Thompson, Jacob and Frank H. Lewis, and John Chisholm, who were born subsequent to the removal of their parents to the Nation in 1893. It is shown that all the applicants have been continuous residents of the Cherokee Nation since 1893, excepting those born subsequent to that time, they having resided in said nation continuously since birth.

It is shown that Sallie Lewis, wife of James Lewis, was readmitted to citizenship in the Cherokee Nation by the legally constituted authorities thereof, on November 28, 1888, her children then born being minors.

Relinquishment has been made of the allotments of James and Harry Chism, which will be disposed of hereinafter.

Referring to Section 21 of the act of June 28, 1898 (30 Stat., 495), which 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."

you held that all the applicants are entitled to enrollment, stating that it is presumed that the rights of Cherokee citizenship

were not forfeited or abjured during their absence from the Cherokee Nation and Indian Territory.

The Nation protests against your decision, contending that a great injustice will be done the Cherokee Nation if your decision is concurred in; that "these people were away from the Cherokee Nation for thirty years; that they left the Nation when the war commenced, took with them their effects and left nothing behind, and became citizens of the absentee Shawnee reservation in Oklahoma, where they drew money and selected lands, evaded the burdens of citizenship in the Cherokee Nation, and now seek the benefits of the funds and common property of the Cherokee Nation without having been readmitted to citizenship in that nation.

The attorney for the nation calls attention to the fact that Sallie Lewis, wife of James Lewis, was readmitted to Cherokee citizenship in 1888, but that she was required to permanently locate in the Cherokee Nation within one year as a condition to her readmission. He contends that the fact that she was readmitted proves that it was necessary for all the applicants to be readmitted; that while it is true the names of these people are upon the 1894 pay roll, the Department "is aware that the Council refused to authenticate this roll and declared that it was not binding on the Cherokee Nation."

In answer to these statements see opinion of the Assistant Attorney General of December 19, 1902, in the Benjamin F. Maxwell case, and decision of the Department of June 10, 1903, in the case of Martha Hill et al., and June 12, 1903, in the case of James V. Sherley et al.

Reporting in the matter June 8, 1903, the Acting Commissioner of Indian Affairs states that the allotment of Sallie Lewis, wife of James Lewis, in Oklahoma, was sold by her. He does not agree with your conclusion as to Sallie Lewis, Alice, James, and Harry Chism, they not having relinquished, their allotments as absentee Shawnees. He states that Sallie Lewis did not remove to the Cherokee Nation within twelve months from the time of readmission, and that furthermore, she did not relinquish her allotment as an absentee Shawnee; that part of the allotment was sold by her to W.J. Riggs and the other part to Samuel J. Scott. He recommends that your decision declaring her entitled to enrollment as a Cherokee citizen be not approved. He reports that there is before the Indian Office a deed from Alice Chism, by the provisions of which she agrees to convey to John R. Lewis her allotment as an absentee Shawnee for and in consideration of the sum of \$1,100, and he holds that if she is permitted to dispose of this land, she should not be enrolled as a citizen of the Cherokee Nation. He recommends, however, that Alice, James and Harry Chism be declared entitled to citizenship in the Cherokee Nation upon condition that they relinquish their respective allotments as absentee Shawnees, and that Daniel Chism, minor child of Alice Chism, be declared entitled to enrollment.

On November 7, 1903, the Commissioner of Indian Affairs transmitted patent number 319, issued to Tekah, or Harry Chisholm, for land in Oklahoma, with a relinquishment endorsed thereon by Alice "Chisholm", mother and guardian of Tekah Chisholm, the consideration being -

"That the said Tekah Chisholm, my son, is a Cherokee Indian by blood and borne on the roll of the Cherokee Nation as a member of said nation and that he is no part Shawnee Indian or a member of the Absentee Shawnee band, and that the said Tekah Chisholm is not entitled to hold the land allotted to him as an Absentee Shawnee Indian by the within patent, nor do I desire him to hold same, as we reside in the Cherokee Nation."

He also inclosed the affidavit and relinquishment of Alice "Chisholm", for her son Charles or James Chisholm, in which she stated that she had never received patent for his allotment as an absentee Shawnee.

It appears that on October 26, 1903, the Superintendent of the Shawnee Indian Training School transmitted to the Indian Office the patent, No. 318, issued to Charles or James Chisholm,

The Commissioner recommends that the two patents be cancelled provided the enrollment of the patentees as citizens of the Cherokee Nation be approved.

The citizenship in the Cherokee Nation of James, Harry and Daniel Chism (or Chisholm), their father being a Creek ~~I~~ citizen, must depend upon the status of their mother. Unless she relinquishes her allotment in Oklahoma she cannot be enrolled as a Cherokee, and neither can her children. Should she, however, relinquish her allotment in Oklahoma, the allotment to her and said children, James and Harry, should no objection then appear, will be cancelled, and authority will be given for their enrollment and of Daniel Chism (or Chisholm) as Cherokee citizens.

Your decision is hereby affirmed, except as to these particular persons, and as to Hallie Lewis. The relinquishment of the allotments of James and Harry Chisholm will be held in the Indian Office awaiting further action by Alice Chism (or Chisholm).

A copy of the Commissioner's letter of November 7, 1903, is inclosed.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

1009

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

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

REFER IN REPLY TO THE FOLLOWING
Cherokee D 1166-7-
8, 1280-81, 1348-9

ALLISON L. AYLEWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 18, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 10, 1903, in the consolidated case of James Lewis, et al., granting the applications for the enrollment of James, Sallie, Nannie, Jefferson, Runabout, David, Bird, Thompson, Jacob, Frank H. , Jennie, John and Hattie Lewis, Alice, James, Harry and Daniel Chiam, and Nancy, Webster, Lizzie, Ollie, Davis, Lillie, Sallie, John, Lucy and Rosa Chisholm as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 5, 1904, as to all except Sallie Lewis, wife of James Lewis, and Alice, James, Harry and Daniel Chiam.

The Department's letter states that the Commission's decision enrolling Sallie Lewis is incorrect inasmuch as it is shown that she did not relinquish her allotment as an Absentee Shawnee, but that she sold said allotment to W. J. Riggs and Samuel J. Scott. It is further stated in the Department's letter that there is on file in the office of the Commissioner of Indian Affairs a deed

from Alice Chism for the sale of her allotment as an Absentee Shawnee for the sum of \$1100.00; that if she is permitted to dispose of this land she should not be enrolled as a citizen by blood of the Cherokee Nation; and that the father of her children being a Creek Indian, they can only claim through their mother. The enrollment of Alice, James, Harry and Daniel Chism will not, therefore, be approved by the Department at this time, but will await the further action of Alice Chism as to the disposition of her Absentee Shawnee allotment. A copy of the Department's letter is herewith inclosed for your information.

Respectfully,



Commissioner in Charge.

Encl. V- 69

C. D. 1166 ✓

Nation

Trust

W. W. Hastings,

Vinita, Indian Territory.



Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

James Lewis et al
vs
Shelton Native

~~...~~
~~...~~
~~...~~
~~...~~

Copy of testimony filed
with the Cherokee Nation

See also papers Nos 1167 & 1168

Cher D 1167

Cher D 1167

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, IT., MARCH 25th, 1901.

In the matter of the application of James Lewis for the enrollment of some other children, JENNIE, JOHN AND HATTIE LEWIS, as citizens of the Cherokee Nation; said Lewis being sworn and examined by Commissioner T. B. Needles, testified as follows, through Interpreter Simon E. Walkingstick:

- Q What is your name? A James Lewis, about 48 years old; Turley post office.
Q What district does he live in? A Cooweescoowee.
Q Is he a full blood Cherokee? Yes, sir.

Com'r Needles:--Applicant applies for the enrollment of three Orphan Children:

- Q What are their names? A Jennie Lewis, 15 years old; John Lewis, is the next one.
Q How old is John? A 12 years old; Hattie.
Q How old is Hattie? A Ten years old.
Q What is the father's name of these children? A Charles Lewis.
Q Is he living? A No, sir, dead.
Q What is their mother's name? A He says she had a Shawnee name.
Q Are these children living now? A Yes, sir.
Q Living with him? A Yes, sir, but they are going to school now.
Q Where were these children born? A They were born out in Oklahoma. Well, the last one was born in the Cherokee Nation.
Q Did Charles Lewis and his wife ever live in the Cherokee Nation? A Yes, sir.
Q Where did he die? A He died in the Creek Country while out on a visit.
Q How long did he live in the Cherokee Nation? A Just about the same way I lived in the Cherokee Nation.
Q He states that his testimony in regard to Charles Lewis would be about the same as himself? A Yes, sir.
Q Was Charles Lewis his brother? A Yes, sir.

BY W. W. HARRINGS, Cherokee Representative:

- Q About how old would Charles Lewis have been now? A He would have been about 29 or 30 years old.
Q Then Charles Lewis was born out of this country? A No, he was born up North somewhere.
Q Was not born in the Cherokee Nation? A No, sir; he was not born in the Cherokee Nation.
Q And Charles Lewis never lived in it until about eight years ago? A Yes, sir; he didn't come here until about eight years ago.

BY COMMISSIONER NEEDLES:

- Q You say Charles Lewis would be about 29 years old; he has a child 15 years old? A Yes, about 29 or 30, he says he could not state as to what his age is.

Tribal Polls of citizens of the Cherokee Nation examined and name of these children found thereon as follows:

1894 Pay roll:

- Page 233, #2533, Charles Lewis, Cooweescoowee district.
Page 233, #2535, Jennie Lewis, "
Page 233, #2536, John Lewis, Cooweescoowee District.
Page 233, #2537, Che-wan Lewis, Cooweescoowee District.

Com'r Needles:--The name of Charles Lewis, the father of

Jennie Lewis, et al.--2.

the children applied for, is found upon the pay roll of 1896. The names of the three children, Jennie, John and Hattie Lewis, are found upon the pay roll of 1894. Their names are not found upon the census roll of 1896, and the names of their father and mother do not appear upon the authenticated roll of 1880. Reference is here made to the case of James Lewis, D. 1166. Final judgment as to the enrollment of said children as Cherokee citizens by blood will be suspended and their names will be placed upon a doubtful card.

Q Did Charles Lewis ever take an allotment out--? A No, sir.

BY W. W. HASTINGS:

Q His wife? A His wife did.

Q These children? A Two did, I think, took allotments.

BY COMMISSIONER NEEDLES:

Q The two oldest? A Yes, sir.

Q Did they keep the allotments or did they return them? A They relinquished their land.

BY W. W. HASTINGS:

Q Did they get anything for relinquishing? A Yes, sir; they were paid for the little improvements they had.

Q All paid the same? A No, sir; different, some pretty good amounts and others small amounts.

BY COMMISSIONER NEEDLES:

Q Was he paid for his improvements? A Yes, sir; I was paid.

Q Who paid him? A This man standing here. (Referring to S. J. Scott, Applicant's Attorney.)

Q Did this man buy them or pay him as Agent? A Well, he really didn't buy it, he give me some money to help me along to get away from there.

Q What was this man's name, Scott? A Yes, sir.

S. J. SCOTT, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A S. J. Scott. (Post office, Tecumseh, O.T.)

Statement by Witness: The trust Patents issued to James Lewis and children then of age and to the children of Charley Lewis, two of them, were cancelled by the Honorable Secretary of the Interior, February 6th, 1896, based on certificates furnished to said ~~XXXXXXXXXX~~ Interior Department with the Seal of the Cherokee Nation thereon.

BY W. W. HASTINGS:

Q When did they receive these allotments? A My recollection is that these allotments were approved by the Secretary of the Interior before 1891.

Q You were an Indian Agent out there? A No, sir; I was a United States License Indian Trader.

Q What made you pay these men for their improvements?

Jennie Lewis, et al. 9-3.

A These people were not going to live there and would not stay there and I knew that they were on the Cherokee roll and I knew that the government would not let them exercise two rights; I knew that they were determined to come back to their people and knew that some one would come along and take them.

Q You paid them? A I paid them; he got his pay.

Q Who got the improvements afterwards? A James H. Gill.

Q Who is he? A He is a white man.

Q Did he get the lands, also the allotments? No, sir, these things, come up in this day, you relinquish them back to the Government and then they become public domain and then they file upon them and pay the Government the usual fees.

Q Who filed upon these allotments? A That is the party--Gill.

Q Is Gill any relation to you? A Yes, sir, he is my son-in-law. This man had eighty acres of land; the children's land was filed upon there by J. W. Lewis.

---ooo000---

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 March, 1901.

Commissioner.


M. D. Irwin
Notary Public!

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251167

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAR 29 1901



ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., MARCH 25th, 1901.

In the matter of the application of James Lewis for the enrollment of himself, wife and children as citizens of the Cherokee Nation said Lewis being sworn and examined by Commissioner T. R. Needles, testified as follows, through Interpreter Simon R. Walkingstick:

- Q What is your name? A James Lewis, about 48 years old; Turley post office.
Q What district does he live in? A Cooweescoowee.
Q Is he a full blood Cherokee? A Yes, sir.
Q Who does he want to enroll besides himself? A Himself, wife and children.
Q What is his wife's name? A Sally.
Q Is she a Cherokee by blood? A Yes, sir; part Cherokee and Shawnee.
Q What was her name before he married her? A Ellis.
Q How old is Sally? A About 40.
Q What are the names of his children? A Nannie. 21 years old Nannie is.
Q Is she here? A No, sir; Jefferson, 18 years old; Runabout is the next one, 15 years old; David is the next one.
Q Well? A 13 years old; Bird, nine years old.
Q Well next? A Thompson, five years old; Jacob, three years old.
Q Is Sally the mother of all these children? A Yes, sir.
Q Are they all living with him? A Yes, sir.
Q Has he always lived in the Cherokee Nation himself? A He has only been in the Cherokee Nation eight years.
Q Where has he been before that? A I lived among the Shawnees out in Oklahoma.

BY S. J. SCOTT, of Teoursch, O. T., Attorney for Applicant:

- Q If he did not have a residence also in Cooweescoowee district as far back as ten years ago? A Not to have a home; I really consider that my home was not; it has only been eight years that I have really had a home in that district.

BY COMMISSIONER NEEDLES:

- Q Where was he born? A In Canadian District.
Q Is his name on the roll of 1880? A I think not; my wife's name is on the 1880 roll.
Q Why is not his name on the 1880 roll? A It must be from the fact that I was not located at any permanent place; I was just here and there and not in this country at that time.

INTERPRETER: He says that he was admitted by the National Council during the administration of Joel Wages as Chief, in 1890.

BY W. W. HASTINGS, Cherokee Representative:

- Q How old were you when you left the Cherokee Nation? A Why, I must have been along about eight years old.
Q Then you left the Cherokee Nation before the War? A Yes, sir; just after the commencement of the War my parents, at the breaking out of the War, went out of the Cherokee Nation and went West.
Q And you never did remove back here until about eight years ago? A Yes, sir.
Q That is true is it? A Yes, sir.
Q Where did you marry this woman? A Out there.
Q In Shawneetown? A Yes, sir; we really was not married according to law.

James Lewis, et al.--2.

- Q All these children born out there? A Three of our children were born in this country.
- Q Ask him if the Shawnees out there in that Shawnee country did not take allotments? A Yes, sir, and I also got an allotment.
- Q Got one for his wife? A Yes, sir.
- Q And his children that were then born? A Yes, sir; these children that were born out there.
- Q That country is a part of Oklahoma? A Yes, sir; he says that he relinquished his title to the land that they had given him; it was really without his consent he says; he said that he belonged to the Cherokee Nation and he returned the deed to the land, returned the deed to Washington City, to the Secretary of the Interior, he says.
- Q The Shawnees that took allotments down there are what are known as Absentees? A I think so; they must have been; I could not say as to what class of Shawnees they were, but they were Shawnees.
- Q Are you part Shawnee yourself? A No, sir.
- Q Was your mother Cherokee? A Yes, sir.
- Q Your father Cherokee by blood? A Yes, sir; that is what he stated.

Tribal Rolls of citizens of the Cherokee Nation examined and Applicants' names found thereon as follows:

1894 Pay Roll:

Page 233, #2525,	James Lewis,	Cooweescoowee District.
Page 233, #2526,	Sallie Lewis,	" "
Page 233, #2527,	Nannie Lewis,	" "
Page 233, #2528,	Jeff Lewis,	" "
Page 233, #2529,	Runabout Lewis,	" "
Page 233, #2530	David Lewis,	" "
Page 233, #2532,	Bird Lewis,	" "

Com'r Needles:--James Lewis applies for the enrollment of himself, his wife and seven children: His name is found upon the pay roll of 1894. The name of his wife, Sally is also found upon the pay roll of 1894. The names of his children, Nannie, Jefferson, Runabout, David and Bird, are found upon the pay roll of 1894. Applicant says that he has two other children, Thompson and Jacob, whose names do not appear upon said roll, having been born since the said roll was compiled. Their names are not found upon the authenticated roll of 1880, neither do they appear upon the census roll of 1896. By reason of the facts as to the citizenship of said James Lewis, his wife and family, final judgment as to the enrollment of said parties will be suspended and their names will be placed upon a doubtful card. It will be necessary for him to file with this Commission satisfactory proof of birth as to his two younger children, Thompson and Jacob.

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

Subscribed and sworn to before me this 26th day of March, 1901.

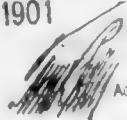
J. O. Fosson
Notary Public.

Commissioner.

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W 1167

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



ACTING CHAIRMAN

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

In the matter of the application of Jennie Lewis for the enrollment of herself, brother and sister as citizens of the Cherokee Nation.

Applicant represented by S. J. Scott.
Cherokee Nation represented by W. W. Hastings.

The applicant was notified by registered letter March 1st, 1902, that the application of Jennie Lewis for the enrollment of herself, brother and sister as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 20th day of March, 1902. The applicants appear by their attorney, S. J. Scott.

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

MR. SCOTT: I desire to file a written statement, termed brief, in regard to this case, also I have got attached there certificate of marriage.

NANCY CHISHOLM, being first duly sworn, testified, through official interpreter, R. R. Walkingstick, as follows:

COMMISSION: What is your name? A Nancy Chisholm.
Q How old are you? A 45 years old.
Q Do you know Charley Lewis and his wife, Alice Lewis? A Yes, sir.
Q How long did you know them before they died? A Charley Lewis is my brother.
Q Well, were you present when he was married to Alice? A Yes, sir, I was present.
Q Did they live together as man and wife up until the time they died? A Yes, sir.

MR. HASTINGS: Was either of them married before? A No, sir.
Q Charley or his wife never been married before? A No, sir, neither had been married prior to that time.

Q Who married them? A Just in the presence of witnesses.
Q Didn't have any marriage ceremony? A No, sir.

COMMISSION: Were you one of the witnesses? A Yes, sir, I was one of the witnesses.

MR. SCOTT: You know these Shawnee people appointed a committee often known as the Absentee Shawnee Business Committee; the chairman, I have his statement under oath before a notary public, and it looks to me like it ought to be evidence that they were married. I would like for it to be filed with the papers.

COMMISSION: Mr. Scott, the Commission does not admit testimony by affidavits. It is strictly against the rules of the Commission to admit affidavits; you have proved the very thing now that you want to prove by this man.

JAMES LEWIS, being first duly sworn, testified, through official interpreter S. R. Walkingstick, as follows:

COMMISSION: What is your name? A James Lewis.
Q How old are you? A 48 years old.
Q What is your postoffice address? A Turley.
Q Were you acquainted with Charley Lewis before he died? A Yes, sir.
Q Was he your brother? A Yes, sir.

Q Did you know his wife, Alice? A Yes, sir, I know her.
Q Were you present when they agreed to live together as man and wife? A Yes, sir, I was present.
Q Did they live together as man and wife up until the time they died or one of them died? A Yes, sir, the woman died first.
Q They lived together up until that time, did they? A Yes, sir.
Q Were either of them ever married before? A Neither one had been married prior to that time.
Q These children, Jennie, John and Hattie, were born while they were living together as man and wife? A Yes, sir.

MR. HAWKINS: I would like to ask him what was the blood of the mother, is she Cherokee, Shawnee, Creek, or what? A She was half Cherokee and half Shawnee.

Q Was she a recognized citizen out there, Shawnee? A I think she was recognized as a Shawnee.

COMMISSION: In behalf of the applicants you submit the case to the Commission?

MR. SCOTT: Yes, sir.
The agent for the applicant and the representatives of the Cherokee Nation present submit the case; the same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record. The attorney for the applicant files brief in the case.

I, Arthur G. Groninger, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

Arthur Groninger

1940
The following is a list of the names of the persons who were present at the meeting held on the 15th day of June, 1940, at the residence of Mr. J. H. Smith, 1234 Main Street, New York, New York.

Mr. J. H. Smith
Mr. A. B. Jones
Mr. C. D. Brown
Mr. E. F. Green
Mr. G. H. White
Mr. I. J. Black
Mr. K. L. Gray
Mr. M. N. Blue
Mr. O. P. Red
Mr. Q. R. Purple
Mr. S. T. Yellow
Mr. U. V. Orange
Mr. W. X. Silver
Mr. Y. Z. Gold

(11)

Jennie Lewis, et al

A. Original testimony, March 25, 1901.

B. Memo of application, March 25, 1901.

C. Notice of ins. consideration 3/30/02

Receipt for testimony

Order of ins. 3/30/02

Sup. test. & order closing test 3/20/02

See record from No. 1166 419/68

Cher D 1168

Cher D 1168

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., MARCH 25th, 1901.

In the matter of the application of Alice Chism for the enrollment of herself and children as citizens of the Cherokee Nation; said Chism being sworn and examined by Commissioner T. D. Needles, testified as follows through Interpreter Simon R. Walkingstick:

- Q What is your name? A Alice Chism.
Q What is her age? A About 37 years old.
Q What is her post office? A Turley, Indian Territory.
Q Is she a recognized citizen of the Cherokee Nation? A Yes, sir; she is a citizen of the Cherokee Nation she says.
Q Who does she want to enroll, anybody besides herself? A Herself and children.
Q What are the names of the children, Alice? A James Chism.
Q How old is James? A 16 years old; Harry, 12 years old; Daniel Chism, eight years old; that is all.
Q What was her name before she married? A Lewis.
Q What relation is she to James Lewis? A That is my brother.
Q Has she heard the testimony of James Lewis here? A Yes, sir.
Q Is her right to citizenship the same as James Lewis'? A Just exactly the same.

Tribal Roll of citizens of the Cherokee Nation examined and applicants' names found thereon as follows:

1894 Pay Roll:

Page 238, #2650, Alice Lewis, Cooweescoowee District.
Page 238, #2651, Jim Chism, " "
Page 238, #2652, Tader Chism, " "
Page 238, #2653, Dannel, Chism, " "

- Q Where is she living now? A In Cooweescoowee District.
Q Did she come there when James Lewis come? A Yes, sir; we all came together.

BY W. W. HASTINGS, Cherokee Representative:

- Q Did she take an allotment with the Shawnees down where her brother did? A Yes, sir.
Q And the children that were born at that time? A Yes, sir, the two oldest.
Q What was her husband? A He was a Creek.
Q And Shawnee too, part Shawnee? A He was a full blood Creek.
Q Is he alive? A He died before the allotment.
Q Where were you born? A I think I must have been born in the Cherokee Nation; they took me away when I was small before the War.
Q Was she born before the War? A Well, about the commencement of the war, along about that time.
Q She is not positive where she was born? A No, sir.

BY COMMISSIONER NEEDLES:

- Q When did she return to the Cherokee Nation from that country,
A Well I returned when my brothers came back.

Com'r Needles:--The name of Alice Chism is found upon the pay roll of 1894. The names of her children, James, Daniel and Harry, are found also upon the pay roll of 1894. Reference is here made to the testimony taken in the case of James Lewis, D. #1166, and of Jennie, John and Hattie Lewis, D.#1167. The application for the enrollment of said Alice Chism and her children, as named herein, will be suspended and their names will be placed upon a doubtful card. The statement is made that payment was made these people in the Cherokee payment of 1897.

Chism
Alice Lewis, et al.--2.

J. O. Kouson, 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. Kouson

Subscribed and sworn to before me this 26th day of March, 1901.

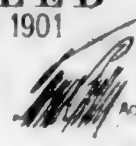
Commissioner.

M. D. Green
Notary Public

a 191168

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAR 29 1901


ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., MARCH 25th, 1901.

In the matter of the application of James Lewis for the enrollment of himself, wife and children as citizens of the Cherokee Nation; said Lewis being sworn and examined by Commissioner T. B. Needles, testified as follows, through Interpreter Simon E. Walkingstick:

- Q What is your name? A James Lewis, about 48 years old; Turley post office.
- Q What district does he live in? A Cooweescoowee.
- Q Is he a full blood Cherokee? A Yes, sir.
- Q Who does he want to enroll besides himself? A Himself, wife and children.
- Q What is his wife's name? A Sally.
- Q Is she a Cherokee by blood? A Yes, sir; part Cherokee and Shawnee.
- Q What was her name before he married her? A Ellis.
- Q How old is Sally? A About 40.
- Q What are the names of his children? A Nannie. 21 years old Nannie is.
- Q Is she here? A No, sir; Jefferson, 18 years old; Runabout is the next one, 15 years old; David is the next one.
- Q Well? A 13 years old; Bird, nine years old.
- Q Well next? A Thompson, five years old; Jacob, three years old.
- Q Is Sally the mother of all these children? A Yes, sir.
- Q Are they all living with him? A Yes, sir.
- Q Has he always lived in the Cherokee Nation himself? A He has only been in the Cherokee Nation eight years.
- Q Where has he been before that? A I lived among the Shawnees out in Oklahoma.

BY S. J. SCOTT, of Tecumseh, O. T., Attorney for applicant:

- Q If he did not have a residence also in Cooweescoowee district as far back as ten years ago? A Not to have a home; I really consider that my home was not; it has only been eight years that I have really had a home in that district.

BY COMMISSIONER NEEDLES:

- Q Where was he born? A In Canadian District.
- Q Is his name on the roll of 1830? A I think not; my wife's name is on the 1880 roll.
- Q Why is not his name on the 1880 roll? A It must be from the fact that I was not located at any permanent place; I was just here and there and not in this country at that time.

INTERPRETER: He says that he was admitted by the National Council during the administration of Joel Mayes as Chief, in 1890.

BY W. W. HASTINGS, Cherokee Representative:

- Q How old were you when you left the Cherokee Nation? A Why, I must have been along about eight years old.
- Q Then you left the Cherokee Nation before the War? A Yes, sir; just after the commencement of the War my parents, at the breaking out of the War, went out of the Cherokee Nation and went West.
- Q And you never did remove back here until about eight years ago? A Yes, sir.
- Q That is true is it? A Yes, sir.
- Q Where did you marry this woman? A Out there.
- Q In Shawneetown? A Yes, sir; we really was not married according to law.

James Lewis, et al.--2.

Q All these children born out there? A Three of our children were born in this country.
Q Ask him if the Shawnees out there in that Shawnee country did not take allotments? A Yes, sir, and I also got an allotment.
Q Got one for his wife? A Yes, sir.
Q And his children that were then born? A Yes, sir; these children that were born out there.
Q That country is a part of Oklahoma? A Yes, sir; he says that he relinquished his title to the land that they had given him; it was really without his consent he says; he said that he belonged to the Cherokee Nation and he returned the deed to the land; returned t he deed to Washington City, to the Secretary of the Interior, he says.
Q The Shawnees that took allotments down there are what are known as Absentees? A I think so; they must have been; I could not say as to what class of Shawnees they were, but they were Shawnees.
Q Are you part Shawnee yourself? A No, sir.
Q Was your mother Cherokee? A Yes, sir.
Q Your father Cherokee by blood? A Yes, sir; that is what he stated

Tribal Rolls of citizens of the Cherokee Nation examined and applicants' names found thereon as follows:

1894 Pay Roll:

Page 233, #2525,	James Lewis,	Cooweescoowee District.
Page 233, #2526,	Sallie Lewis,	Cooweescoowee "
Page 233, #2527,	Nannie Lewis,	" "
Page 233, #2528,	Jeff. Lewis,	" "
Page 233, #2529,	Runabout Lewis,	" "
Page 233, #2530,	David Lewis,	" "
Page 233, #2932,	Bird Lewis,	" "

Com'r Needles:--James Lewis applies for the enrollment of himself, his wife and seven children: His name is found upon the pay roll of 1894. The name of his wife, Sallie, is also found upon the pay roll of 1894. The names of his children, Nannie, Jefferson, Runabout, David and Bird, are found upon the pay roll of 1894. Applicant says that he has two other children, Thompson and Jacob, whose names do not appear upon said roll, having been born since the said roll was compiled. Their names are not found upon the authenticated roll of 1880, neither do they appear upon the census roll of 1896. By reason of the facts as to the citizenship of said James Lewis, his wife and family, final judgment as to the enrollment of said parties will be suspended and their names will be placed upon a doubtful card. It will be necessary for him to file with this Commission satisfactory proof of birth as to his two younger children, Thompson and Jacob.

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

J. O. Fosson

Subscribed and sworn to before me this 26th day of March, 1901.

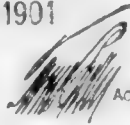
W. D. P. ...
Notary Public
Commissioner,

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20 1168

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

FILED
MAR 29 1901



ACTING CHAIRMAN

D. 1168.

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

In the matter of the application of Alice Chiam for the enrollment of herself and children as citizens of the Cherokee Nation.

Applicant represented by S. J. Scott.
Cherokee Nation represented by W. W. Hastings.

The applicant was notified by registered letter March 1st, 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, Indian Territory, on the 20th day of March, 1902. The applicant this day, to wit the 20th day of March, 1902, appears by her agent, S. J. Scott.

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

MR. SCOTT: I have a short written statement here, not much.

COMMISSION: In behalf of the applicant you submit the case to the Commission?

MR. SCOTT: Yes, sir.

The attorney for the applicant and the representatives of the Cherokee Nation present submit the case; the same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

I, Arthur G. Croninger, do hereby certify that as stenographer^{*} to the Commission to the Five Civilized Tribes I reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

Arthur G. Croninger

IN THE MATTER OF THE APPLICATION OF

Alice Chism, et al

116

C. C. equal to 25/100 in March 25/100
of the application of March 25/100

Noted on 1/20/100

Recd

Dr

3/20/100

See Chism's case No. 1106 & 1167

Cher D 1169

Cher D 1169

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., MARCH 25th, 1901.

In the matter of the application of Sibud Tally for the enrollment of his wife, Jane and his child, James W. Tally, as citizens of the Cherokee Nation; said Tally being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Sibud Tally.
Q How old are you? A 29 now.
Q What is your post office address? A Fort Gibson.
Q What district do you live in? A Illinois.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Who do you desire to have enrolled now? A My wife and that child.
Q What is the name of your wife? A Janie, she was a Pennels.
Q Is she a white person? A Yes, sir.

COM'R NEEDLES:--Applicant presents a marriage license and certificate of marriage certifying that he was married on the 24th day of December, 1900, to one Miss Jane Pennels, a non-citizen.

- Q What is the name of your child? A James W. Tally.
Q When was James W. Tally born? A 13th day of November, 1900? A Yes, sir.
Q That was before you were married? A Yes, sir.
Q Is the child living now? A Yes, sir.
Q You are Cherokee citizen by blood, are you? A Yes, sir.
Q Have you been enrolled by this Commission? A Yes, sir.

COM'R NEEDLES:--Applicant applies for the enrollment of his wife, Jane and his child, James W. Tally. He presents a certificate of marriage certifying that he was married on the 24th day of December, 1900, which is too late under the laws of the Cherokee Nation for intermarried citizens to acquire rights of citizenship, consequently the application for the enrollment of his wife, Jane, will be rejected.

He also applies for the enrollment of his child, James W. Tally. He avers that said child was born and makes satisfactory proof of the same, on the 13th day of November, 1900. It appears to have been before his marriage to his wife. Because of this fact, final judgment as to the enrollment of the said child, James W. Tally, will be suspended and its name will be placed upon a doubtful card.

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

Subscribed and sworn to before me this 26th day of March, 1901.

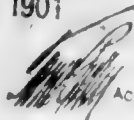
T. B. Needles
Notary Public!
Commissioner.

A B. 1169

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAR 29 1901



ACTING COMMISSIONER

Supl.-C.D.#1169.

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

SUPPLEMENTAL in the matter of the enrollment of JAMES W. TALLEY
as a citizen of the Cherokee Nation:

The applicant's father, Sibud Talley, was notified by registered letter March 1st, 1902, that his application for the enrollment of his child, JAMES W. TALLEY, 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. The applicant this day, to-wit: the 20th day of March, 1902, appears by his Agent, I. P. Pledsoe

Commission: The Agent for the applicant desires to introduce in evidence Section 692 of the compiled laws of the Cherokee Nation for the year 1892; said section appearing on page 346, and is as follows:

"Sec. 692. 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 proceedings; provided, that the issue from such unlawful marriage shall nevertheless be legitimate; provided, also, that when a man, having by a woman one or more children, shall afterwards inermarry with such woman, such child or children, if recognized by him, or proven to be his, shall thereby be legitimate."

Commission: The Agent for the applicant and representative of the Cherokee Nation present submit the case. The record of the same is now 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 upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the proceedings had this day, in the above case, and that the foregoing is a true and complete transcript of ~~it~~ my stenographic notes thereof.

J. O. Rosson

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
I C I G T D
MAR 28 1902



ACTING CHAIRMAN

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Cherokee D 1169

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

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

DECISION.

The record in this case shows that on March 25, 1901, Sibud Talley appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his wife, Janie, as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his child James W. Talley as a citizen by blood of the Cherokee Nation. Further proceedings were had in the matter of said application on March 20, 1902, at Muskogee, Indian Territory. A copy of the testimony taken at Fort Gibson, Indian Territory, on August 22, 1900, in the matter of the application of Sibud Talley has been filed herewith and made a part of the record herein. Janie Talley has been differently classified and is not embraced in this decision.

The evidence shows that James W. Talley is the child of Sibud Talley, a citizen by blood of the Cherokee Nation, duly identified on the authenticated tribal roll of 1880, and Janie Rennels, his wife. The said James W. Talley is identified by a birth affidavit on file with this Commission, and it appears therefrom that he was born on November 13, 1900. His said parents were lawfully married on December 24, 1900.

Section 692 of the Compiled Laws of the Cherokee Nation (1892) provides:

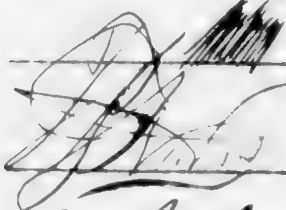
" That when a man, having by a woman one or more children, shall afterwards intermarry with such man, such child or children, if recognized by him, or proven to be his, shall thereby be legitimate;"

The evidence shows that the said Sibud Talley recognizes the said James W. Talley as his child and makes application for his enrollment.

The evidence further shows that Sibud Talley, the father of the said James W. Talley has resided in the Cherokee Nation all his life, and that the said James W. Talley was living in the Cherokee Nation with his parents at the date of the application herein. The residence of James W. Talley is considered to be that of his father.

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

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.



Commissioner.

Commissioner

Dated at Muskogee, I. T.
this 20th day of SEP 20 1902

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

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1169.

ALLISON L. AYIESWORTH.
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

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 Sibud Talley for the enrollment of his child, James W. Talley, 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. 2.

IN THE MATTER OF THE APPLICATION OF

James H. Tacey.

A. Original testimony, Feb 25/00.

B. Memos. of application, Feb 25/01

1500 " " Affidavits & " " " " "

C. Notices of final production, 3/20/02

E. Receipt in A.

James H. Tacey to
Chas. H. Tacey
179832

See character packet 700-552

See character packet 7

Cher D 1170

Cher D 1170

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 28, 1901.

In the matter of the application of Robert C. Martin for the enrollment of himself and one child as Cherokee citizens; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Robert C. Martin.
Q What is your age, Mr. Martin? A 24 years old.
Q What is your postoffice address? A Rheas Mills, Texas.
Q You reside in the State of Texas? A I do now, yes sir.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q Whom do you desire to enroll? A Myself and son.
Q Are you married? A Yes sir.
Q What is your wife's name? A Clara Martin.
Q Is she a citizen by blood? A No sir.
Q When did you marry her? A Married her in '97.
Q Where? A In Texas.
Q What is the name of your child? A Troy E.
Q How old is he? A He will be one year old in April.
Q Is your name on the roll of 1880? A No sir.

The Cherokee authenticated roll of 1880 examined and the name of the applicant is not found of record thereon.

- Q Have you ever been admitted to Cherokee citizenship? A Yes sir, I have.
Q Have you a certificate of admission? A Not here. It will be here to-night.

The Cherokee census roll of 1896 examined and the name of the applicant is found on page 220, No. 3431, as Robert C. Martin, Cooweescoowee District.

- Q Where were you born? A Born in Texas.
Q Have you always lived in the State of Texas? A No sir.
Q Did you ever live in the Cherokee Nation? A Yes sir.
Q When? A I lived there during the year of 1898, and then off and on before that.
Q And are not living in the Cherokee Nation now? A No sir.
Q ~~How long have you lived in the Cherokee Nation? A~~
Q How long did you live here in the Cherokee Nation? A Something over a year.
Q Come here in 1898? A Fall of '98 and lived here in '99.

By J. L. Baugh, representative of the Cherokee Nation—

- Q You say you came here in the fall of '97? A In the fall of '98.

Commissioner—

- Q How old were you when you came? A I was 22 years old.

By J. L. Baugh —

- Q Was that the first time you came here to make your residence?
A No sir.
Q When did you come here to actually make your residence here and live here permanently? A I come here in '94.
Q How long did you live here when you lived here in '94? A I don't think I staid but six weeks.
Q Where did you go to? A Back to Texas.
Q How long did you remain in Texas? A I remained there a year and then come back the next summer.
Q How long did you live here when you come back the next time? A About a month.
Q Then did you go back to Texas again? A Yes sir.

3- R. C.M.

Q How long did you live in Texas that time? A Something over a year.

Q Then you come back to the Cherokee Nation again? A Yes sir, removed back.

Q That was in the fall of '98? A Yes sir.

Q Isn't it a fact, you never come here to live until the fall of '98? A It was my intention to stay those times.

Q Wasn't it a fact you come here at that time and just lived here in the fall of '98. The first time you come here to make your residence you just staid here three weeks or a month? A Well, I didn't come to stay three weeks or a month.

Q How long did you live here when you came here in the fall of '98?

A I lived here until the fall of '99.

Q Then you went back to Texas? A Yes sir.

Q Been there ever since? A Yes sir, had to go on account of my wife's health.

Commissioner-

Q Did you ever vote in the State of Texas? A Yes sir.

Q Voted there last fall? A Yes sir.

By J. L. Raugh-

Q Have you got any property in the State of Texas? A No sir.

Q Not at all? A Nothing only household goods.

Q Any house and lot? A Don't own any house and lot or anything.

Commissioner.

Q Any property in the Cherokee Nation? A Have a farm here.

Q How long have you had that? A It was ever since '93 or '92.

Q You have had possession of a farm since '92, have you? A Yes sir.

Q Have you any certificate of your marriage? A Yes sir.

Q Any proof of birth as to this child? A Yes sir.

Applicant presents certificate of marriage certifying that he was married to Miss Clara Williams, a non citizen, in the State of Texas, on the 20th day of November, 1897.

Applicant also presents satisfactory proof of the birth of a child named Troy E., one year old. His name does not appear upon the census roll of 1896, having been born after the said roll was compiled.

Applicant applies for the enrollment of himself and his minor child, Troy E. His name is found upon the census roll of 1896, and makes satisfactory proof of marriage as indicated in the testimony and the birth of a child, Troy E. He avers that he was admitted to Cherokee citizenship by the constituted authorities of the Cherokee Nation, but presents no proof of said admission, stating that he will file the same in a day or two. By reason of the testimony given as to his citizenship, final judgment as to the enrollment of said Robert C. Martin and his child, Troy E., will be suspended, and their names will be placed upon a doubtful card. Reference is made to the laws of the Cherokee Nation, passed December 4th, 1894, to be found in Cherokee Statutes.

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.

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

[Signature]
Commissioner.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIRE-SMILKE CASES

FILED
MAR 29 1901

[Handwritten signature]
ATTORNEY

Supl.C.-D.#1170.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
OCTOBER 30th, 1901? Vinita, I. T.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Robert C. Martin, et al., as Cherokee Freedmen, introduced on part of applicants:

APPEARANCES:

J. H. Langley, Attorney for Applicants;
Mr. Hastings, Cherokee Representative:

Commissioner Breckinridge:

On Cherokee doubtful case #1170, of Robert C. Martin, et al. the Attorney calls attention to a certificate of admission to Cherokee citizenship filed in Cherokee doubtful case #248, the same being the case of Ruth E. Martin.

On examination of the papers it is found that there is a duly authenticated certificate of admission embracing various persons of the Martin family, showing that on the 12th of January, 1883, one R. C. Martin was admitted to citizenship as a Cherokee by blood.

Commissioner Breckinridge of Attorney Langley:

Q Now, he is a son of Ruth E. Martin, is he? A Yes, sir.

Commissioner Breckinridge: This is identified as adequate evidence of the admission of Robert C. Martin, as stated, and this statement will be filed with Cherokee doubtful case #1170.

Com'r Breckinridge of Attorney Langley: Now that R. C. Martin and Robert C. Martin are one and the same person? A One and the same person.

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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 November 9th, 1901.



Commissioner.

Supl.-C.D.#1170.

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

SUPPLEMENTAL in the matter of the enrollment of ROBERT C. MARTIN, ET AL., as citizens of the Cherokee Nation;

The applicant was notified by registered letter ~~on~~ March 1st, 1902, that his application for the enrollment of himself, et al., as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 20th day of March, 1902, and that he could on said date appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any additional testimony affecting his applicant. The applicant has this day, to-wit: the 20th day of March, 1902, been called and failing to respond either in person or by attorney, the case 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 that I correctly recorded the testimony and proceedings this day had in above application, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

In the matter of the application of Robert C. Martin for the enrollment of himself and son, Troy M., in Cherokee by blood.

Applicant's Brief.

According to the testimony of applicant he was 7 years old when he together with his mother, Luthe L. Martin and others, were admitted to citizenship in the Cherokee Nation; and being a minor at the date of his admission to citizenship, applicant certainly could forfeit no right acquired by his admission until he reached his majority; and the capacity of a Cherokee citizen seems to be reached at the age of 18. See, page 200, Sec. 403, Compiled Laws Cherokee Nation, 1892. The applicant was 17 years old, having reached his majority, when the 1893 Cherokee Constitution was made, and if applicant had committed acts, for instance, the refusal of an offer of citizenship of the Cherokee Nation, forfeiting his citizenship rights, the Cherokee Nation could have held that forfeiture justified at that time as refusal to enroll himself on said roll; and would have enrolled applicant on said roll, if the Cherokee Nation had made the forfeiture, if forfeiture had been committed?

Before applicant and his son were denied their rights to enroll and to be considered as citizens of the Cherokee Nation, we do not think the doctrine of forfeiture, (for we take it that their rights can be forfeited only by their own act) as laid down at page 177, of the decision, *U. S. vs. Mc. Int. of N.*, Vol. 13, is applicable, that "when a forfeiture is committed for upon the breach of a condition, or other contingency, the forfeiture is generally held not to be complete, so as to vest the property in the person to whom by the forfeiture, without circumstances acting on his part;" and the case cited; especially, *Innes vs. Innes*, 20 U. S., 274 and *Winnipeg & N. Co. vs. Inlet*, 10 U. S., 40 U. S., 104.

Attorney for applicant.

Copy hereof to the representatives of the Cherokee Nation.

D-1170.

Robert C. Martin, et al.

Applicant's brief.

Copy.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,

Muskogee I. T. June 10, 1902.

In the matter of the application of Robert C. Martin for enrollment
as a citizen of the Cherokee Nation.

Cherokee D 1170.

Brief on part of the Cherokee Nation.

The testimony in this case shows that Robert C. Martin was 24 years
of age when he made his application in March 1901, that he is married and
has one child; that he was married in 1897 in the state of Texas and that
his present Post office address is Rhea's Mill, Texas; the testimony
shows that the applicant was born in the State of Texas where he has
continuously resided since that time and never seems to have had a home
in the Cherokee Nation although he claims to have lived here a short
time. He testifies that he came here and remained about six weeks one
time and about one month another time and that he came in the fall of
1898 and lived until the fall of 1899 and was therefore not here on June
28th 1898. His present home and post office address is Rhea's Mill, Texas,
and we do not see how under that provision of the Curtis Bill which provide
vides " 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 can be enrolled by the Commission.

Respectfully Submitted,

J. C. S.
Attorney for the Cherokee Nation.

J. C. S.

Hastings

Cherokee B 1170.

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

In the matter of the application of Robert C. Martin for the enrollment of himself and his minor child, Troy E. 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 March 28, 1901, Robert C. Martin appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself and his minor child, Troy E. Martin, as citizens by blood of the Cherokee Nation. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 30, 1901.

The evidence, and an examination of the records of the Cherokee Nation, in the possession of this Commission, show that the said Robert C. Martin was admitted to citizenship in the Cherokee Nation, by the duly constituted authorities of the said Nation, on January 12, 1883. He is identified on the Cherokee Census roll of 1896. His child, Troy E. Martin, is the issue of a marriage between the said Robert C. Martin and Clara Williams, on November 20, 1897.

The evidence further shows that the applicant, Robert C. Martin, never acquired a permanent residence in the Cherokee Nation, but that his residence is in the State of Texas, and that he and his family were residents of the State of Texas at the date of the application herein.

Paragraph nine, 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 of Robert C. Martin for the enrollment of himself and his child, Troy E. Martin, as citizens by blood of the Cherokee Nation should be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this _____

Cherokee R-719.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T., July 10, 1903.

In the matter of the application of Robert C. Martin for the enrollment of himself and his son, Troy E. Martin, as citizens by blood of the Cherokee Nation.

Applicant appears in person; Cherokee Nation by J. C. Starr.

Robert C. Martin, being duly sworn, and examined by the Commission, testified as follows:

- Q What is your name? A Robert C. Martin.
- Q How old are you? A I will be twenty-seven in August.
- Q What is your postoffice address? A Rheas Mills, Texas.
- Q Have you heretofore applied to this Commission to be enrolled as a citizen by blood of the Cherokee Nation? A Yes sir.
- Q That application was made on March 28, 1901? A Yes sir.
- Q You have got a child named Troy E. Martin? A Yes sir.
- Q Is that the only child you have? A No sir, I have a child that was born July 28, 1902.
- Q Did you ever forward the Commission an affidavit as to the birth of that child? A No sir.
- Q You never have made application for the enrollment of that child, have you? A No sir.
- Q What is its name? A Lillian Gertrude Martin.
- Q The record in this case shows that your application for the enrollment of yourself and your child, Troy E. was denied by the Commission and that the action of the Commission was approved by the Secretary of the Interior on August 29, 1902; subsequent to that time you made an application to have your case reopened, did you not? A Yes sir.
- Q Is there any particular point ^{which} you wish to give testimony in this case? A I was notified that the matter of residence was the particular point in the case.
- Q Did you ever live in the Cherokee Nation? A Yes sir.
- Q Does your name appear on the 1880 roll? A No sir.
- Q Were you ever admitted to Cherokee citizenship? A Yes sir I was admitted in '83.
- Q Had you lived in the Cherokee Nation before you were admitted? A No sir.
- Q When did you move to the Cherokee Nation after 1883? A Well, I went there in 1883 and we bought property there in '93 and I stayed there all that fall and worked. I wasn't of age then and in 1896 I come up there in the summer of 1896 and expected to remain there and stayed there during the summer of 1896 and in the fall I went back to Texas and went to school and then I was there and worked on the place nearly every year and married in 1897. The fall of 1897 I moved my wife up there.
- Q Up where? A Cherokee Nation and in the summer of '98 after I married.
- Q How long did you stay here then? A I lived here something over a year then.
- Q And then where did you go? A I went back in Texas. My wife was sick a great deal in the Cherokee Nation; she took medicine all the time and was dissatisfied and we went back to Texas.
- Q That was in 1899 you moved back to Texas? A Yes sir, in the fall of '99.
- Q Since that time have you lived any in the Cherokee Nation? A No sir, I have lived in Texas.

2-Robert G. Martin et al.

- Q When you came here in 1883 and bought property—? A It was '83.
- Q '83, and bought property as you testified, what property did you buy? A A farm; I had an interest in a farm.
- Q Who had the other interest in it? A My father.
- Q Were you of age in '83? A No sir, . . . We used my money.
- Q What did you do with that farm, do you still hold it? A No sir, we sold that farm last August after we were rejected by the Commission. We were notified on a certain date of the limit.
- Q Did you hold it from 1883 until August, 1902? A Yes sir.
- Q Did you have any property besides a farm? A Yes, there was some stock on the place, some cattle.
- Q Anything else? A Nothing only a part of the crop and the houses was on it - improvements.
- Q You bought the improved place and the stock that was on it? A No sir.
- Q Or did you move the stock up there. Where did you get the stock that was on it? A We moved them from Texas. We moved them there in '94.
- Q In '96 when you came up here, that was before you were married, I believe? A Yes sir.
- Q Did you move any of your personal belongings or any household effects up here in '93 or '96? A Well, I brought my trunk and books and what I had of my own.
- Q Did you ever keep house up here? A Yes sir.
- Q When was the first time you had a house of your own in the Cherokee Nation. I mean a house where you kept house? A That was after I married, that was in '98. Before I married I never kept house myself.
- Q Before that when you were in the Cherokee Nation I presume you boarded? A Yes sir.
- Q And in '98 you came up here and kept house for one year and then moved back to Texas? A Something over a year, yes sir.
- Q Did you break up housekeeping and take all your effects back with you to Texas? A Yes sir, the housekeeping goods was all we took.
- Q You took all the movable property that you had? A I had a cow and a calf there that I left.
- Q Did you ever vote in Texas? A Yes sir.
- Q When was the first time you voted there? A In the state elections.
- Q In any election in Texas? A In the primary elections, Democratic primaries. election.
- Q That would hardly be an election? A In the State election I voted in 1900.
- Q That was the first time they held an election after you became of age, was it not? A No sir.
- Q Did you ever vote anywhere else but in Texas? A I voted in the Cherokee Nation.
- Q You voted in the Cherokee Nation in what year? A In '99.
- Q Did you vote in the State of Texas in 1902? A Last year?
- Q Yes.? A Yes sir.
- Q You only voted in the Cherokee Nation the one time? A Yes sir.
- Q And that was prior to the first vote you cast in Texas? A Yes sir.
- Q As I understand you, Mr. Martin, except a farm and some cattle you never had any property in the Cherokee Nation except for a period of about one year when you kept house here, is that right? A With the exception of the farm and some cattle.
- Q With the exception of a farm and some cattle? A I did have my personal effects here until I married; that was in 1886.

5-Robert O. Martin et al.

- Q You had your clothes and wearing apparel? A Yes sir, what I needed; I intended to stay there, I didn't know how long.
- Q Did you have anything more than what you needed for your immediate personal use? A Yes sir.
- Q You mean you had more than that or that was all you had? A I had more than I needed for my immediate use.
- Q Did you have any of your personal effects down in the State of Texas at that time? A I might have had a horse that I hadn't got rid of.
- Q When was the first time you came to the Cherokee Nation with the intention of making it your permanent residence, if you ever came here for that purpose? A Well, when I come here in 1896 to the Cherokee Nation it was my intention to stay up there if I liked the country and liked to live there, and I stayed all summer and concluded I didn't want to stay.
- Q When you left in '96 did you intend to return? A I didn't know whether I would or not. I expected some time to return, I didn't know just when it would be.
- Q I mean return and make it your home; in '96 when you left did you intend to return at some time in the future and make that your permanent home? A Yes sir.
- Q The next time you actually returned though was in '98 after you married, is that right? A Yes sir.
- Q When you and your wife left the Cherokee Nation in '98 what was your intention relative to living in the Cherokee Nation? A Well, we thought after she got in good health and stout that we would or might return.
- Q Was it your positive intention to return as soon as your wife's health permitted it, or when you went to Texas did you intend to make that your home? A We weren't positive about that.
- Q Your father lives in Texas now, doesn't he? A Yes sir.
- Q And prior to the time you were married you made your home with him, did you? A Yes sir.
- Q Since your marriage have you lived with him, or have you and your wife kept house separate? A Kept house separate. I lived with him before I was married, only when I was away from there, you know I was in the territory part of the time.
- Q Until you were married did you have a home there at your father's, a place that you called your home, at his house? A Yes sir, when I was there I called it my home.
- Q He had a house and kept house in Texas all the time, didn't he? A Yes sir.
- Q After you were married how long did you remain in Texas before you came to the Cherokee Nation? A I was married in November and I came to the territory the next August.
- Q Did you keep house in Texas from November to August? A Yes sir.
- Q When you came to the Cherokee Nation did you give up your house or did you leave some of your household effects there? A I gave it up.
- Q Any other statement that you wish to make regarding your residence? A My present residence is down there, but I haven't any home there.
- Q But you keep house there? A Yes sir, I have no real estate or anything.
- Q You have no home, no house, in the Cherokee Nation, have you? A At this time, no sir, we had to turn it loose last August after we were rejected.

Q Before that time did you have a house furnished and equipped for a home in the Cherokee Nation? In other words, that you kept ready for occupancy at any time you might have come there? A No, we had it rented out.

Q There was a house on the farm that you had bought? A Yes sir, there were two houses on the farm.

Q Both of them were occupied by tenants? A Yes sir.

J.C. Starr: What is the name of your father? A Jeremiah Martin.

Q Where does he live? A He lives at Rhoas Mills, Texas.

Q How long has he been living there? A He has been living there about thirty-six years.

Q For the last thirty-six years? A Yes sir.

Q Continuously? A No sir, part of that time he has been in the territory.

Q Where was he living when you were admitted to citizenship in the Cherokee Nation in 1885? A He was living in Texas.

Q Lived there ever since then? A Yes sir.

Q From the time you became twenty-one years of age, after you were admitted, did your father live in Texas? A Well, he wasn't in the territory.

Q Was Texas his home? A He had a home down there.

Q He had a home in Texas? A Yes sir.

Q A furnished house? A Yes sir.

Q Did he own the house? A Yes sir.

Q He kept house there all the time? A His family did.

Q His wife was in Texas all the time? A Part of the time she was up here.

Q How long at one time did she stay up here? A I don't know.

Q As a matter of fact she came up on short visits and returned?

A Well, they lived here once.

Q When did they move here? A They moved here in the fall of 1900.

Q Was that the first time they ever moved here? A Well, my father came here and lived in '93, me and him together, we camped out.

Q How long did you stay here then? A We stayed all fall.

Q Was his wife with him at that time? A Part of the time she was.

Q How long did she stay? A I think she stayed something — she only stayed a short while, a couple of weeks.

Q Stayed about two weeks and then went back to Texas? A Yes sir.

Q How long did your father stay at that time? A Came here in August and we stayed until November.

Q From August until November in '93? A Yes sir.

Q How old were you then? A I was seventeen years old.

Q When your father returned to Texas at that time did you ~~with~~ go back with him? A Yes sir.

Q When did you come again? A Came back in '96.

Q What time in 1896? A Some time the first of July.

Q How long did you stay then? A I stayed then until the last of September.

Q Where did you go then? A I went back to Texas.

Q Were you of age then? A In '96?

Q Yes sir? A No sir. I had his consent to come up here though.

Q You testified once before in this case, did you not? A I made my application.

Q When you testified before didn't you state that you came here at one time and remained about six weeks and another time you came and stayed about a month? A Yes sir.

Q Is that a fact? A Yes sir.

Q That was the only time you stayed in the Cherokee Nation until—?

A No sir, I was here in '93.

5-Robert G. Martin et al.

Q How many times had you been here before 1898? A I was here three times.

Q After you became of age when was the first time you came to the Cherokee Nation? A The summer of '98.

Q How long did you stay? A I stayed something over a year.

Q How long had you been of age when you came here in '98? A About one year.

Q You were married at that time? A Yes sir.

Q How long did you live in Texas after you were married? A Lived in Texas from November until August.

Q After you stayed here about one year after you came here in 1898 where did you go? A I went back to Texas.

Q And lived there ever since? A Yes sir.

Q And voted in Texas since then? A Yes sir.

Q Don't you pay tax down there? A Yes sir.

Q Do you pay poll tax? A Yes sir.

Q You are a citizen of Texas, are you not? A I have all the rights of a citizen there, I suppose.

Q You exercise all the rights of citizenship in Texas, just the same as other citizens there, do you not? A Yes sir.

Q Now, what personal property if any did you leave here when you left in 1898? A I left a cow and a calf and a yearling.

Q What became of that cow and calf and yearling? A I traded them.

Q What did you get for them? A I got cows and calves in exchange.

Q What did you do with that cow and calf? A I have them yet.

Commissioner: Have it in Texas with you? A Yes sir.

J. C. Starr: Did you take the cow and calf to Texas from this place? A No sir.

Q Where did you get it? A I swapped this one for one down down there. I don't know whether you call that moving them or not.

Q Then I understand you to say that the cattle you left here you traded for cattle that were in Texas? A Yes sir.

Q Where was this farm located that you speak about? A It was located two miles southwest of Pryor Creek.

Q When did you acquire that farm? A In '93.

Q Whom did you buy it from? A Bought it from John Gavaier; that is my father's dad.

Q Has your father voted in Texas? A Yes sir.

Q Voted there at all the elections since his readmission to citizenship in the Cherokee Nation? A I don't know whether he has or not.

Q He voted at quite a number that you know of hasn't he? A Yes sir.

Q He pays his tax down there? A Yes sir.

Q Pays poll tax? A I guess so.

Q And exercises all the rights of a citizen of Texas that are exercised by any other citizen of Texas, doesn't he? A I suppose so.

Q You do too? A Yes sir.

Commissioner: Has your father applied to the Commission for enrollment? A He made application in 1901.

Q I believe you state his name was Jeremiah Martin? A Yes sir.

Q Any further statement you wish to make? A No sir.

J. C. Starr: As a matter of fact you don't own any property in the Cherokee Nation at this time? A No sir, I don't at this time.

We have it set out at this time, and we want to.

Commissioner: The only property you owned in the Cherokee Nation in August, 1902, and as you express it sold out, was an improved place or farm, is that correct? A That was all I owned, yes sir.

6-Robert C. Martin et al.

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

E. G. Rothberg

Subscribed and sworn to before me this 15th day of July, 1903.

Samuel Foreman

Notary Public.

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CR 719

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

A. F. M.

In the matter of the application for the enrollment of Robert C. Martin and his minor child, Troy E. Martin, as citizens by blood of the Cherokee Nation.

DECISION.

The record herein shows that on March 28, 1901, Robert C. Martin appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself and his minor child, Troy E. Martin, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Vinita, Indian Territory, October 30, 1901, and at Muskogee, Indian Territory, March 20, 1902.

The record further shows that on July 29, 1902, this Commission rendered its decision herein, denying said applicants the right to enrollment, and that the proceedings in this case were duly forwarded to the Department. Thereafter, on April 27, 1903 (Departmental letter I.T.D. 3783-03), said decision was rescinded and case remanded for readjudication in accordance with the rulings of the Department in the cases of Clement G. Clarke, et al., Joseph D. Yeargain, et al., and Elizabeth C. Payne. As the rulings of the Department in the cases last above mentioned pertain to the question of forfeiture of citizenship, it is not considered by the Commission that they are applicable to the case at bar, as the only question there to be considered is, Did the applicants acquire citizenship in the Cherokee Nation? Supplemental proceedings in the matter of said application were had at Tahlequah, Indian Territory, July 10, 1903.

The evidence herein shows that on January 12, 1883, by the properly constituted authorities, the principal applicant, Robert C. Martin (n. c. Martin), was admitted, as a Cherokee by blood, to citizenship in the Cherokee Nation.

The evidence further shows that the said Robert C. Martin was born in Texas, in the month of August, 1876, and, with the exceptions below noted, has since continuously resided therein. It appears that during the years 1893 and 1896, the principal applicant spent a few weeks in the Cherokee Nation; that in the fall of 1896, he, with his wife, again came to the Cherokee Nation, remained one year, and then returned to Texas. It further appears that since said admission the said Robert C. Martin has continued to exercise the rights and privileges of a citizen of the State of Texas.

An act of the Cherokee Council approved December 4, 1894, provides:

"That all persons who have been or may hereafter be re-admitted to citizenship in the Cherokee Nation, are hereby required to permanently locate within the limits of the Cherokee Nation within six months from the passage of this act

or from the date of the readmission of persons hereafter readmitted, or no rights whatever shall accrue to such persons by reason of such readmissions: Provided, that nothing in this act shall bar minors and orphans."

It is not considered that the said Robert C. Martin removed to and established a residence within the Cherokee Nation prior to the fall of 1898, if he did then; and as at that time he was some two or three months past twenty-two years of age, it does not appear that, following the ruling of the Department in the case of Ora W. Camp, et al., (I.T.D. 1418-03), the said Robert C. Martin removed to and permanently located within the limits of the Cherokee Nation within a reasonable time after reaching his majority.

The minor applicant, Troy E. Martin, is the child of the said Robert C. Martin, has resided with his father since birth, and possesses no rights to enrollment except as derived through his said father.

It is, therefore, the opinion of this Commission that the application for the enrollment of Robert C. Martin and Troy E. Martin as citizens by blood of the Cherokee Nation, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

James Dixby.

Chairman

T. B. Needles.

Commissioner.

J. D. Sneed.

Commissioner.

Muskogee, Indian Territory,

this JAN 11 1905

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY,
THOMAS B. NEELLES
C. R. BRECKINRIDGE

ALLISON L. AYERSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

SEE NEXT PAGE WING

Cherokee D 1170.

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 Robert C. Martin for the enrollment of himself and his child, Troy E. Martin, 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. 136.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLER.
C. R. BRECKINRIDGE.

ALLISON L. AVILES WORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1170.

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 Robert C. Martin for the enrollment of himself and his minor child, Troy E. Martin, 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:
JAMES BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

W. W. Hastings

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R 719

Box

Tahlequah, Indian Territory, May 13, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby notified that on April 27, 1903, the Secretary of the Interior granted a motion to reopen for the purpose of taking further testimony, the application of Robert C. Martin et al for enrollment as citizens of the Cherokee Nation.

The principal applicant and his attorney have this day been notified that further testimony is particularly required as to the residence of the applicants, and any testimony they may have to introduce can be presented before the Cherokee Land Office of this Commission at Tahlequah, Indian Territory, on or before June 6, 1903.

Respectfully,

L. A. Brundage

Commissioner in Charge
Cherokee Land Office.

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

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

REFER IN REPLY TO THE FOLLOWING

Cherokee R-719

ALLISON L. AYLESWORTH
SECRETARY

Tahlequah, Indian Territory, June 3, 1903

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:-

Owing to the appropriation for the coming fiscal year not being yet available, as was expected, and the consequent lack of funds to carry on business at the land office at Tahlequah, all business at that office is suspended until July 1, 1903.

You are, therefore, hereby notified that the day set for the hearing of additional testimony in the matter of the application of Robert C. Martin for enrollment as a citizen of the Cherokee Nation has been changed from June 6, 1903, to July 10, 1903.

Respectfully,

BCJ

L. K. ... 15
Commissioner in Charge.

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

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

Cherokee
REFER IN REPLY TO THE FOLLOWING
Cherokee D-1170,
R-719.

ADDRESS ONLY THE
COMMIS

Muskogee, Indian Territory, January 11, 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 11, 1905, rejecting the application for the enrollment of Robert C. and Troy E. Martin 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,

Incl. 3-17.


Chairman.

D.H.

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

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

REFER IN REPLY TO THE FOLLOWING:
Cherokee R-719.

WM. O. BEAL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

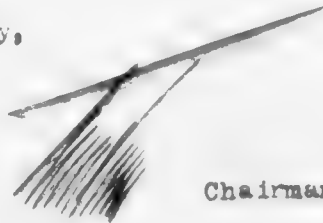
Muskogee, Indian Territory, June 26, 1905.

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

Dear Sir:

You are hereby advised that the Commission's decision dated January 11, 1905, rejecting the application for the enrollment of Robert C. Martin, et al., as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 5, 1905.

Respectfully,



Chairman.

8
CHEROKEE CASE

No. D-1170

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

27092

IN THE MATTER OF THE
APPLICATION FOR ENROLLMENT
OF

Robert C. Martin

Troy E. Martin

Department of the Interior,
RECEIVED
AUG 18 1902
File No. 4471
Indian Territory Division.

As Chairman of the Cherokee Nation

Attest, this 18th day of August, 1902

Respectfully presented to the Secretary of the Interior
for review.

Acting Chairman

71170

IN THE MATTER OF THE APPLICATION OF

Robert C. Martin, et al.

A. Original testimony, 2/25/01.

B. Motion of application, 2/26/01.

C. Brief in support of application.

D. Affidavit of service.

E. Receipt for service.

Supplementary testimony, 2/27/01.

Order of the court, 2/27/01. *Stops*

Order for affidavit

Transferred to R-719

D

See check on exhibit 1000

Cher D 1171

Cher D 1171

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 25, 1901.

In the matter of the application of James N. Craft for the enrollment of his 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 James N. Craft.
Q What is your age, Mr. Craft? A 22.
Q What is your postoffice address? A Rheas Mills, Texas.
Q You reside in the State of Texas? A Yes sir.
Q For whom do you apply for enrollment? A My wife and two children.
Q What is your wife's name? A Mattie T.
Q What is her age? A 22.
Q What is her postoffice address? A Rheas Mills, Texas.
Q What is her father's name? A Jerry Martin.
Q Is he living? A Yes sir.
Q What is her mother's name? A Ruth E. Martin.
Q Is she living? A Yes sir.
Q Was your wife ever admitted to Cherokee citizenship by the constituted authorities of the Cherokee Nation? A Yes sir.
Q Have you a certificate of admission? A Yes sir.
Q Her name will be in the certificate you present tomorrow? A Yes sir.

The Cherokee authenticated roll of 1880 examined and the name of the applicant's wife is not found of record thereon.

- Q You were admitted in the year 1883? A She was, my wife.
Q When were you married? A In 1898.
Q What is the name of your child? A Leva.
Q How old is Leva? A She will be two years old.
Q age of the next child? A Carrie.
Q How old is Carrie? A She's about five months.
Q Have you any certificate of birth as to these children? A Yes sir.
Q Where was your wife born? A In Texas.
Q Has she always lived in Texas? A No sir.
Q Did she ever live in the Cherokee Nation? A Yes.
Q When? A In '88; no, in '98.
Q How long did she live here in '98? A From August until the next September.
Q Then removed back to Texas? A Yes sir.
Q Born and raised in Texas? A I suppose so.
Q And lived there until '98? A Yes sir.
Q And then moved to the Cherokee Nation? A Yes sir.
Q And then moved to Texas and been living there ever since? A Yes sir.

By J. L. Baugh-

- Q What property do you and your wife own in Texas; any? A No sir.
Q Have you no home there? A I have no home; I rent.
Q What property have you in the Cherokee Nation? A My wife has interest in a farm here.
Q Who owns that farm? A Jerry Martin.
Q He owns it exclusively, does he not? A His and his children I suppose.
Q Did she ever live here prior to the time you were married to her? A If she did, I don't know.
Q And when you married, did you move up here? A Yes sir, the next year.
Q You said you lived here from August until next September? A Well, a year, I lived here until the next September a year.
Q And lived here from August '98 until September '99? A Yes sir.
Q

2- J.W.C.

Commissioner-

Q Was she admitted by her own name? A Yes sir, when she was a child.

The Cherokee census roll of 1896 examined and the name of the applicant's wife is found on page 220, No. 3426, as Martha T. Martin, Coowesscoowee District.

Q Did she draw strip money in 1894? A Yes sir, said she did.

The name of Mattie T. Craft is found upon the census roll of 1896 under her maiden name, Martha T. Martin. She is duly identified as the wife of the applicant. Applicant avers that he was married to said Mattie T. Martin in the year 1898. The result of said marriage is two children, Leva and Carrie, whose names do not appear upon the census roll of 1896, but presents satisfactory proof of birth of said children. Applicant avers that his wife was admitted to Cherokee citizenship by the regularly constituted authorities in the year 1883. He files no certificate of admission, promising to file one in a day or two. Parties are duly identified; but by reason of the testimony as to residence of said Martha T. Craft, final judgment as to her enrollment and that of her two children as named herein, as Cherokee citizens by blood, will be suspended and their names will be placed upon a doubtful card.

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

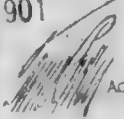
Subscribed and sworn to before me this 28th day of March, 1901.

W. H. ...
Commissioner.

91171 a

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAR 20 1901



ACTING CHAIRMAN

Supl.C.-D.#1171.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 30, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
MATTIE T. CRAFT as a Cherokee citizen; introduced on part of appli-
cants:

APPEARANCES:

J. H. Langley, Attorney for Applicant;
Mr. Hastings, Cherokee Representative:

Commissioner Breckinridge:

The Attorney in this case appears and calls attention to
a certificate of admission to citizenship filed in the case of
Ruth E. Martin, Cherokee doubtful case #248, and upon examina-
tion of the certificate it is found to be duly authenticated
and shows that on the 12th of January, 1883 certain persons
were admitted to citizenship by the Cherokee Commission on
Citizenship, and among them appears the name of M. E. Martin.

Com'r Breckinridge of Attorney Langley: Now, this you claim
is the name of Mattie T. Craft in case D.#1171?

Mr. Langley? A Yes, sir.

Com'r: What is the relationship between Mattie T. Craft and
Ruth E. Martin?

Mr. Langley: Mother and daughter.

Com'r Breckinridge: This is recognized as sufficient
evidence of the admission to citizenship of Mattie T. Craft
as alleged and a copy of this statement will be filed with her
case, Cherokee doubtful case #1171.

---00000000---

J. O. Rosson, being first duly sworn, states that as stenog-
rapher to the Commission to the Five Civilized Tribes he correctly
recorded the testimony and proceedings in this case, and that the
foregoing is a true and complete transcript of his stenographic
notes thereof.

J. O. Rosson

Subscribed and sworn to before me this November 9th, 1901.

[Signature]

Commissioner.

1. PAUL ...
COMMISSION TO ...

NOV 11 1901

[Signature]
ACTING CHAIRMAN

Supl.-C.D.-1171.

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

SUPPLEMENTAL in the matter of the enrollment of MATTIE T. CRAFT, ET AL., as citizens of the Cherokee Nation:

The applicant was notified by registered letter March 1st, 1902, that her application for the enrollment of herself, et al., as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 20th day of March, 1902, and that on said date she might appear before the Commission either in person or by attorney when an opportunity would be given her to introduce any further testimony affecting her application. The applicant has this day, to-wit: the 20th day of March, 1902, been called and failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

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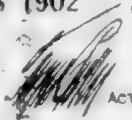
I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

@A01171

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 28 1902



ACTING CHAIRMAN

[Faint, mostly illegible text, possibly bleed-through from the reverse side of the page]

In the matter of the application of Mattie T. Craft and her children, Herbert and Corrie, as citizens by blood of the Cherokee Nation

Applicant's Brief.

According to the testimony of applicant's husband, James W. Craft, applicant, was 12 years of age at the time of application for original enrollment, therefore, must have been 13 years old in 1885, the date of her admission to Cherokee citizenship; and certainly could not lose her rights as such citizen by reason of her residence out of the Cherokee Nation prior to her majority, and she must have been 18 years of age, or attained her majority, in 1896. She might, or probably could have been left off the 1896 Cherokee tribal roll by the Cherokee Nation, as the Cherokee Nation desired to claim forfeiture of her rights against her at that time.

As before applicant and her children are denied their right to enroll as citizens of the Cherokee Nation at this time, we ask that the doctrine of forfeiture, (for we make it that her rights can be forfeited on grounds other than forfeiture) as laid down at page 1077, of the Constitution, A. S. C. No. of Law, Vol. 10; holding, or rather, in the case of the said, that "When a forfeiture is provided for upon the ground of non-compliance, or other contingency, the forfeiture is generally held not to be complete, so as to vest the property in the person to take by the forfeiture, without affirmative action on his part;"

and the cases cited; especially, *Walker vs. Field*, 26 U. S., 34, and *Minneapolis est. Co. vs. Duluth est. Co.*, 49 U. S., 174.

Attorney for applicant.

Copy hereof to the representatives of
the Cherokee Nation.

F-1171.

Mattie E. Craft, et al.

Applicants Brief.

C o p y.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Muskogee I. T. June 10, 1902.

In the matter of the application of Mattie T Craft et al for enrollment as citizens of the Cherokee Nation.

Brief on part of the Cherokee Nation.

The Applicant, Mattie T Craft, applies for the enrollment of herself and two children; she is 22 years of age, was born in the State of Texas; her present post office address in Rhea's Mill Texas; she was married in the state of Texas where her two children were born and she has never lived in the Cherokee Nation according to her own testimony except from August until September 1898.

The Curtis Bill provides:

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

Under this section we do not see how the Commission, under the law, can enroll her in as much as she was never permanently located within the limits of the Cherokee Nation and is at the present time a resident of Rhea's Mill, Texas, where she was born, was married and where her children were born and where her parents reside.

Respectfully Submitted,

J. C. S.

Attorney for the Cherokee Nation.

Copy

013

Cherokee D 1171.

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

In the matter of the application for the enrollment of
Mattie T. Craft and her minor children, Leva and Carrie Craft, as
citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on March 25, 1901,
James W. Craft appeared before the Commission at Muskogee, Indian
Territory, and made application for the enrollment of his wife,
Mattie T. Craft, and his minor children, Leva and Carrie Craft, as
citizens by blood of the Cherokee Nation. Further proceedings were
had in the matter of said application at Vinita, Indian Territory,
on October 30, 1901.

The evidence, and an examination of the records of the
Cherokee Nation in the possession of this Commission, show that
Mattie T. Craft, under her maiden name of Martin, was admitted to
citizenship in the Cherokee Nation by the duly constituted author-
ities of said Nation, on January 12, 1883. She is identified on the
Cherokee Census roll of 1896.

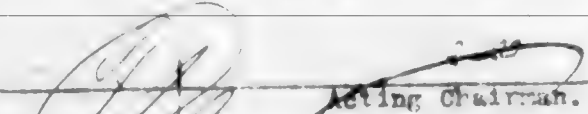
The evidence further shows that Mattie T. Craft came from
the State of Texas to the Cherokee Nation for the first time in
August, 1898 and remained there until September, 1899, and at the
date of the application herein she was living with her said children
in the State of Texas.

Paragraph nine, 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 Mattie T. Craft, Leva Craft and
Carrie Craft as citizens by blood of the Cherokee Nation should be
denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.



Commissioner.



Commissioner.

Dated at Muskogee, Indian Territory,

this _____

Cherokee R 772.

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

A. J. M. H.

In the matter of the application for the enrollment of Mattie T. Craft et al., as citizens by blood of the Cherokee Nation.

D E C I S I O N.

THE RECORD IN THIS CASE SHOWS: That, on March 25, 1901, James H. Craft appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his wife, Mattie T. Craft and minor children, Leva and Carrie Craft, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had on October 30, 1901, at Vinita, and on March 20, 1902, at Muskogee, Indian Territory. The record further shows that on October 27, 1902, the Commission rendered its decision herein denying said applicants the right to enrollment as citizens by blood of the Cherokee Nation, and that on November 28, 1902, said decision was duly affirmed by the Department. Thereafter, on June 9, 1903 (Departmental letter I.T.D. 7100-02-5003-4844-03), said case was remanded by the Department for further testimony and readjudication. Further proceedings in the matter of said application were had on March 7, 1905, at Muskogee, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That the applicants herein claim the right to enrollment as citizens by blood of the Cherokee Nation. In support of their claim James H. Craft appeared before the Commission on March 25, 1901, and testifies that he is

the husband of the applicant, Mattie T. Craft, and father of the minor applicants, Leva and Carrie Craft; that the ages of said applicants are twenty-two years, two years, and five months, respectively; that said applicants were born in Texas and have continuously lived in said state since birth, except that the applicant, Mattie T. Craft, removed, with the witness, to the Cherokee Nation in August, 1898, and remained until September, 1899, when they returned to Texas, and have since continuously resided therein. Witness further testifies that he and his wife own no property in Texas, but supposes his wife has an interest in her father's farm in the Cherokee Nation, and that her father and mother, Jerry and Ruth Martin, are alive.

On October 30, 1901, at Vinita, Indian Territory, it is satisfactorily shown that the said applicant, Mattie T. Craft, nee Martin, was, by the properly constituted authorities, on January 12, 1883, admitted, as a Cherokee by blood, to citizenship in the Cherokee Nation, and, on an examination of the rolls of the Cherokee Nation in the possession of the Commission, the said applicant, Mattie T. Craft, nee Martin, is identified upon the Cherokee Strip payment roll of 1894, and Cherokee census roll of 1896.

The birth affidavits filed in this case show that the minor applicants, Leva and Carrie Craft, were born May 9, 1899, and October 4, 1900, respectively. Cherokee Enrollment card No. R 772, shows the said James M. Craft to be a non-citizen of the Cherokee Nation, and his testimony strongly indicates that he is a citizen of the state of Texas.

On February 17, 1905, the applicant, Mattie T. Craft, and her attorney, J. Howard Langley, were each notified by registered letter, receipt of which was duly acknowledged, that this case would be taken up for final consideration by the Commission, at its offices in Muskogee, Indian Territory, on March 7, 1905. No appearance on behalf of the applicant being made on that date, the case was declared closed.

FINDINGS OF FACT AND CONCLUSION: It is considered by the Commission, that the evidence in this case shows that on September 1, 1902, the applicant, Mattie T. Craft, was twenty-three years old, and that, prior to said date she had not removed to and permanently located in the Cherokee Nation, consequently, the rulings of the Department in the cases of David J. Mathews et al (I.T.D. 844-03) and Ora M. Camp (I.T.D. 1418-03), are applicable; and that the minor applicants herein possess no rights to enrollment as citizens by blood of the Cherokee Nation other than as descendants of the said applicant, Mattie T. Craft. And, granting that the applicant, Mattie T. Craft, did remove to and permanently locate in the Cherokee Nation within a reasonable time after reaching her majority, it is further considered by the Commission, that prior to September 1, 1902, said applicant expatriated herself from the Cherokee Nation, under the provisions of Section II, Article I, Cherokee Constitution, which, in part, provides:

"Whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease;"

And, it is further considered by the Commission, that ample opportunity has been afforded applicants herein to establish by satisfactory evidence their rights to citizenship in the Cherokee Nation, but that they have failed to do so, and their application comes within the rulings of the Department in the cases of Eliza Bryant et al. (544-04), William Rector (I.T.D. 1468-04), Minnie Duncan et al. (I.T.D. 1470-04), Samantha Chambers (I.T.D. 2296-04), Ed Williams (I.T.D. 4230-04) and Moses Ross (I.T.D. 6056-04).

In connection with this case, attention is called to its decision rendered by this Commission on May 27, 1902, and affirmed by the Department on June 30, 1902, in the case of Ruth E. Martin (mother of the adult applicant herein) et al., Cherokee Doubtful No. 248, (now R 551), also, to its decision rendered by this Commission on January 11, 1905, in the case of Robert C. Martin (brother of the said adult applicant herein) et al., Cherokee Doubtful No. 1170 (now R 719), where the facts are identical with those in the case at bar.

IT IS, THEREFORE, THE OPINION OF THIS COMMISSION: That, for the additional reasons set out herein, its decision of October 27, 1902, should be re-affirmed, and that the application for the enrollment of Mattie T. Craft, Leva Craft and Carrie Craft, as citizens by blood of the Cherokee Nation, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Jame Bixby.

(SIGNED)

Chairman

I. B. Needles.

(SIGNED)

Commissioner

(SIGNED)

Commissioner

Dated at Muskogee, Indian Territory,

JUN 26 1905

this _____

COMMISSIONERS
HENRY L. DAWGS.
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 - 1171.

Muskogee, Indian Territory, October 28, 1902.

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

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 27, 1902, rejecting the application of James N. Craft for the enrollment of his wife, Mattie T. Craft, and his two minor children, Leva and Carrie Craft, as citizens by blood of the Cherokee Nation.

The decision, with the record 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,

Enclosure C. No. 151

Acting Chairman.
Commissioner in Charge.

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

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1171.

ALLISON L. AYLESWORTH
SECRETARY

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, dated October 27, 1902, rejecting the application of Mattie T. Craft for the enrollment of herself and her two minor children, Lova and Carrie Craft, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 28, 1902.

Respectfully,



Acting Chairman.

COMMISSIONERS
JAMES HENRY,
THOMAS H. NEEDERS,
C. R. BRACKINRIDGE,
W. F. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee R.772

ALLISON I. AYLESWORTH
SECRETARY

Tahlequah, Indian Territory, July 22, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,


Tahlequah, Indian Territory.

Dear Sir:

You are hereby notified that on June 9, 1903, the Secretary of the Interior remanded for the taking of further testimony the application of Mattie T. Craft, et al, for enrollment as citizens by blood of the Cherokee Nation, Cherokee R.772, (D 1171).

Evidence is particularly required as to what property the principal applicant has owned in the Cherokee Nation during her absence therefrom. She has this day been notified that any further testimony she may desire to introduce may be presented before the Cherokee Land Office of this Commission at Tahlequah, Indian Territory, on or before August 21, 1903.

Respectfully,



Commissioner in Charge
Cherokee Land Office.

MH

copy-

Tahlequah, Indian Territory, June 21, 1905.

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

Gentlemen:

Inclosed please find the Cherokee citizenship case of Mattie T. Craft, et al. R-772, applicants for enrollment as citizens by blood.

Upon a careful perusal of the papers in this case as it now stands, I am very much inclined to the opinion that these applicants should be enrolled. Mrs. Craft, in addition to the other evidence, mentions points in her letter to the Secretary of the Interior which were not brought out upon the examination of her husband, a non-citizen, who applied for her and the children. I do not believe that her leaving the Nation when a minor and in the way she did leave constituted a forfeiture of citizenship. She came back promptly upon her marriage and evidently resumed her residence in good faith in the Cherokee Nation, but was compelled at the end of a year or such a matter to absent herself on account of ill health. She evidently had previously maintained in a constant way her identification with the Nation, and she subsequently continued to own property in the Cherokee Nation and to maintain her identification therewith in about every way that was practicable for one who had to be absent under the immediate de-

Commission---2.

mands of ill health. I believe upon consideration that all of them are entitled to enrollment as the case now stands, but if there be any doubt as to this proposition, I suggest that additional evidence be taken upon the points suggested in her letter to the Secretary of the Interior.

As none of the Commissioners have signed the decision as at present written, I do not at this time go further than to state my opinion as just expressed.

Respectfully,

(Signed) C. R. Breckinridge.
Commissioner.

MP
Enc. H-186

I vote in favor of enrolling these applicants.

(Signed) C. R. Breckinridge.
Commissioner.

6/30/05.

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

WM. O. BEALL,
Secretary.

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

167
REFER IN REPLY TO THE FOLLOWING:
Cherokee R-772.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 30, 1905.

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

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the application for the enrollment of Mattie T. Craft, et al., as citizens by blood of the Cherokee Nation, Commissioner C. R. Breckinridge dissenting.

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

Respectfully,

Incl. S-105


Chairman.

P772

refer in reply
to the following:
Land.
51389-1905.

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

August 7, 1905.

The Honorable,

the secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the President of the Cherokee Nation, dated June 30, 1905, showing the record of the application for enrollment as citizens by blood of the Cherokee Nation by James N. Craft for his wife, Mattie M. Craft, and his minor children, Teva and Carrie Craft.

June 30, 1905, the Commission decided adversely to the applicants, Commissioner Breckenridge dissenting.

The record shows that on December 27, 1902, the Commission rendered a decision denying the applicants enrollment, and that on November 28, 1902, the decision was affirmed by the Department; that thereafter, on June 9, 1903, the case was remanded by the Department for further testimony and readjudication.

The record further shows that Mattie T. Craft, under her maiden name of Martin, was admitted to citizenship in the Cherokee Nation by the proper authorities thereof on January 12, 1893, and she is identified on the Cherokee Census roll of 1896. It is further shown that the applicants were all born in the State of Texas and have continuously lived in that State since birth, except that Mattie M. Craft removed with her husband, to the Cherokee Nation in August 1892 and

remained until September, 1899, when they returned to the State of Texas and have since continuously resided therein. It further appears that the applicants own no property in the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

C. L. Larrabee

Acting Commissioner.

J.P.

DEPARTMENT OF THE INTERIOR. ILL
WASHINGTON.

I.T.D.9930-1905.

August 29, 1905.

LAS

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 made by James T. Craft for the enrollment of his wife, Lattie T. Craft, and his minor children, Leva and Carrie Craft, as citizens by blood of the Cherokee Nation, including the decision of the Commission of the same date rejecting said application.

Reporting August 7, 1905, the Indian Office recommended that the decision of the Commission adverse to the applicants 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 rejecting said applicants is hereby affirmed.

Respectfully,

(Signed) Mos. Bran.

1 inclosure.

Acting Secretary.

REFER IN REPLY TO THE FOLLOWING:

Cherokee
R-772.

Boo

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

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. 9930-1905), in which the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the application for the enrollment of Mattie T. Craft and her children, Leva and Carrie Craft, as citizens by blood of the Cherokee nation, is affirmed.

A copy of said Departmental letter is herewith inclosed for your information.

Respectfully,

W. O. Beall

Acting Commissioner.

Incl. GL-302.
GHL

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use, \$300.



W. W. Hastings,

Muskogee, I. T.

IN THE MATTER OF THE APPLICATION OF

Mattie T. Craft, et al.

~~C. O. 10/15/01~~

~~Re Memo of of " " "~~

~~Birth certificates, Lora
Carrie~~

~~Receipt~~

~~Supplemental 10/15/01~~

~~Notice of 10/15/01~~

~~J. M.~~

~~See 10/15/01~~

Cher D 1172

Cher D 1172

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

In the matter of the application of Thomas Martin for the enrollment of himself and child as citizens of the Cherokee Nation; said Martin being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Thomas Martin.
Q How old are you? A I am, I will be 26 pretty soon.
Q What is your post office address? A Sallisaw.
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 My father was a white man, I am enrolling under my mother, Mry Martin.
Q Is she living? A Yes, sir.
Q Is your name on the roll of 1880? A No, sir, it is on the roll of 1896 and 1894.
Q Were you ever admitted to Cherokee citizenship? A Yes, sir.
Q Have you any certificate of admission? A Yes, sir.

Com'r Needles:--Applicant presents a certificate issued from the office of the Commission on Citizenship, at Tahlequah, July 17th, 1898, certifying that among other one Thomas Martin was on the 25th day of September, 1882, admitted to the rights and privileges of Cherokee citizenship, by what is known as the Teehee Court, signed Connell Rogers, Assistant Clerk of the Commission on Citizenship.

- Q Where were you born? A I was born in Flint.
Q Flint District? A Yes, sir.
Q Have you always lived in the Cherokee Nation? A Yes, sir.
Q Lived there all your life? A Yes, sir.
Q In what year were you born? A '74.
Q Have you the original certificate of admission certifying that you were admitted by the Teehee Court; the paper you present appears to be only a certificate that you were admitted, the certificate by the Clerk, but it is not a regular certificate signed by the members of the Court? (No response.)

Tribal Rolls of citizens of the Cherokee Nation examined and Applicant's name found thereon as follows:
1896 Census Roll; page ~~1023~~ 1082, #899, Thomas Martin, Sequoyah District.

- Q Are you married? A Yes, sir.
Q What is your wife's name? A Maudie Martin.
Q When were you married? A I was married on March 26th, 1897, I believe it is.
Q Is your wife a citizen of the Cherokee Nation? A No, sir, she is a white woman.
Q Have you any evidence of your marriage to her? A No, sir; I haven't here.
Q Have you any children? A I have one.
Q What is its name? A Lora Martin.
Q What was your wife's name before you married her? A Mattox.
Q Are you her first husband? A Yes, sir.
Q Is she your first wife? A Yes, sir.
Q Have you been living with her ever since you married her?
A Yes, sir.
Q What is the age of your child? A It is two years old, the 11th of last January.
Q Have you any certificate of its birth? A No, sir.

Thomas Martin et al.--2.

COM'R NEEDLES:--The name of the applicant appears upon the census roll of 1896, and he presents a certificate signed by Connell Rogers admitting him to Cherokee citizenship on the 25th day of September, 1882. The records of the Cherokee Nation are examined and the name of Thomas Martin is not found among the list of persons admitted to citizenship on said date. Applicant is duly identified and makes satisfactory proof as to residence, but because of the informality of the certificate that he presents, final judgment as to the enrollment of the said Thomas Martin will be suspended and his name will be placed upon a doubtful card, awaiting a certified copy of the records of the Cherokee Nation admitting the said Thomas Martin to citizenship.

Final Judgment as to the enrollment of Lora Martin, the child of Thomas Martin, will be suspended and its name will be placed on a doubtful card with its father, awaiting proof of citizenship of its father, proof of marriage between its father, Thomas Martin, and its mother, Maud, and proof of birth.

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

J. O. Rosson

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

Commissioner.
W. H. ...
W. H. ...

Supl.-C.D.#1172.

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

SUPPLEMENTAL in the matter of the enrollment of THOMAS MARTIN
as a citizen of the Cherokee Nation:

The applicant was notified by registered letter March 1st, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up by the Commission for final consideration at its offices in Muskogee, Indian Territory, on the 20th day of March, 1902, and that on said date he might appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any further testimony affecting his applicant. The applicant has this day, to-wit: the 20th day of March, 1902, been called, and failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---ooo000ooo---

I, J. O. Rossen, 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 application and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rossen

Cherokee D - 1172.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHEROKEE LAND OFFICE,
Tahlequah, I. T. May 23, 1904.

In the matter of the application of Thomas Martin for enrollment as a citizen by blood of the Cherokee nation.

Appearances:
Cherokee Nation by its attorney, W.W.Hastings.

By the Commission: It appears from an examination of the original records of the Cherokee Commission on citizenship, composed of Thomas Tehee, Alex Wolf and T. F. Thompson, that the applicant, Thomas Martin was admitted to citizenship in the Cherokee Nation with his family, Mary, Richard, David and Easter Martin, on September 25, 1882.

This cause has been held pending the proper certificate of the applicants admission to citizenship and this statement is made to supply the record.

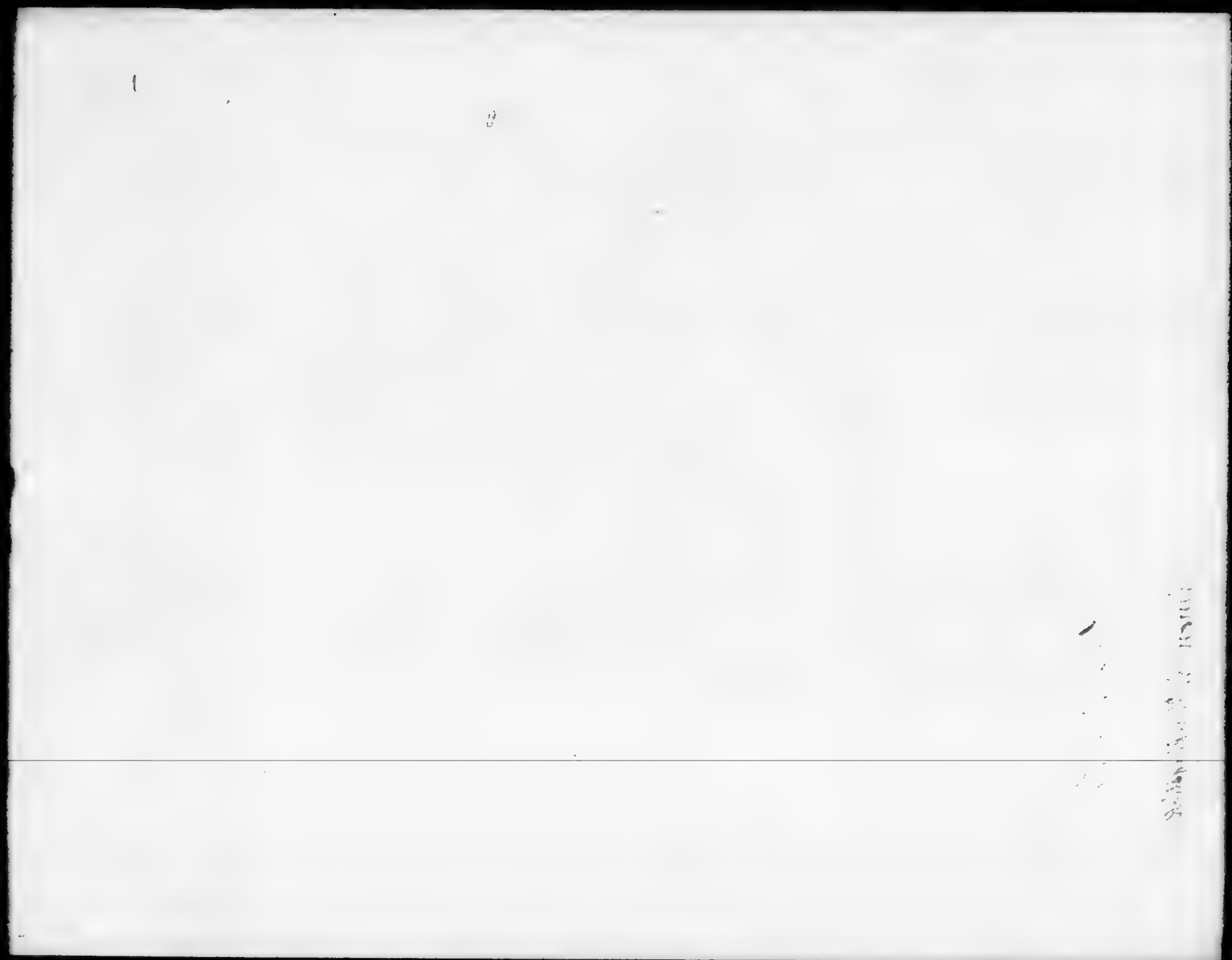
It is ordered that this statement be filed with and made a part of the record in this case.

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

Thronia Harrison

Subscribed and sworn to before me this
23rd day of May, 1904.

Simon R. Wallingstick
Notary Public



14422 & 101172

Cherokee D 1172.

A.M.

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

In the matter of the application for the enrollment of
Thomas and Lora Martin as citizens by blood of the Cherokee Nation.

DECISION.

The record herein shows that on March 26, 1901, Thomas
Martin appeared before the Commission at Muskogee, Indian Territory,
and made application for the enrollment of himself and minor child,
Lora Martin, as citizens by blood of the Cherokee Nation. Further
proceedings in the matter of said application were had at Muskogee,
Indian Territory, March 20, 1902, and at Tallapoosa, Indian Territory,
May 23, 1904.

The evidence herein shows that the principal applicant,
Thomas Martin, is a Cherokee by blood; that on September 28, 1882,
by the properly constituted authorities, he was admitted to citi-
zenship in the Cherokee Nation; and that since said date of
admission he has continuously resided in said Nation, and is iden-
tified on the Cherokee census roll of 1896. The minor applicant,
Lora Martin, is the daughter of the said Thomas Martin, and it is
considered that her residence is that of her father.

It is, therefore, the opinion of this Commission that
Thomas Martin and Lora 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 2, 1898,
(30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

James Bixby

Chairman

T. F. Needles

Commissioner

C. H. Frothingridge

Commissioner

Muskogee, Indian Territory,

this NOV 5 1904

COMMISSIONERS:

TAMM BIXBY,
THOMAS B. NEEDLES,
C. E. BRUCE INRIDGE,

WM. O. BEALL,
Secretary.

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

REFER IN REPLY TO THE FOLLOWING:
Cherokee D-1172

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 5, 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 November 5, 1904, granting the application for the enrollment of Thomas Martin and his minor child, Lora Martin, as citizens by blood of the Cherokee Nation.

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

Respectfully,

Encl. S-2.


Chairman.

IN THE MATTER OF THE APPLICATION OF

Thomas Martin

A Original testimony March 26, 1901.

B Memo. of application issued Feb 901.

above original evidence, p. 2

GD
N 5 11

Transcript to - 10826

See character notes to...

Cher D 1173

Cher D 1173

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

In the matter of the application of Herndon Lee Pandall for the enrollment of himself and child as citizens of the Cherokee Nation; said Randall being sworn and examined by Commissioner T.B. Needles, testified as follows;

- Q What is your name? A Herndon Lee Pandall.
Q How old are you, Mr. Randall? A 36 years old.
Q What is your post office address? A Sallisaw.
Q What district do you live in? A Sequoyah.
Q Are you a recognized citizen of the Cherokee Nation? A I am adopted citizen.
Q You are a citizen by intermarriage? A Yes, sir.
Q Who do you desire to enroll? A One little girl.
Q Have you been enrolled yourself? A I don't know whether they have got my name on the rolls or not.
Q Is your wife living? A No, sir; she is dead.
Q Did you ever apply to the Dawes Commission for enrollment?
A No, sir; I would like to enroll.
Q Then you apply for yourself and one little girl? A Yes, sir.
Q What was your wife's name? A Rosetta.
Q What was her name before you married her? A Weaver.
Q Is she a citizen by blood? A Yes, sir.
Q Is she living? A No, sir.
Q When did you marry her? A I married her in '87.
Q Have you any certificate of marriage? A No, sir; I left my certificate with the Clerk according to the Cherokee Law.
Q About what would be her age now? A 34.
Q Did you marry in 1887 according to the laws of the Cherokee Nation? A Yes, sir.
Q Procured a license? A Yes, sir; I was married two years previous to that.
Q Where were you married? A Going Snake district.
Q When did she die? A A year ago last May.
Q Have you married since? A Yes, sir.
Q White woman? A I married a Cherokee.
Q What is her name? A Duncan.
Q Well, her full name? A Judie Duncan.
Q Is she done enrolled? A No, sir.
Q Is she a Cherokee by blood? A Yes, sir.
Q Why don't you apply for her enrollment then? A I will.
Q There is something you are not letting out here, it seems to me?
A All her folks have been enrolled, and they have not enrolled her; she come a little late to get on the roll.
Q You don't apply for the enrollment of your present wife do you?
A If I knew how to go about it.
Q You will have to say that you will apply for her? A Well.
Q What is her age? A 23 years old.
Q Is she a recognized citizen of the Cherokee Nation? A She is not admitted; her father applied to this Commission a few years ago.

BY J. L. BAUGH, Cherokee Representative:

- Q What was her father's name? A Marion Duncan.

BY COMMISSIONER NEEDLES:

- Q What is the name of the child you desire to enroll? A Viola May.
Q How old is it? A Eight years old.
Q What was her (Applicant's first wife's) father's name? A Joe Weaver.
Q Is he living? A yes, sir; I suppose he is.
Q What was her mother's name? A America.

Herndon L. Randall, et al.--2.

- Q Is she living? A No, sir; she is dead.
Q What do you say you suppose she is enrolled as? A Jessie.
Q You think Jessie as enrolled there is she? A Yes, sir.
Q Why? A Because there is no other one named Jessie.
Q Did she have a sister named Jessie? A No, sir.
Q Did she have some sisters? A Yes, sir.
Q What were their names? A Brunette is one, Joanna.
Q You say Joseph Weaver was your wife's father? A Yes, sir.
Q Is Joe Weaver living? A Yes, sir.
Q Where is he living? A Going Snake.
Q Where was your wife born? A In going Snake, I won't be positive.
Q Did she always live in Going Snake? A No, sir, she lived in Sequoyah some.
Q Has she always lived in the Cherokee Nation? A Yes, sir.
Q Did you live with her continuously from the time of your marriage until her death? A Yes, sir.
Q Never separated? A No, sir.
Q Your present wife and her father and people have been denied by the Commission in 1896, we have no authority to enroll your wife?
A They have not been notified that they have been denied, I don't think.

Tribal Rolls of the Cherokee Nation examined and applicant's name and that of his child found thereon as follows:
1896 Census Roll; page 1096, #1242, Rosa Randall, Sequoyah District.

1896 Census Roll; page 1096, #1244, Viola Randall, Sequoyah District.

The name of the present applicant and that of his present wife are not found upon any of the rolls in the possession of this Commission.

- Q You were enrolled in 1896, were not you? A I don't know.
Q You say you were married in 1887? A Yes, sir.
Q What proof did you say you had of your marriage? A I haven't got any proof with me, but I can get proof in Going Snake.
Q Who married you? A Joe Smallwood.
Q What became of the license? A I returned them to the Clerk for record and never got them any more.
Q You can get a certified copy of them? A I don't know; I wrote to his son for a copy of them and they could not get them.

COM'R NEEDLES:--Herndon L. Randall applies for the enrollment of himself, his present wife, Judie, and a child Viola: He avers that he was married to one Rosetta Weaver in the year 1887, a Cherokee citizen by blood, but makes no satisfactory proof of his marriage. He avers that as a result of said marriage he has one child, Viola May, eight years of age. The name of said Viola is found upon the census roll of 1896. The name of his wife, Rosetta, is identified upon the census roll of 1896. She cannot be fully identified upon the authenticated roll of 1880, but the indications are that she was a citizen of the Cherokee Nation and child of Joe Weaver, whose name appears upon the authenticated roll of 1880. The names of her brothers and sisters appear upon said roll. He avers that he lived with his wife continuously from the time of their marriage until the date of her death. Since her death he has married one Judie Duncan. The name of Judie Duncan is not found upon the authenticated roll of 1880, nor any of the rolls in the possession of this Commission, but the records of this Commission develop the fact that on September 7, 1896, the father of said Judie Duncan applied for the admission of himself and his

Herndon L. Randall, et al.--3.

family, including said Judie, to be admitted to citizenship, under the Act of June 10th, 1896; said case being #4965, page 559, Docket B, and that said Judie Duncan's application was refused and no appeal was taken; consequently the matter of the enrollment of the said Judie Duncan comes under the provisions of the Act of May 31st, 1900, under which Act the Commission is without jurisdiction to receive, consider or make any record of her application for the reason that she is not a recognized citizen of the Cherokee Nation and duly and lawfully enrolled or admitted as such, and for the further reason that she was refused admittance as stated in the testimony, by this Commission in 1896. The papers in the case of Judie Duncan will be forwarded to the Secretary of the Interior when the rolls of the Cherokee Nation are forwarded to him. By reason of the fact that the Secretary of the Interior has not yet decided upon the application of Judie Duncan, which will be forwarded to him, final judgment as to the enrollment of her husband, Herndon L. Randall, will be suspended and his name will be placed upon a doubtful card, awaiting the decision of the Secretary of the Interior as to the citizenship of his present wife. If she is not admitted to citizenship, of course, the said Herndon L. Randall will have married out under the laws of the Cherokee Nation.

The name of his child, Viola M., will also be placed upon the doubtful card and final judgment as to her enrollment will be suspended, awaiting further identification of her mother, Rosetta Weaver, upon the authenticated roll of 1880, and it will be necessary for said Herndon L. Randall to file with this Commission satisfactory proof of his marriage to Rosetta Weaver in order to aid in the enrollment of himself.

Now comes the Cherokee Nation by its representative, Mr. Baugh, and protests against the enrollment of the said Herndon L. Randall, having been placed upon a doubtful card, averring that by reason of the laws of the Cherokee Nation his marriage to Judie Duncan he has forfeited his right in the Cherokee Nation.

BY MR. J. L. BAUGH, Cherokee Representative:

- Q Who was the mother of Rosetta Weaver? A America.
Q Was she a white woman? A I think so; I never saw her.
Q Was she married to Rosetta's father? A Yes, sir.
Q Was his former wife living at the time, or do you know? A I could not tell you.

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J. O. Pesson, 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.

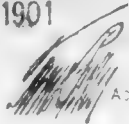
Subscribed and sworn to before me this 28th day of March, 1901.

J. O. Pesson
Notary Public
Commissioner

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAR 29 1901



ACTING CHAIRMAN

Supl.-C.D.#1173.

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

SUPPLEMENTAL in the matter of the enrollment of HERNDON L. RANDALL as a citizen of the Cherokee Nation.

The applicant was notified by registered letter March 1st, 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 20th day of March, 1902, and that on said day he might appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any further testimony affecting his application. The applicant has this day, to-wit: the 20th day of March, 1902, been called and failing to respond either in person or by attorney, the case 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 in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

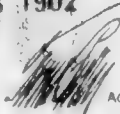
J. O. Rosson

CAO 1172

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAR 28 1902



ACTING CHAIRMAN

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

In the matter of the application of Herndon L. Randall for enrollment as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his child Viola M. Randall 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 March 26, 1901, Herndon L. Randall appeared before the Commission at Muskogee, Indian Territory and made application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife Judie Randall, and his child, Viola M. Randall as citizens by blood of the Cherokee Nation. Judie Randall has been differently classified and is not embraced in this decision.

The evidence in this case shows that Herndon L. Randall testifies that he was married to one Rosetta Weaver in 1887. He presents no competent evidence of his marriage in accordance with the laws of the Cherokee Nation, and it further appears that the said Rosetta Weaver died in May, 1900, and that subsequent to her death the applicant married one Judie Duncan, who possesses no rights of Cherokee citizenship by blood.

Section 21 of the Act of Congress approved June 28, 1898 (30 Stat., 495), provides for the enrollment of Cherokee citizens, "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 74 of the Compiled Laws of the Cherokee Nation (1875) provides:


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


It further appears that Viola M. Randall is the daughter of said Rosetta Weaver, who was the daughter of Joe Weaver, a citizen by blood of the Cherokee Nation. The name of Rosetta Weaver is not found upon the authenticated tribal roll of 1880, but she lived in the Cherokee Nation all her life, and on an examination of the tribal rolls, in the possession of this Commission, it appears that she is identified on the Strip payment roll of 1894, and the Cherokee Census roll of 1896, as a native Cherokee, and that her daughter, Viola M. is also identified on said rolls as a native Cherokee, and has resided in the Cherokee Nation since her birth.


It is, therefore, the opinion of this Commission that whatever rights of Cherokee citizenship Herndon L. Randall may have acquired by his marriage to Rosetta Weaver were forfeited by his marriage to Judie Duncan, who possesses no rights of Cherokee citizenship by blood, and that the application of Herndon L. Randall for his enrollment as a citizen by intermarriage of the Cherokee Nation should be denied under the provisions of law above quoted, and it is so ordered.

It is further the opinion of this Commission that Viola M. Randall 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, 1906 (34 Stat., 496), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


 Acting Chairman.


 Commissioner.


 Commissioner

Dated at Muskogee, I. T.

this SEP 20 1902

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

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1173.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

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, rejecting the application of Herndon L. Randall for the enrollment of himself as a citizen by intermarriage, and granting his application for the enrollment of his child, Viola M. Randall, 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. 4.

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. DRECKINLEDGE

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES. Cherokee D-1173

ALLISON I. AYLESWORTH
SECRETARY

Muskogee, Indian Territory, October 28, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, rejecting the application of Herndon L. Randall for the enrollment of himself as a citizen by intermarriage, and granting the application for the enrollment of his minor child, Viola M. Randall, as a citizen by blood of the Cherokee Nation, a copy of which decision was furnished you on September 24, 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.

Commissioner in Charge.

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

ALLISON L. AYLESWORTH,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1173

ADDRESSES ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 29, 1903.

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

Dear Sir:-

You are hereby advised that the Commission's decision, dated September 20, 1902, rejecting the application of Herndon L. Randall for the enrollment of himself as a citizen by intermarriage, and granting his application for the enrollment of his minor child, Viola M. Randall, as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior January 17, 1903.

Respectfully,



Acting Chairman.

D1173

IN THE MATTER OF THE APPLICATION OF

Herbert F. Randall et al

A Cringing testimony March 28/01

& Memo of application March 26/01

A P. H. letter of Sept 25, 1901

with reference to ...

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... ..

to

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D

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See

Cher D 1174

Cher D 1174

Department of the Interior,
Commission to the Six Civilized Tribes,
Tuskgee, I. T., March 27, 1901.

In the matter of the application of George F. Howard for the enrollment of his wife EMILY, and child, GUSSETT, as Cheerokees by blood being sworn and examined by Commissioner Mackenzie, his testimony is as follows:

- Q Give me your full name? A George F. Howard.
Q How old are you? A I am thirty-one years old.
Q What is your post-office? A Starville.
Q Do you live in Canadian District? A Yes sir.
Q What is it you want to have enrolled, just yourself? A I want to have my wife and child enrolled.
Q And yours self? A No, I am not a citizen of the Cherokee Nation.
Q Your wife and one child? A Yes sir.
Q You are a white man? A No you? A Yes sir.
Q Is your wife a "redhead"? A Yes sir.
Q You married her late to be enrolled did you? A I married ~~XXXXXXXXXXXX~~ her on the 25th of December, 1896.
Q Give me your wife's full name? A Emily Latia was her maiden name.
Q What is her full name? A Yes sir.
Q How old is your wife? A Her wife is 25 years old.
Q Give me the name of your wife's father? A Felix S. Latia.
Q Is he dead? A Yes sir.
Q Give me the name of your wife's mother? A I think her name was Delila Latia, I am not sure of that.
Q Is she dead? A Yes sir.
Q How long has your wife lived in the Cherokee Nation? A I guess she has lived here all her life, I don't positively know.
Q How did you marry her, when? A I married her 25th of December, 1896.
Q Where you a certificate of marriage? A I have, but I started here with it and left it in the buggy at Checotah yesterday in the hurry to catch the train; I got license here at Tuskgee.
Q Give me the name of the child? A Gussett Howard.
Q How old is the child? A He will be 2 years old in June of this year.
Q He is living now in I. T.? A Yes sir.

1896 Census of the Cherokee Nation for the year 1896, page 33 # 4521 Emily Latia Canadian Dist, Native Cherokee, 25 years of age;
1896 Census of census roll prepared for applicant's wife, page 43, # 1163 Emily Latia, Canadian District.

Q Are there any one here who knows that you and your wife are living together as husband and wife, anybody in the neighborhood? A I don't think there are; there's five dirt.
(Witness being called, states that he does not know)

Com'r Mackenzie: The applicant applies for the enrollment of his wife and one child; his wife is identified under her maiden name on the rolls of 1890 and 1896; it appears that she has lived in the Cherokee Nation all her life, but her change of name arising from marriage is not established at present, the applicant not having a copy of his marriage license and there being no personal testimony available to support his own declaration; she will be listed for enrollment as a Cherokee by blood, but upon a doubtful card to await a copy of the marriage license and certificate; when the Commission is supplied with a proper certificate of birth of the child, who is too young to be upon any roll, then this child

COMMISSION TO THE CIVILIZED TRIBES
WASHINGTON, D.C.
MARCH 28 1901

Geo F Howard for wife and child 2

Corbett Howard, will also be listed with his mother upon a doubtful card as a. One taken by blood.

W.D. Green, being first duly sworn, states that as stenographer to the Commission to the 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 March 28, 1901.

C. J. Hewitt

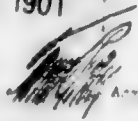
Commissioner.

W

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAR 29 1901


ACTING CHAIRMAN

Cherokee D 1174.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES. 1117

In the matter of the application for the enrollment of Emily Howard and her minor children, Corbett and Pearl Howard, as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on March 27, 1901, George F. Howard appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his wife, Emily Howard, and his child, Corbett Howard, as citizens by blood of the Cherokee Nation. On July 5, 1901, there was filed with the Commission a birth affidavit for Pearl Howard.

The evidence shows that the said Emily Howard is identified on the authenticated tribal roll of 1880 and on the Cherokee Census roll of 1896, under her maiden name, as a Cherokee by blood. The above named children are the issue of a marriage between the said Emily Howard and George F. Howard on December 26, 1896. The said children are too young to be on any roll but they are identified by birth affidavits on file with this Commission.

The evidence further shows that the said Emily Howard has resided in the Cherokee Nation all her life, and that she and her said children were residents of the Cherokee Nation at the date of the application herein.

It is, therefore, the opinion of this Commission that Emily Howard, Corbett Howard and Pearl Howard should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress, approved June 20, 1898, (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.



Commissioner.



Commissioner.

Dated at Muskogee, Indian Territory,
this SEP 11

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

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1174.

ALLISON I. AYLESWORTH,
SECRETARY

ADDRESS ONLY FOR
MAILING PURPOSES

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 George F. Howard for the enrollment of his wife, Emily Howard, and his two minor children, Corbett and Pearl Howard, 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. 3.

IN THE MATTER OF THE APPLICATION OF

Emily Howard, et al

- A Original testimony March 27, 1901
- B Minutes of application Feb 10, 1901
- C Birth certificate of child in ward
- D Birth certificate of child of ward

Franklin T.

Attorney

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

In the matter of the application of Samuel L. Milligan for the enrollment of himself as an intermarried citizen of the Cherokee Nation. He being first duly sworn by Major Breckinridge testified as follows:

(Examination by the Commission:)

Q. Give me your full name. A Samuel L. Milligan.
Q. How old are you? A 44.
Q. What is your postoffice? A Webbers Falls.
Q. In what District do you live? A Canadian.
Q. Who is it you want to have enrolled-- yourself and family?
A Myself alone.
Q. Are you a Cherokee by blood? A No sir.
Q. White man? A Yes sir.
Q. You claim as an intermarried citizen? A Yes sir.
Q. When were you married? A In December, 1892.
Q. To whom were you married? A Susan J. Milligan.
Q. What was her name when you married her? A Milligan.
Q. Same as at present? A Yes sir.
Q. Is she alive or dead? A She is dead.
Q. How long has she been dead? A She died in 1896.
Q. Give me the name of her father. A Her father, Isaac H. Mayfield, I think that was his initials.
Q. Is he dead or alive? A He is alive.
Q. Give me the name of your wife's mother. A Polly Mayfield.
Q. Is she dead or alive? A Alive.
Q. How old was your wife when she died? A About 43 or 44.
Q. How long had she lived in the Cherokee Nation?
A Since 1885; I think she came in 1885.
Q. Were you ever married until you married this wife? A No sir.
Q. Have you your marriage license and certificate? A Yes sir.
Q. Let me have them. I got them tore but I think you can make them out. (Marriage license and certificate given to Commission).
By Commission:

The applicant presents a mutilated official copy of a marriage license, showing that on the 16th day of December, 1892, he was licensed to marry Lizzie Susan Milligan, by the Clerk of Canadian District, and a certificate in accordance therewith, showing that they were united in marriage on the 22nd day of the same month and in the same year, by the clerk of the district. The material parts of these documents are not destroyed, and they are filed herewith.

Q. Your wife was married before she married you? A Yes sir.
Q. How often was she married before she married you? A One time.
Q. Give me the name of her first husband? A Isaac A. Milligan.
Q. Is he dead? A Yes sir.
Q. Was he dead before your wife married you? A Yes sir.
Q. Did you or your wife live together from the time of your marriage until her death.
Q. And all the time in the Cherokee Nation? A Yes sir.
Q. Have you lived in the Cherokee Nation ever since your wife died?
Q. Have you remarried since your wife died? A No sir.
Q. You say your wife came to the Cherokee Nation in 1885?
Q. I think it was in 1885.
Q. Where did she come from? A Tennessee.
Q. Was she admitted to citizenship by the Cherokee Council, or by the Commission? A By the Cherokee Council.

- Q Have you a copy of the certificate of admission? A I have not.
Q Did your wife have any children by her first husband? A Yes sir.
Q Give me their names? A ANNIE Milligan, Caleb Milligan.
Q Did she have another child? A She had a daughter that died.
Q What was her name? A I forget, she has one living yet, Gracie.
Q Gracie is living is she? A Yes sir. And a boy, Frank.
Q Her first husband was not dead at the time she was admitted to citizenship was he? A No sir, I think not.

By the Commission:

In the printed copy of admitted citizens in the possession of the Cherokee representative present, there appears the name of Susan J. Milligan, admitted to citizenship March 31, 1887, with her children substantially as stated by the applicant.

- Q Now, your wife came to the Cherokee Nation, did she, in 1885?
A Yes sir.
Q And she lived in the Cherokee Nation from that time until she died?
A Yes sir.

(Commissioner to clerk: Give me the 1896 enrollment of Susan J. Milligan. Clerk: Not on the roll.

A She died in April, 1896.

Q Give me the enrollment of Samuel L. Milligan on the 1896 roll.

1896 census roll of the citizens of the Cherokee Nation examined, and the name of the applicant identified thereon as follows: 1896 roll, page 90, No. 191, Samuel L. Milligan, Canadian District, intermarried citizen.

By the Commissioner:

The applicant applies for the enrollment of himself as an intermarried citizen, he being a white man. It is fit shown by the official record filed herewith and set forth in the testimony that he married his Cherokee wife now deceased, in 1892. It appears that she came to the Cherokee Nation in 1895 and lived constantly in the Cherokee Nation from that time until her death in April, 1896; and that she was admitted to citizenship by the Cherokee Commission on citizenship in 1887. The applicant states that his wife was married once prior to her marriage to him, but that her first husband was dead when she married the applicant, and that he lived with his wife from the time of their marriage in 1892 until her death, and that he has continued since her death to live in the Cherokee Nation, and that he has never remarried. He is identified on the roll of 1896 as an intermarried Cherokee, and he will now be listed for enrollment as a Cherokee by intermarriage, but to await an official copy of the certificate of admission of his wife in 1897, his name will, for the present, be placed upon a doubtful card.

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Kate DeBord, being first duly affirmed, states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause, and correctly recorded the testimony in this case, and that the foregoing is a full and complete transcript of her stenographic notes thereof.

Subscribed and affirmed to before me this 11 day of April 1901.

Kate DeBord
Notary Public.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 2 1901


ACTING CHAIRMAN

Cherokee D-1175.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 21, 1902.

In the matter of the application of Samuel L. Milligan 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 Samuel L. Milligan.
Q What is your age? A Forty-five.
Q What is your postoffice? A Webbers Falls.
Q Are you a white man? A Yes sir.
Q Are you claiming the right to be enrolled as a Cherokee citizen by intermarriage? A Yes sir.
Q What is your wife's name? A Susan J. Milligan; Mayfield before I married her.
Q She a Cherokee by blood? A Yes sir.
Q How long has your wife lived in the Cherokee Nation? A Since 185 up until '96 when she died.
Q Was she admitted to citizenship? A Yes sir.
Q When? A I don't remember, it is on the roll here.
Q Did she come here as soon as she was admitted or was she here? A She was here before she was admitted.
Q She was here in the Cherokee Nation when she was admitted? A Yes sir.
Q Did she live in the Cherokee Nation from that time until she died? A Yes sir, tell she died in '96.
Q When were you married to her? A In December, '92.
Q Were you married under a Cherokee marriage license? A Yes sir, they were filed.
Q Was Susan your first wife? A Yes sir.
Q Were you her first husband? A No sir.
Q She had been married before she married you? A Yes sir, she married a Milligan before she married me.
Q Was her first husband dead when you married her? A Yes sir.
Q You and your wife have been living together ever since you were married? A Yes sir, until she died.
Q Never were separated? A No sir.
Q Do you know whether there ever was a certified copy of the certificate of your wife's admission filed with the Commission here? A Yes, I saw it.
Q Where? A I think Johnson or Gabel Milligan, her son, had it; Johnson was her son-in-law.
Q Was she admitted by an act of Council or Commission on citizenship? A I don't know which.
Q Do you know what year it was? A No sir, it must have been '87.
Q Have you married since the death of your wife? A No sir.
Q Have you been living in the Cherokee Nation ever since you were married? A Yes sir.
Q Never made your home anywhere else have you? A No sir.
Q Have you any children? A None.
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2-Samuel L. Milligan.

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.

Samuel L. Milligan

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

B. C. Jones
Notary Public.

D1175

DEPT. OF
COMMISSION TO THE

NOV 21 1902

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[Handwritten signature]
S. CHARLES

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

Cherokee D-1175.

In the matter of the application of Samuel L. Milligan for enrollment as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on March 27, 1901, Samuel L. Milligan appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 21, 1902.

The evidence in this case shows that Samuel L. Milligan was married, under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, on December 22, 1892, to Mrs. Susan Milligan. On examination of the records of the Cherokee Nation, in the possession of this Commission, it appears that the said Susan Milligan was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, under the name of Susan J. Milligan, on March 31, 1887. She had been formerly married to one Isaac A. Milligan, and it appears that such former husband was dead at the time of her marriage to the applicant. Samuel L. Milligan is identified on the Cherokee Census Roll of 1896.

The evidence further shows that the said Samuel L. Milligan resided in the Cherokee Nation continuously with his wife, until her death in 1896, and since that time has continued to reside therein, and had not remarried up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that Samuel L. Milligan 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.

Dated at Muskogee, Indian Territory,
this FEB - 7 1903

Commissioner.

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

ALLISON L. AYLESWORTH,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1175.

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 Samuel L. Milligan for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you 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-14.

IN THE MATTER OF THE APPLICATION OF

Samuel L. Milligan

CITIZEN OF

State of Michigan, Feb 22, 1901

Name of application Feb 22, 1901

certified copy of an age record

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Cher D 1176

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

In the matter of the application of Taylor Rowe for the enrollment of himself, wife and child, as citizens of the Cherokee Nation; said Rowe being sworn and examined by Commissioner C. R. Breckinridge, testified as follows, through Interpreter Simon R. Walkingstick:

- Q Give your name these please? A Taylor Rowe.
Q How old are you? A 24 years old.
Q What is your post office? A Locust Grove.
Q In what district do you live? A Saline.
Q How long have you lived in the Cherokee Nation, all your life?
A All my life.
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 Claim to be a full blood? A Yes, sir.
Q Is your wife a Cherokee by blood? A Yes, sir, she is Cherokee.
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 Stand Rowe.
Q Is he dead? A Yes, sir, he is dead.
Q Give me the name of your mother? A Nancy Rowe.
Q Is she dead? A Yes, sir; she is dead.
Q Give me the name of your wife? A Nellie Rowe.
Q How old is she? A 23 years old.
Q When did you marry her? A We have been married about three
years.
Q Has she lived in the Cherokee Nation all her life? A Yes, sir.
Q Give me the name of her father? A Henry Downing.
Q Is he alive? A No, sir, he is dead.
Q Give me the name of your wife's mother? A He does not remem-
ber.
Q Is she dead? A Yes, sir.
Q Give me the name of your child? A Neda.
Q How old is the child? A Five months old.
Q The child is living now is it? A Yes, sir.
Q Anybody here who knows that you and this woman have been living
together as husband and wife? A Yes, sir, the man who just applied.

JACK BALEW, being called as a witness and having been sworn,
testified as follows:

- Q How old are you? A 21.
Q What is your post office? A Locust Grove.
Q In what district do you live? A Saline.
Q How long have you lived in the Cherokee Nation? A All my life
Q Do you know this applicant here, Taylor Rowe? A Yes, sir.
Q Do you know his wife? A Yes.
Q What is her name? A Nellie Rowe.
Q What was her name when she married him? A I could not tell
you.
Q You don't know her father? A No.
Q You never heard her name before she was a Rowe? A They called
her Nellie Clay and some of them called her Nellie Fodder.
Q You never heard her called Nellie Downing? A No, sir.
Q Is she a full blood woman? A Yes, sir.
Q How long have you known his wife? A About three years.
Q Just since they have been married? A No, I knowed her a little
before they got married.
Q Where did she live before they got married? A She staid up on
the River there close to the Saline Court House.
Q Did she live with her kin folks? A Yes, sir.

Taylor Rowe, et al.--2.

- Q Whom did she live with? A I don't know their names.
Q They were full blood people were they? A Yes, sir.
Q You don't know anything about where they were born? A No, sir
Q They called her Clay and also Fodder? A Yes, sir, I don't know that's her name, that's what they called her before she was married.

Tribal Rolls of the Cherokee Nation examined and applicant's name found thereon as follows:

1880 Authenticated roll, page 656, #874, Taylor Rowe, Saline District.

1896 Census Roll, page 1018, #966, Taylor Rowe, Saline District.

TAYLOR ROWE, the applicant, re-called, testified as follows:

- Q Do you remember the mother's name now, your wife's mother's name? A Yes, sir.
Q What was her Cherokee name? A Echewa.
Q Did your wife have a brother or sister? A He don't know.

1880 Authenticated Roll examined and applicant's wife and parents' names identified thereon as follows:

Page 750, #524, Nelly Downing, Tahlequah District.

Page 750, #522, Henry Downing, Tahlequah District.

Page 750, #523, Cheyalnernee Downing, Tahlequah District.

- Q Was your wife ever married before she married you? A Yes, sir.
Q Whom was she married to? A Sam Lacey. He is not positive about the first name of this man Lacey, he says it might be Tom, one of the Lacey boys though.
Q Has she any children except this child of yours? A No, sir, she has had but they died.
Q Do you remember the names of these children that she had?
A No, sir, he don't know the names.
Q Do you know anything about Dave Downing? A No, sir.

(Com'r to Roll Clerk: Look for this woman Nellie Clay or Fodder? No, sir, I do not find neither one of these names.)

COM'R BRACKENRIDGE:--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. He claims to be a full blood, and he will now be listed for enrollment as a Cherokee by blood.

He states that his wife is also a full blood and the fact of her marriage to him is established by his own and other satisfactory personal testimony. Both he and the additional witness as set forth in the record, state that his wife is a full blood Cherokee, and he claims that she has lived in the Cherokee Nation all her life. It appears that she has gone under various names, as Dowling, Clay, Fodder, etc. She is somewhat doubtfully identified upon the roll of 1880 and can not be at all identified upon the roll of 1896. While it is believed from the character of the testimony that this woman is a full blood Cherokee, yet the record is too doubtful at this time to be satisfactory, and she will be listed for enrollment as a Cherokee by blood on a doubtful card, and the applicant is told to appear before the Commission at one of its appointments and bring his wife or someone else who can give a satisfactory account of her history and enrollment.

COMMISSION TO THE FIVE CIVILIZED TRIBES
CHIEF OF BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C.
MAY 29 1901

Taylor Rowe et al. -- 34

When the applicant supplies the Commission with a certificate of the birth of the infant child, Neda, it also will be listed for enrollment as a Cherokee by blood on the doubtful card with its mother.

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

J. O. Rosson

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

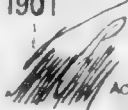
Commissioner.

M. D. Green
Notary Public

W 101176

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAR 29 1901


ACTING CHAIRMAN

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D 1176

Cherokee D 1176.

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

In the matter of the application for the enrollment of Nellie Rowe and her minor child Neda Rowe as citizens by blood of the Cherokee Nation.

D E C I S I O N .

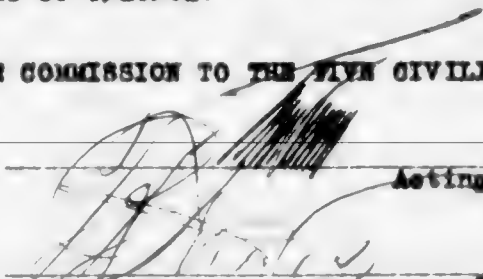
The record in this case shows that on March 28, 1901, Taylor Rowe appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself, his wife Nellie Rowe and his child Neda Rowe as citizens by blood of the Cherokee Nation. Taylor Rowe has been differently classified and is not embraced in this decision.

An examination of the Cherokee tribal rolls, in the possession of this Commission shows that the said Nellie Rowe is identified on the authenticated tribal roll of 1880, under the name of Nelly Downing, as a Native Cherokee, five years old. Neda Rowe is the issue of a marriage between the said Nellie and Taylor Rowe in 1897, and she is identified by a birth affidavit on file with this Commission.


The evidence further shows that the said Nellie Rowe has lived in the Cherokee Nation all her life. Neda Rowe is living with her parents in the Cherokee Nation and her residence is therefore considered to be that of her parents.

It is, therefore, the opinion of this Commission that Nellie Rowe and her minor child Neda Rowe should be enrolled as citizens by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.


THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



 Acting Chairman.



 Commissioner.



 Commissioner.

Dated at Muskogee, I. T.

this SEP 21 1902

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

ALLISON I. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

934
REPLY IN WRITING TO THE FOLLOWING

Cherokee D 1176.

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 Taylor Rowe for the enrollment of his wife, Nellie Rowe, and his minor child, Neda Rowe, 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. 10.

IN THE MATTER OF THE APPLICATION OF

Nellie Rowe, et al

FOR ENROLLMENT AS

CHURCH MEMBERS

A. Original testimony March 27/1901

B. Memo. of application March 27/1901.

Both abundant

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See Cherokee

See Cherokee jacket # 7446.

Cher D 1177

Cher D 1177

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T. April, 15th 1901..

In the matter of the application of James Henson for the enrollment of himself and two children as Cherokee Citizens by Blood; he being duly sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A. My name is James Henson.
Q How old are you? A. About 42.
Q What is your post office address? A. Starvilla.
Q What district do you live in? A. Canadian.
Q Do you apply for enrollment as a Cherokee Freedman? A. Yes sir
Q Have you ever applied for enrollment as a Freedman of any other tribe or Nation? A. No sir.
Q Have you always been recognized by the Cherokee authorities as a Cherokee Freedman? A. Yes sir.
Q Is your name on the Cherokee rolls? A. Yes sir.
Q Who is it that you want to have enrolled besides yourself? A. Two girls.
Q Dont you apply for your wife? A. No sir, she is not a Cherokee Freedman.
Q What is her name? A. Jane.
Q How old is she? A. 35 or 40.
Q What are the names of these children? A. Susan
Q How old? A. 15.
Q Next child? A. Laura.
Q How old? A. 13.
Q What is your fathers name? A. Rolly.
Q Is he living? A. I think so.
Q What is your mothers name? A. Jennie Tucker.
Q Is she living? A. No sir.
Q You say your wife is not a citizen? A. No sir.
Q Are you married to her? A. Yes sir.
Q Who is the mother of these two girls? A. Nan Scott.
Q Was she a citizen? A. No sir.
Q Were you married to her? A. No sir.
Q Did you ever lived with Nan Scott as husband and wife? A. Never was married to her, we lived together as husband and wife.
Q How long did you live together? A. A year or so, maybe a year and a half
Q Were these two children born while you and she were living together
A Yes sir.
Q Where are they living now? A. With me, I keep them at home, they are going to school.
Q Have you got any witness by whom you can prove that you and she lived together as man and wife? A. Not here.
Q How long have you lived in the Cherokee Nation? A. All my life.
Q Have you any testimony to give why your name is on the roll of 1880 as Jeff Henson? A. No sir not here.
Q Were you a slave? A. I guess so.
Q Dont you know? A No sir I dont.
Q Dont know who was your owner? A. No sir, my father was a slave.
Q Who was he owned by? A. Wash Henson.
Q Where were you born? A. On 14 Mile Creek.
Q In the Cherokee Nation? A. Yes sir.
Q Were you taken out of the Cherokee Nation during the war? A. No sir I dont think that I was.
Q Was you in the Cherokee Nation at that close of the war? A. I think so .

L. D. DANIELS called and sworn as a witness, testified as follows-
By Com'r Needles,

- Q What is your name? A. L. D. Daniels.
Q What is your post office address? A. Claremore.

James Henson 2.

- Q What is your age? A. 55.
Q Do you know James Henson? A. Yes sir I know this boy
Q What was his fathers name? A. Rolly Henson
Q What was his mothers name? A. Jenny Tucker.
Q Was James Henson born a slave? A. No sir free born.
Q Was he born after the war? A. Just before the close of the war.
Q Has he always lived in the Cherokee Nation? A. Yes sir.
Q He is not on the roll of 1880, do you know why? A. He is on the Cherokee roll, Mrs. Walkingstick took him on the Bayou. The fact is ~~that~~ that his father had this boy by his "Mistress"
Q Was his father a slave? A. Yes sir.
Q Who did he belong to? A. Wask Henson.
Q You say his mother was a full blood Cherokee? A. Yes sir, I was well acquainted with her.
Q Has he always been carried on the Cherokee rolls? A. Yes sir.

By Commission of applicant-

- Q How long has your mother been dead? A. 25 or 30 years.

The 1880 authenticated roll of the Cherokee Nation examined and the applicant identified thereon as follows-
Page 24, No. 670, Jeff Henson, Canadian district.

The 1896 census roll of the Cherokee Nation examined and the applicant identified thereon as follows-
Page 31, No. 853, James Henson, Canadian district.

- Q Is Nan, the mother of these children, a colored woman? A. Yes sir.
Q Did you draw strip money for these children? A. No sir.
Q Why? A. They said that they were to young.
Q Did you draw strip money? A. Yes sir.
Q Why did you not draw for these children if you did for yourself?
Q I didnt draw strip money this last time, I drew on the Wallace roll.
Q Why didnt you draw strip money? A. They said that I didnt have no rights as a Freedman and I had not got on the Cherokee pay roll so I lost out all round.
Q Have you always went by the name of Hanson? A. Yes sir.
Q You never lived with this woman Nan as your wife did you? A. Yes sir we lived together, we was never married though
Q You mean that you both lived in the same neighborhood? A. No sir in the same house.
Q Did you keep house together? A. Yes sir.
Q For how long? A. Year and a half or two years.
Q Where is that woman now? A. Dead.
Q Were these two children born while you were living together as man and wife? A. Yes sir.
Q Well there are two years difference between the ages of these children, and if you only lived with her a year and a half, how could they be born while you were living together? A. Well I said I about that time—I guessed at it.

By Com'r Needles,-

The name of James Henson appears on the authenticated roll of 1880 as Jeff Henson, a Cherokee citizen by blood. His name appears on the census roll of 1896 as James Henson and as a Cherokee citizen by blood. The testimony shows that he is the child of one Jennie Tucker, a full blood Cherokee woman who died before the roll of 1880 was compiled. The testimony is satisfactory as to his residence, consequently the said James Henson will be listed for enrollment as a Cherokee citizen by blood, he being duly identified according to the page and number of the rolls as indicated in the testimony. He avers that he has two children, Susan and Laura Henson, whose names are not found on the census roll of 1896. He

James Henson 2.

avere that one Ann Scott is the mother of said children but he presents no satisfactory proof of his marriage to her, and the name of said Ann Scott is not found on any of the rolls of the Cherokee Nation now in the possession of the Commission. Consequently his application for his two children, Susan and Laura Henson, whom he avers are his children, will be suspended and their names will be placed on a doubtful card as Cherokee citizens by blood, awaiting proof of marriage between the said James Henson and the said Ann Scott, the mother of said children.

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Chas. von Weise, being sworn states that 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 April, 1901,
at Fort Gibson, I. T.

M. J. Ince

Notary Public.

Supl.-C.D.#1177.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 21, 1902.

SUPPLEMENTAL in the matter of the enrollment of SUSAN HENSON
as a citizen of the Cherokee Nation:

James Henson was notified by registered letter March 1, 1902, that the application for the enrollment of Susan Henson 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 21st day of March, 1902, and that he could on said date appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any additional testimony affecting said application. The applicant has this day, to-wit: the 21st day of March, 1902, been called, and failing to respond either in person or by attorney, the case 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 above proceedings and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 24, 1902.

In the matter of the application of SUSAN HENSON, ET AL, for enrollment as citizens by blood of the Cherokee Nation:

JAMES HENSON, called as a witness, being duly sworn, and examined by the Commission, testified as follows:

- Q What is your name ? A James Henson.
Q What is your age ? A 44.
Q What is your post office address ? A Starvilla, I. T.
Q You are the father of Susan and Laura Henson ? A Yes sir.
Q What was their mother's name ? A Nan.
Q When were you married to her ? A We were not lawfully married.
Q When did you begin to live with her ? A I don't know what year it was; she was going on somewhere about 16 or 17 years old when I got her.
Q How long had you been living with Nan when this child was born ?
A I don't know.
Q About how long ? A I don't know.
Q How long did you live with Nan altogether ? A I don't know; about a year, or a year and a half, maybe two.
Q Was it one year, or a year and a half, or two years ?
A Somewhere about two years.
Q You lived with her all told that many years ? A Yes sir.
Q How many months after you took up with this Nan was it that Susan was born ? A I don't know.
Q You want to know; we want to find these things out. Was it as much as a month ? A I don't know.
Q Was it two months ? A It was two or three months.
Q Two or three months after you started to living with Nan, Susan was born ? Now listen to the questions and answer them properly. How long were you living with Nan before this child Susan was born ?
A It's hard to tell.
Q Well, about how long was it ? A It's too hard for me.
Q Haven't you any idea at all ? A No sir.
Q Was it ten years ? A No sir.
Q Was it ten months ? A It might have been ten or eleven months, some where along there.
Q You lived with her about two years did you ?
A Somewhere about that. I lived longer than that with her.
Q Were you living with her when this second child, Laura, was born ? A No sir.
Q How long had you been separated from her then ?
A Two or three months.
Q Who are these children living with now ? A With me.
Q Who did they live with after you separated ?
A They lived with their mother up until she died, and after she died they got an aunt they lived with a while.
Q Their mother's sister ? A Yes sir. They lived with her until I took them.
Q How long have you had them ? A I expect I have had them-- I don't know how long she's been dead, but I have had them something like seven or eight years.
Q Were you ever married before you started to living with Nan ?
A No sir.
Q Was she ever married before that time ?
A Not that I know of.
Q How long had you known her before you took up with her ?
A Two or three months. I was raised here in the Cherokee Nation, and they came in here, and that's the way I got acquainted with them.

This girl, the aunt to my children, and then all come together.
 Q Have you ever drawn any money for these children? A No sir.
 I enrolled on the Wallace roll but they didn't draw.

Examined by J. C. Starr:

Q Where did you say this woman came from? A They come from
 Dever, Arkansas, I think is where she come from.
 Q Whereabouts in the Cherokee Nation did she go to?
 A Webbers Falls in the Canadian District.
 Q How long did she live there before you took up with her?
 A I expect she was there a month or two, or maybe three months.
 I don't remember exactly.
 Q Where did you live when you took up with her?
 A I was living at a place called the old Parler place.
 Q How far from Webbers Falls? A About two miles and a half
 or three.
 Q Who were your nearest neighbors? A An old woman who is
 dead now, by the name of aunt Martha Batiste, and Jim Parler, and
 Jimmie Drew, and his wife, but his wife is dead now. I have been
 here in the Cherokee Nation for—in Coconawawee District about ~~two~~
 twenty two or three years now.
 Q I want to know who were your nearest Cherokee neighbors at the
 time you were living with this woman?
 A Miss Lynch and her children.
 Q Is she alive now? A Yes sir. Jess is dead, but Miss
 Lynch is living. There wasn't many Cherokees living in close
 around there. Miss Lynch knows more about it than anyone else,
 she named this girl Susie after herself.
 Q Do you say you actually lived in the same house with this woman?
 A Yes sir.
 Q How long did you live in the same house with her?
 A I don't know exactly, I was working around first one place and
 then another, and I don't know how long I did work at the same
 place. Of course we were never married.
 Q You made this woman's house your stopping place? Was it your
 house or hers? A It wasn't her house nor mine either, but that
 was where she was staying.
 Q Was she staying there first? A Yes sir, she stayed
 first up at town at Miss Lynch's place, and then she moved up on
 the river, and then on the Griffin place.
 Q You worked around in the country, and would make her house your
 stopping place once in a while, and you would go and stop with
 her? A Yes sir, that's where I stayed at.
 Q Wherever her home was there's where you followed and stayed
 there? A That's where we stayed at. We didn't have no
 place; she didn't and I didn't either, and we first rented from
 Miss Lynch, and then moved up on the river up close to Emerson's,
 and then moved back down to the Griffin place.
 Q Who tended this land you are speaking about?
 A We didn't get no land to tend, I just worked around.
 Q You worked around, and wherever this woman went to live you
 followed? A No sir, I wasn't following her.
 Q If she moved from one place to another you went there too?
 A We moved to different places you know.
 Q The woman did the moving and you just stopped wherever she went?
 A No sir.

Examined by the Commission:

Q Did this woman Nan ever have any other children? A Yes sir.
 Q How many did she have when you started to living with her?
 A I think she had two or three.
 Q Did she bring those children with her? A Yes sir.

- Q What was their father's name ? A I don't know.
 Q What did they call the children ? What did they call the
 eldest one ? A Beek Kalley.
 Q What is the next one's name ? A I don't know. One named
 Jig and one named Boss.
 Q Do you mean to say that you don't know the last names of those
 two children Jig and Boss ? A No sir. They called the Boss
 boy White, and this girl I don't know nothing about her name.
 Q How long after your separation was it before Ben married ?
 A I don't know exactly.
 Q About how long ? A That's pretty hard to say.
 Q How many years was it ? A It might have been one or one
 and a half, before she died.
 Q You mean that she died a year and a half after you separated ?
 A Yes sir.
 Q Where did she go when you separated ?
 A She got a little house on the place close to the Baptist church.
 Q Who was she living with after you separated ?
 A Living by herself.
 Q Did she have any other children after you separated ?
 A Yes sir, she had one I know.
 Q What was that child's name ? A They named it Mack.
 Q Mack what ? A They didn't say.
 Q How long after your separation was it before that child was born ?
 A It was about a year or maybe longer.
 Q Was that the only child she had after you separated ?
 A Yes sir, the only one I know of.

Examined by J. C. Starr:

- Q This woman never was married ? A No sir we never was, I
 don't know how she was with others.

NANCY SHEPPARD, called as a witness for the applicants,
 testified as follows, after having been duly sworn :

Examined by the Commission:

- Q What is your name ? A Nancy Sheppard.
 Q How old are you ? A I reckon about 58.
 Q Where do you live ? A Webbers Falls.
 Q Do you know Jim Hansen ? A Yes sir.
 Q How long have you known him ? A A long time.
 Q Have you known him ever since he was a child ?
 A No sir, ever since he was a young man.
 Q Do you know those two children he claims as his ?
 A Yes sir, I am granny to one of them.
 Q What are their names ? A Essie and Laurine.
 Q Who was the mother of those children ?
 A Ben Beett, or Hansen.
 Q How long did you know Ben Beett ? A A long time.
 Q Do you know where she came from to the Nation ?
 A No sir, I knowed her at Webbers Falls.
 Q Did you know her before she came to the Nation ? A No sir.
 Q How long after she came here until she and Jim commenced to live
 together ? A I don't know—maybe twenty five years.
 Q You don't understand. How long was it after Ben came to this
 country before she and Jim took up with each other ?
 A I don't know.
 Q Haven't you an idea; was it a month or a year ?
 A I don't know.
 Q How long did they live together ? A I don't know; about
 four or five years I reckon.

- Q De you know whether these children were born during that time ?
 A Yes sir I know when both were born. I waited on Laurine.
 Q How long before their separation was that child born ?
 A They didn't separate at all I don't reckon, because he just continued to go on there all the time, and took care of her. Of course they were not married legally, but they just took up together, and acted just like man and wife.
 Q Did Han have any children when she came there ? A Yes sir.
 Q Did she ever say whether she was ever married before ?
 A She didn't say.
 Q Did she have any children after she separated from Jim ?
 A I think she had one just about the time she died.
 Q Was that child born before she parted from Jim or afterwards ?
 A Afterwards.
 Q How long ? A About a couple of years I reckon.
 Q Was she ever married to the father of that last child ?
 A No sir.
 Q As a matter of fact she and Jim continued to live together all the time as man and wife ? A Yes sir, they kinder called one another husband and wife.
 Q How often was Jim there at the house ? A All the time. He was there, and carried grub there.
 Q How far did they live from you ? A About a half a mile.
 Q Isn't it a fact that Jim was away from that place as much as a week at a time ? A Yes sir, and my husband is away from me that way too.
 Q Didn't that happen frequently ? A Well about as much as any other man would do.
 Q Did she live with anyone else during that time ?
 A No sir, she didn't claim nobody else.
 Q What was her citizenship, do you know ?
 A She claimed to be a Cherokee.
 Q Was she ever recognized ? A I She never tried. Her mother did.
 Q Was she a colored woman or a Cherokee by blood ?
 A She was part colored and part Cherokee by blood. Her mother was a Cherokee and had a colored man.
 Q About how long ago was it that she came to the Cherokee Nation ?
 A I don't know.
 Q Haven't you any idea ? A No sir.
 Q Was it very long before she took up with Jim ? A I can't tell. I don't know just how long it was.
 Q Where was she living when you first saw her ?
 A Webbers Falls.
 Q With whom was she living ? A No body.
 Q How long after you learned to know her was it before she took up with Jim ? A About a year or two I reckon. I don't know.
 Q How long has she been dead ? A I can come pretty near telling how long she's been dead. She's been dead about seven or eight years. I was there when she died, and was there when she was buried.

Examined by J. C. Starr:

- Q This woman never was married to Hansen ? A She was married just about like they are all married.
 Q They just took up ? A Yes sir, that's the way colored folks done. They wouldn't issue any license.
 Q He worked around the country and would go there once in a while ?
 A He went there and took grub for the children, and paid the granny's bills.
 Q How long did they live together ? A Until just a while before she died. When she had this last child she died.
 Q How long did they live together ? A I don't know sir, of course I never kept no record of that.
 Q You said a while ago they lived together five years ?
 A I reckon about that.

Q If he says it was a year and a half he was mistaken ?
 A Maybe it was. He knows better than I do. All I know is that they lived together, and I was granny to the child

Ex examined by the Commission:

What was the cause of this separation ? A I don't know.
 Haven't you ever heard ? A No sir.

KATIE WRIGHT, called as a witness for applicants, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Katie Wright.
 Q How old are you ? A Thirty.
 Q What is your post office address ? A Webbers Falls.
 Q Do you know Jim Henson ? A Yes sir.
 Q How long have you known him ? A About 18 years.
 Q Do you know his two children ? A Yes sir.
 Q Who is their mother ? A Nan Scott.
 Q How long did you know Nan Scott before she died ?
 A I knowed her all my life.
 Q Do you know whether she and Jim Henson were ever married ?
 A No sir.
 Q What do you mean by that; were they married or not married ?
 A They were married according to the Cherokee law.
 Q How long did they live together ? A I don't know.
 Q About how long ? A Eight or ten years I reckon, to my remembrance. I don't know exactly how long.
 Q Where were you living during all that time ?
 A I was living at the Falls.
 Q How far from them ? A I don't know exactly how far.
 Q Well about how far was it ? A I guess I lived five or six miles from them.
 Q Did you ever see them while they were living together ?
 A Yes sir.
 Q Did you ever visit at their home ? A Yes sir, I have been there some.
 Q Do you know whether or not these children were born during the time they were living together ? A Yes sir.

Examined by J. C. Starr:

Q You say they lived together eight or ten years ?
 A I think so. I don't know exactly how long.
 Q Were these people ever married ? A Not that I know of.
 Q You said a while ago they were married according to Cherokee law.
 A Well they lived together.
 Q They just took up and lived together ?
 A Yes sir, that's the way I see a heap of them do.
 Q How long did they live together ? A I don't know I told you.
 Q You don't know whether it was ten years or not ? A No sir.
 Q It might have been one year for all you know ? A Yes sir.
 Q How far did you live from them ?
 A About six miles part of that time.
 Q Were you at their house very often ? A Not very often.
 Q How many times were you there ?
 A I can't tell you how many times.

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

H. C. Bagwell.

Subscribed and sworn to before me this June 27, 1902.

H. Renter
Notary Public.

U.S. DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUL 3 1902

APPROVED

Cherokee D-1177.

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

In the matter of the application for the enrollment of Susan and Laura Henson as citizens by blood of the Cherokee Nation.

D E C I S I O N.

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The record herein shows that on April 13, 1801, James Henson appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of his two minor children, Susan and Laura Henson, as citizens by blood of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on June 24, 1802. James Henson was also included in the application, but he is not embraced in this decision, and the records of the Commission show that he has been enrolled as a citizen by blood of the Cherokee Nation, his enrollment number being 17624.

The evidence shows that Susan and Laura Henson are the illegitimate children of Nan Scott and the said James Henson, a citizen by blood of the Cherokee Nation. The said James Henson is identified on the Cherokee authenticated tribal roll of 1800, and Susan and Laura Henson are, therefore, his descendants, born since the date of said roll.

The evidence further shows that James Henson, the father of the applicants, has resided in the Cherokee Nation all his life, and the residence of the said children is considered to be that of their father.

It is, therefore, the opinion of this Commission that Susan Henson and Laura Henson should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section

Cherokee D-1177.

-2-

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, James Dixby.
Acting Chairman.

SIGNED, I. B. Needles.
Commissioner.

C. R. Breckinridge.
Commissioner.

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

COMMISSIONERS

HENRY L. DAVIS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D-1177

Muskogee, Indian Territory, February 7, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:-

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting the application of James Henson for the enrollment of his two minor children, Susan and Laura Henson, 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-524

IN THE MATTER OF THE APPLICATION OF

Eusan Hensou et al

Original testimony April 13, 1901

name of application April 13, 1901

Admission: ... 1/02

D

~~supplemental~~
17451

Cher D 1178

Cher D 1178

Cherokees by blood.

Department of the Interior,
Commission to the Five Civilized Tribes,
St. Gibson, I.T., April 19, 1901.

In the matter of the application of George Saunders Chambers for the enrollment of himself as a Cherokee citizen by blood; being sworn and examined by Commissioner Brackinridge, he testified as follows:

- Q Give me your full name? A George Saunders Chambers.
Q How old are you? A I am 45 years old.
Q What is your post-office? A Ponca City, Oklahoma.
Q You want to be enrolled as a Cherokee by blood? A Certainly.
Q Who do you want to apply for besides yourself? A No one.
Q Are you on any of the rolls of the Cherokee Nation? A On every one that's ever been made since I was born.
Q How long have you lived in Oklahoma? A I left this country in 1889, and then I was back and forth until 1891; when I married an Osage.
Q In the Osage Nation? A Yes sir.
Q That was in 1891? A Yes sir.
Q And where did you live after that? A I have lived there ever since.
Q In the Osage Nation? A Yes sir.
Q You live in the Osage Nation now? A Yes sir; to-day; I live by here there, while I am allowed no privileges on cards.
Q You have always considered yourself a Cherokee citizen? A Yes sir.
Q Never voted as an Osage or anything of that sort? A No sir, I voted here every election except the last election.
Q Give me the name of your father? A James Chambers.
Q Is he dead? A Yes sir, he died three years ago in December.
Q Give me the name of your mother? A Catharine.
Q Is she dead? A No, sir.
Q You are married at this time, are you? A Yes sir, and have three children.
Q Is your wife an Osage? A Yes sir,
Q She claims Osage citizenship, does she? A She has a perfect right there, yes, sir.
Q And you have her and the children on the Osage roll? A Yes sir.
Q In what district do you vote in the Cherokee Nation? A In Cowlescoawee.
Q You claim that as your home? A Yes sir, all my people live there all my brothers and sisters and my sister.

1890 authenticated roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 742 #363 Geo. S. Chambers, Cherokee Nat, native Cherokee

1896 census roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 136 #1125 George S. Chambers, Cowlescoawee Dist, native Cherokee, 42 years old.

Com'r: There is a question of law that I want the full Commission to pass on; I will not pass on it myself.

Com'r Brackinridge: The applicant is duly identified on the rolls of 1890 and 1896 as a native Cherokee; he states that he has lived in the Cherokee Nation all his life until 1889 when he went to the Osage country, where he married in 1891, and since 1891 he has lived continuously in the Osage country; he states that his wife is an Osage and that she and their children are enrolled as members of the Osage tribe; in order to submit the question of residence involved in this application to the full Commission, no decision will be made

George Sanders Chambers 2

at this time, and he will be listed as a Cherokee by blood upon a doubtful card; final decision will be made known to the applicant at his post-office address.

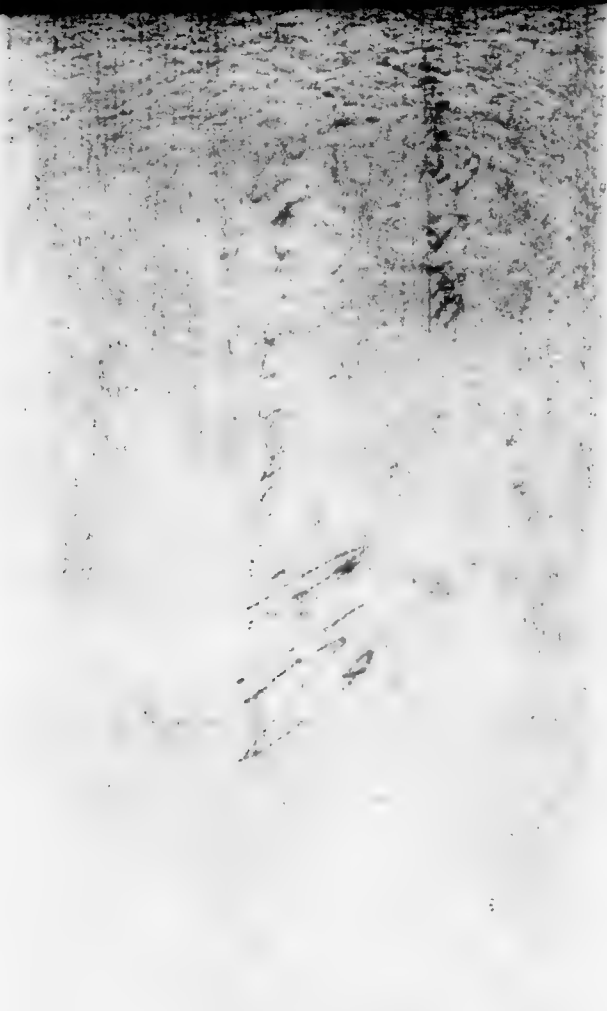
H. D. Green being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

H. D. Green

Subscribed and sworn to before on this April 23, 1901.

W. H. ...

Commissioner.



82. 8

Supl.-C.D.#1178.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 31, 1902.

SUPPLEMENTAL in the matter of the enrollment of GEORGE S.
CHAMBERS as a citizen of the Cherokee Nation:

The applicant was notified by registered letter March 1, 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 21st day of March, 1902, and that he could on said day appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any additional testimony affecting his application. The applicant has this day, to-wit: the 21st day of March, 1902, been called and failing to respond either in person or by attorney, the case 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 upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the above proceedings and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

Cherokee D #1178:

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

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

DECISION.

The record in this case shows that on April 19, 1901, George S. Chambers appeared before the Commission at Fort Gibson, Indian Territory, and made personal application for enrollment as a citizen by blood of the Cherokee Nation.

The evidence shows that the applicant is a Cherokee by blood and that he is identified as such on the 1880 authenticated Cherokee roll and on the Cherokee census roll of 1896.

The evidence further shows that the applicant was a resident of the Cherokee Nation for some years immediately preceding 1891, since which time he has lived in the Osage Nation, Oklahoma. It does not appear that he ever removed with his effects from the Cherokee Nation or became a citizen of another government; on the contrary, the evidence shows that he always considered himself a citizen of the Cherokee Nation and has voted in said Nation at every election but one since he became of voting age.

It is, therefore, the opinion of this Commission, following the decision of the Department in the case of Joseph D. Veargain, et al., (I.T.D. 2900-1903), that George S. Chambers 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 Stat., 425), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this MAR 10 1901

MDG

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

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

REFER IN REPLY TO THE FOLLOWING
Cherokee D 1178

ALLISON L. AYLESWORTH,
SECRETARY

BR
ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

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 George S. Chambers for enrollment as a citizen by blood of the Cherokee Nation.

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

Respectfully,



Commissioner in Charge.

Encl. V-27

THE MATTER OF THE APPLICATION OF

George S. Chambers

A. Original testimony April 19, 1901

B. Minutes of application April 19, 1901

. Notice of fiduciary consideration, 5/11/02

and
the

of

Cher D 1179

Cher D 1179

Cherokees:

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., April 20, 1901.

In the matter of the application of Bryant Hughes for the enrollment of himself, wife and two children as Cherokee citizens; himself and children as Cherokees by blood, and his wife as an intermarried Cherokee.

Bryant Hughes, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your full name? A Bryant Hughes.
- Q How old are you? A 41.
- Q What is your post office? A Melvin.
- Q In what district do you live? A I live in Tahlequah district.
- Q Who is it you want to have enrolled besides yourself? A Two children and my wife.
- Q Do you claim to be a Cherokee by blood? A Yes, sir.
- Q What is your wife, a white woman? A Yes, sir.
- Q How long have you lived in the Cherokee Nation? A I was born and raised right here.
- Q You have lived in the Cherokee Nation all your life? A Yes, sir.
- Q Are you on the rolls of the Cherokee Nation? A Yes, sir.
- Q Give me the name of your father? A Otterlifter Hughes.
- Q Is your father dead? A Yes, sir.
- Q How long has he been dead? A He died before the war.
- Q Give me the name of your mother? A Jency Hughes.
- Q Is your mother dead? A No, sir, she is living now.
- Q Give me the name of your wife? A Janie Hughes.
- Q How old is your wife? A 29.
- Q When were you and she married? A The 13th of May will be 16 years.
- Q Have you a certificate of marriage to her? A It got burned up; everything in the house got burned up.
- Q Give me the name of your wife's father? A His name is Aaron Prescott.
- Q Is your wife's father living? A No, sir, he is dead.
- Q Give me the name of your wife's mother? A She is named Jane I think.
- Q Is she alive? A Yes, sir.
- Q Was your wife a Prescott when you married? A Yes, sir.
- Q She had never been married before? A No, sir.
- Q Were you ever married except to this wife? A No, sir.
- Q This is your first marriage? A Yes, sir, my first wife.
- Q Have you and your wife lived together ever since you were married? A Yes, sir.
- Q And all the time in the Cherokee Nation? A Yes, sir.
- Q Give me the names of your children? A One is named Clifford and the other is named Lewis.
- Q Is Clifford the older? A No, sir, Lewis.
- Q How old is Lewis? A 6 years old, going on 7.
- Q How old is Clifford? A 4, going on 5.
- Q These children are both living now are they? A Yes, sir.
- Q Who here knows that you and your wife are living together as husband and wife? A I don't know.
- Q Where were you married? A I was married in the Cherokee Nation; where I got her was right over in Washington County, and we came in the Cherokee Nation and married.
- Q Did your wife live in Washington County, Arkansas? A Yes, they lived in the state there.
- Q Did you marry her in Washington County, Arkansas? A No, I married her in the Cherokee Nation, right there near the line.
- The 1880 authenticated roll of Cherokee citizens examined and the applicant Bryant Hughes identified thereon, page 1300.

Bryant Hughes - 2.

No. 753, No. 854, Tahlequah district;
The 1896 census roll of Cherokee citizens examined and the
applicant's identified thereon as follows:
Bryant Hughes on page 1190, No. 1653,, Tahlequah district;
Janie Hughes on page 1888, No. 128, Tahlequah district, as
Jennie Hughes;
Lewis Hughes on page 1190, No. 1654, Tahlequah district.

Q You will have to supply us with a certificate of your marriage
to your wife; you can get it from the record at Tahlequah, or else
bring somebody in here who knows that you and your wife are living
together as husband and wife.

Commissioner Breckinridge: The applicant 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 with him on the roll of 1896. He
states that they were married ten years ago, that she is a
white woman, and that they have lived together ever since
their marriage, and that neither was previously married. He
is unable to supply the Commission with a certificate of
marriage at this time, to to affirm his testimony by any ad-
ditional personal testimony, and his wife will now be listed
for enrollment as a Cherokee by intermarriage upon a doubtful
card, to await evidence of her marriage. The oldest child,
Lewis, for whom application is made, is duly identified on
the roll of 1896. This child will be listed for enrollment
as a Cherokee by blood on a doubtful card with its mother, to
await the evidence of her marriage to the child's father.
When the Commission is supplied with a proper certificate of
the birth of the younger child, Clifford Hughes, this child
also will be listed for enrollment as a Cherokee by blood on
a doubtful card with its mother.

Bruce C. Jones, being duly sworn, says that as stenographer to
the Commission to the Five Civilized Tribes he correctly record-
ed 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 20th of April, 1901.

W. H. Breckinridge

Commissioner.

Supl.-C.D.#1179.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 21, 1902.

SUPPLEMENTAL in the matter of the enrollment of JANIE HUGHES,
ET AL., as citizens of the Cherokee Nation;

The applicant was notified by registered letter March 1, 1902, that her application for the enrollment of herself, et al. as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 21st day of March, 1902, and that she could on said date appear before the Commission either in person or by attorney when an opportunity would be offered her to introduce any further testimony affecting her application. Receipt has not yet been acknowledged of Commission's letter, and the applicant has this day, to-wit: the 21st day of March, 1902, been called and failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---00000,000---

I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the 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 1179

RECEIVED
JUN 13 1922
EXECUTIVE DEPARTMENT, CHEROKEE NATION.
Tahlequah, Ind. Ter.

I hereby certify that I have carefully examined the records of Marriages in this office and they fail to disclose any evidence of a marriage between Bryant Hughes and Jamie Prescott such records being now on file in this office and in my legal custody.

In testimony whereof I hereunto set my hand and affix the seal of the Cherokee Nation on this the 30th., of June A.D. 1922.

J. P. ...
Executive Secretary.

of June 1885.

621170

and with the best of the Cherokee Nation on this day.

and

and receive the new law in this office and in my office
of the Cherokee Nation and the Cherokee Nation
I hereby certify that I have carefully examined the records

of the Cherokee Nation.

Executive Department, Cherokee Nation.

OFFICE OF THE ATTORNEY GENERAL
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUL 14 1902

~~XXXXXXXXXX~~
ACTING CHIEF

Cherokee D 1170

Cher
Supp'l to D 1179

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., April 20, 1903.

In the matter of the application of JANIE HUGHES, for the enrollment of herself, as a citizen by intermarriage, and her children LEWIS, CLIFFORD and ADA B. HUGHES, as citizens by blood, of the Cherokee Nation:

JANIE HUGHES, being first duly sworn, and examined, testified as follows:

Examined by the Commission:

- Q What is your name ? A Janie Hughes.
Q How old are you ? A I am twenty nine years old.
Q What is your post office ? A Vera, I. T.
Q You are a white woman ? A Yes sir.
Q Claiming citizenship by marriage ? A Yes sir.
Q What is your husband's name ? A Bright Hughes.
Q Is he a Cherokee by blood ? A Yes sir.
Q When were you married to him ? A I was married in 1892.
Q Are you sure that was the year ? A Yes sir, I have been married twelve years.
Q Why your husband says you were married in 1885 ?
A Bright aint much of a scholar, he can't count hardly, I was married in 1892.
Q Who married you ? A The clerk.
Q What is his name ? A He's dead now.
Q What was his name ? A I have forgot his name now, he was a Cherokee man.
Q Was he clerk of some Cherokee district ? A Yes sir.
Q What district ? A Up there on the line.
Q What district was it ? A He was a half-breed.
Q What district was it in ? A Goingsnake.
Q Did you have a license ? A Yes sir, our license got burned up, and Bright's people all seen it.
Q You have never married again ? A No sir.
Q The clerk married you ? A Yes sir.
Q And the license was burned up ? A Yes sir.
Q You say the clerk is dead now ? A Yes sir.
Q Was that your first marriage ? A Yes sir. The first time I was ever married, never was married but once.
Q Was your husband married before ? A No sir.
Q Have you been living together ever since that time ?
A Yes sir.
Q Never separated ? A No sir.
Q Has your husband lived in the Cherokee Nation all his life ?
A Yes sir; and I have been here for twelve years.
Q How many children have you ? A Three.
Q What are their names ? A Ada, Lewis and Clifford.
Q You never lived outside the Cherokee Nation since you and your husband were married ? A No sir, never have lived outside the Cherokee Nation, been here for twelve years.
Q You say your marriage license and certificate were burned up ?
A Yes sir, I am sure of that.
Q When was that ? A About two years ago.
Q Shortly after you were enrolled ? A No sir, it was after we enrolled; we got enrolled last year, the Dawes Commission come to our house, they come to Melvin.
Q Didn't your husband enroll at Fort Gibson ? A Yes sir.
Q Was it burned up at that time ? A Yes sir, it was burned up.

- Q At that time ? A Yes sir.
- Q Have you ever written to the Executive Secretary at Tahlequah to see if he had it there ? A No sir; Bright's mother is a good witness, and she knows about it.
- Q She saw the certificate ? A Yes sir.
- Q She didn't see the marriage ? A No sir.
- Q Have you any witnesses here today that saw you married ? A No sir, Bright's people know it.
- Q Who was present and saw you married ? A My mother and my sister.
- Q Where are they living ? A Up close to the nation line. Up close to Westville, ~~in~~ ~~the~~ Arkansas .
- Q Living in Arkansas ? A Yes sir; I guess you know where Westville is.
- Q How far is Vera from Tahlequah ? A About one hundred miles.
- Q What was your maiden name ? A Prescott.
- Q That was your name when you were married ? A Yes sir.
- Q How it appears from a certificate here from the Executive Secretary of the Cherokee Nation that there is no record of your marriage over there ? A Well, Bright's mother is a witness.

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

E. C. Bagwell

Subscribed and sworn to before me this August 4, 1903.

Samuel Foreman

Notary Public.

Cherokee D-1179.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T., July 6, 1903.

In the matter of the application of Janie Hughes for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her children, Lewis, Clifford and Ada B. Hughes, as citizens by blood of the Cherokee Nation.

Susan Prescott, being duly sworn, and examined by the Commission, testified as follows:

- Q What is your name? A Susan Prescott.
- Q How old are you? A I am about fifty-one.
- Q Where do you live? A I live in the states.
- Q Arkansas? A Yes sir.
- Q What place, what postoffice? A I live at Star Hill postoffice; they call it Lincoln, that is the name of the station.
- Q And the name of the postoffice is what? A Lincoln.
- Q Are you a citizen of the Cherokee Nation? A No sir.
- Q Do you know Janie Hughes? A Yes sir, that is my daughter; I ought to know her.
- Q What is her husband's name? A Bryant Hughes.
- Q He is a citizen of the Cherokee Nation? A Yes sir.
- Q When were they married? A I can't hardly tell you, I forget.
- Q About how many years ago? A About twelve years ago.
- Q Do you remember it was about twelve years ago? A Yes sir.
- Q Where were they married? A They were married in Lincoln.
- Q At your home? A In Lincoln, on the Cherokee line.
- Q Were you present at the marriage? A No sir, I wasn't there.
- Q Had your daughter been living with you before she was married? A Yes sir.
- Q She was? A Yes sir.
- Q I asked you if your daughter had been living with you before she was married? A Of course, she lived with me.
- Q Up until the time she was married? A Yes sir.
- Q Did Mr. Hughes come to the house to see her? A Yes sir.
- Q And you knew they were married? A Yes sir.
- Q And have they been living together ever since? A Yes sir.
- Q And you have visited them quite frequently? A Yes, I visited them pretty often.
- Q How many children have they? A They have three living and two dead.
- Q Lewis, Clifford and Ada? A Yes sir.
- Q Those are the children living? A Yes sir.
- Q You say you weren't at the marriage? A No sir.
- Q Did you ever see the marriage license or certificate? A I seen the marriage license.
- Q You saw the marriage license? A Yes sir.
- Q When did you see that? A They came back on the 17th.
- Q And they stayed at your house? A No, not the first night they were married they didn't.
- Q But they came to your house the day after they were married? A No.
- Q Well, how did you see the license then? A I seen the license before they were married.
- Q Who had it? A They read them to me; I can't read.
- Q Who read them to you? A My daughter did.
- Q Who married your daughter to Mr. Hughes, do you know the preacher's name? A I can't think of his name; whenever I get bothered I can't recollect his name.
- Q You don't remember? A No sir.
- Q Married by a preacher, were they? A Yes.

2-Janie Hughes et al.

- Q Is Mr. Hughes your daughter's first husband? A Yes sir.
Q She never had been married before? A No sir.
Q You say she has been living with him ever since they were married?
A Yes sir.
Q Were any of your family at the marriage? A My daughter was, and another.
Q Your two daughters? A One of my daughters. They are both named Cheatham and they are sisters-in-law.
Q Your daughter and who else? A Cheatham's sister.
Q Who is Cheatham's sister, any relative of yours? A He married one of my daughters.
Q He is your son-in-law then? A Yes sir.
Q Where are they living? A They live at Star Hill.
Q In Arkansas? A Yes sir.
Q Why didn't they come over with you and testify? A They couldn't come.
Q Neither your daughter nor your son-in-law, neither one of them?
A No sir.

Bryant Hughes, being duly sworn, and examined by the Commission, testified as follows:

- Q Your name is Bryant Hughes? A Yes sir.
Q You are the husband of Janie Hughes? A Yes sir.
Q This witness, Susan Prescott, is your mother-in-law? A Yes sir.
Q She has come over from Arkansas to testify for your wife in this case? A Yes, all what she knowed.
Q Now it appears that she wasn't present at your marriage but that one of her daughters and her son-in-law were; did you try and get them to come over and testify? A It was her daughter and another girl; it was Cheatham's sister. He married her daughter; Cheatham married her daughter, and it was his sister.
Q Did you ask these other parties who were present at the marriage, did you ask them to come here and testify for you? A She asked them to come here and they said they couldn't come.
Q Is the preacher who married you living? A No, he is dead.
Q All the witnesses who were present at your marriage are living in Arkansas or dead? A Yes.
Q None of them are living in the nation? A One of them is dead.
Q Where are the others? A They are in the states.
Q None of them living in the nation? A None of them living in the nation now.
Q And you tried to get them to come here? A Yes sir.
Q Are they poor people? A Yes, they haven't got much.
Q You were never married but once were you? A That is all.
Q Did the preacher who married you give you a marriage certificate?
A He didn't give me no certificate when I gave him the licence.
Q Was it sent to be recorded? A I don't know anything about it.
Q What was it burned up? A Our licence.
Q Your licence? A Yes, when our house got burned.
Q When did you get your licence? A I got them at Fayetteville.
Q And where were you married? A I was married on the line.
Q What place? A Right at the clerk's house on the line.
Q Do you know the name of the place? A Presbyterian Church.
Q Is there a town there? A No, there aint no town there; it is just a church.
Q Hasn't the place got a name? A I don't know, that is all I know about it.
Q You know that the preacher is dead? A Yes, he is dead.
Q Where did you go after you were married? A We went back to her house.
Q To whose house, Susan Prescott? A Yes.
Q Did you stay there all night? A We stayed there a week before we came back to the nation.

5-Jamie Hughes et al.

Q She said you didn't go to her house? A The first night we didn't, we stayed on the line.

Susan Prescott recalled:

Q Did you say you asked your daughter and this other lady to come here and testify? A Yes sir.

Q What did they say? A They couldn't come, they weren't able to come.

Q Are they poor people? A They are called poor people.

Q How far is Lincoln from here? A It is about forty or forty-five miles.

Q Lincoln, Arkansas? A Yes sir, ten miles from Westville.

.....

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.

Ed. J. [Signature]

Subscribed and sworn to before me this 8th day of July, 1903.

Samuel Foreman
Notary Public.

Cherokee D-1179.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, Indian Territory, July 7, 1903.

In the matter of the application of Jamie Hughes for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her children, Lewis, Clifford and Ada B. Hughes, as citizens by blood of the Cherokee Nation.

Mary Cheatham, being duly sworn, and examined by the Commission, testified as follows:

- Q What is your name? A Mary Cheatham.
Q How old are you? A I am twenty-five.
Q Where do you live? A Star Hill.
Q Arkansas? A Yes sir.
Q Do you know Jamie Hughes? A Yes sir.
Q The wife of Bryant Hughes? A Yes sir.
Q She is a white woman? A Yes sir.
Q Do you know when they were married? A Yes sir.
Q When? A They were married the 18th of May.
Q What year? A The 16th I mean.
Q The 16th of May? A They got the license on the 18th and married the 16th.
Q They got the license on the 16th? A I mean the 15th.
Q How many years ago? A Twelve years.
Q Were you present? A Yes sir.
Q Where were they married? A They were married in the Cherokee Nation.
Q Where about? A At the church house down here.
Q Near what place? A I don't know exactly what place.
Q Who married them? A I forgot that man's name.
Q Was he a preacher? A Yes sir.
Q You saw the license, you say? A Yes sir.
Q And you saw them married? A Yes sir, I was present.
Q Where did they go after they were married? A It took them a day to go back home to Arkansas.
Q Did you go with them? A Yes sir.
Q Have they been living together ever since as husband and wife?
A Yes sir.
Q Are you related to these parties? A She is my own sister.
Q Jamie is? 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.


Subscribed and sworn to before me this 8th day of July, 1903.


Notary Public.

Cherokee D-1179.

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

In the matter of the application for the enrollment of Lewis, Clifford and Ada B. Hughes as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on April 20, 1901, Bryant Hughes appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of himself and his three minor children, Lewis, Clifford and Ada B. Hughes, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Janie Hughes, as a citizen by intermarriage of said Nation. Further proceedings in the matter of said application were had at Vinita, Indian Territory, on April 20, 1903, and at Tahlequah, Indian Territory, on July 6, and July 7, 1903. Said Bryant Hughes is not embraced in this decision, his name being upon the partial roll of Cherokee citizens by blood approved by the Secretary of the Interior on December 23, 1902, at No. 17625. The application for the enrollment of Janie Hughes as a citizen by intermarriage of the Cherokee Nation is not passed upon at this time, nor is she embraced in this decision.

The evidence shows that Bryant Hughes, a Cherokee citizen by blood, and his wife, Janie Hughes, were married in 1892. As a result of that marriage the minor applicants herein were born. The said Bryant Hughes is identified on the Cherokee authenticated roll of 1880 and the Cherokee census roll of 1896; Lewis Hughes is identified on the Cherokee census roll of 1896, and Clifford and Ada B. Hughes are identified by birth affidavits made a part of the record herein.

The evidence further shows that Bryant Hughes has lived in the Cherokee Nation all his life. The minor applicants herein have also lived in said Nation all their lives, and with their said parents.

It is, therefore, the opinion of this Commission that Lewis Hughes, Clifford Hughes and Ada B. Hughes 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)

Wm. D. Doby

Chairman.

Commissioner.

C. ...

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this MAR 10 1904

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 Bengé	1276	Lizzie Bengé	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 Bengé	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	Dona A. Frazier	2312
Mary A. B. McKinney	1550	Laura B. Cordrey	2320

Lafayette 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 Baldrige	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. Eggleston	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 Dirthrower	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	Roxie J. Ketchum	4623
Sydney E. Bell	4232	Lizzie Love	4626
Isaac H. Jordan	4235	Robert K. Wann	4632
Charles Parks	4244	Frederick Metzner	4633
Dora Frenchman	4262	John C. Bratcher	4634
James R. Fugate	4275	Pigrow L. Jones	4641
Maud Adams	4277	Ada Bertholf	4642
Elizabeth Black	4281	Alice Robbins	4644
Anna Thornton	4291	Jane Dougherty	4649
Robert T. Morrison	4294	Samuel Francis	4650
Perley Israel	4295	Clemon C. Peek	4652
William A. Long	4304	Mont C. Frazier	4653
Mollie Swannock	4319	Frank J. Mayberry	4656
Frances Guess	4324	Charles W. Moore	4660
Allen H. Gibson	4327	Jefferson D. Edmondson	4661
John McFall Jr.	4343	Alonzo H. Boone	4662
Albert W. Fitzsimmons	4360	Thomas C. Mock	4668
George S. Ford	4386	Sallie Allison	4669
Quinn Carr	4387	Elizabeth E. Burgess	4671
William A. Powell	4390	LaFayette Breeden	4673
Austin Hasley	4400	James M. Boling	4676
Anna Bible	4414	Francis A. Neilson	4681
Elizabeth Riley	4428	John F. Smith	4689
John P. Sudderth	4449	Rufus S. Steward	4691
Anderson Keen	4450	John I. Haddock	4694
Ida M. Adams	4451	Maggie O. Walkley	4695
Martha J. Randall	4457	George W. Talbert	4698
Mollie Conner	4477	Mary Miller	4700
Jane McGhee	4491	Henry C. White	4707
Jennie Riley	4525	Mattie E. Hill	4760
Hannah Randall	4528	Alice A. Bible	4772
Charles W. Childers	4542	Katie Coker	4785
Nannie B. Riley	4543	John Creek	4801
John W. McDaniel	4544	Ruby R. Bean	4804
Minnie Armstrong	4548	William J. Dodson	4836
Ada Chouteau	4549	Blackburn Reed	4882
Mary Thompson	4571	Viola Lowther	4891
Ota Armstrong	4593	William B. Ritchson	4910
Mary Spencer	4594	Henry D. McDonald	4950
Clarkson F. Woody	4603	Della McDaniel	4956
James M. McConnell	4604	Dorothy Rattlinggourd	4991
Annie E. Coker	4605	Ida McClay	5093
Jennie Long	4606	Henry M. Lyon	5100
Julia Gilstrap	4607	Alice J. Wofford	5101
Laura E. Smith	4608	Nancy Morris	5137
Annie Nicholas	4609	Ella Sullivan	5140
Minnie R. Taylor	4611	Winfield Williams	5144
Mary E. Rogers	4614	Bessie M. Smith	5145
Emma Downing	4615	May Humphrey	5207
William Steere	4619	Donnie Burgess	5235

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

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 Joseph A. Lawrence 5843
 William H. Hinton 5846
 Joseph Lehr 5851
 Elin 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
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 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 B. Tadpole 6801
 Magnus A. McSpadden 6811
 Sarah F. Pathkiller 6824
 Clara 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	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 Baldrige	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	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	9590	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. Carriek	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	Amunda E. Howell	10022
Isabella McCoy	9874	Mamie J. Rogers	10023
Robert E. Dry	9875	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. Lawrence	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 Baldrige	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. Seudder	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. Fields	10214	Adolphus J. Hallum	D 483
Susie Henderson	10216	Alexander Walker	D 490
Charles H. Rienhardt	10218	Albert J. High	D 491
William H. Watkins	10221	America Matoy	D 501
Frank M. Rucker	10222	Moses L. Grazier	D 503
Henry C. Reed	10224	Myrtle Hall	D 509
Laura B. Timberlake	10226	Wallace Thursday	D 544
George A. Brown	10228	Thomas W. Baker	D 546
Drucilla Lowrey	10232	Mattie E. Keys	D 550
Almira Mouse	D 9	William S. Edwards	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. Hawkins	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 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. Collier	D 1367
Nellie C. Helderbrand	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	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 Tauuneacie	D 2831
William R. Lipsey	D 2717	Mary Tasse	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
Trene 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
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

Lue Fish	D 3081	Della Baldrige	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 Bengé	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 1179

Muskogee, Indian Territory, June 27, 1902.

J. T. Parks,

Executive Secretary, Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

Please examine the marriage records of Tahlequah District for the record of a marriage between Bryant Hughes and Janie Prescott, alleged to have taken place in May, 1890.

Please report the result of your examination to this Commission referring to Cherokee D 1179.

Yours truly,

Commissioner in Charge.

R

Cherokee D 1179.

Muskogee, Indian Territory, September 11, 1902.

Janie Hughes,
Melvin, Indian Territory.

Dear Madam:

You are directed to appear before the Commission to the Five Civilized Tribes, at Tahlequah, Indian Territory, within fifteen days from date hereof, and submit evidence as to your marriage to your husband, Bryant Hughes.

If it is impossible for you to furnish the Commission with the original marriage license and certificate, then it will be necessary that you prove said marriage by not less than two persons who were present and saw the ceremony performed.

Please give this matter your immediate attention, as the Commission will not take any further action as regards your application until the information is received.

Yours truly,

Acting Chairman.

Cherokee D 1179.

Muskogee, Indian Territory, September 11, 1902.

John C. Reesen,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby notified that Janie Hughes, of Melvin, Indian Territory, has been directed to appear before you within fifteen days from date hereof, and introduce testimony relative to her marriage to Bryant Hughes.

The same is to be filed with and made a part of the record in the matter of the application of Janie Hughes for the enrollment of herself and her children, Lewis, Clifford and Ada B. Hughes, as citizens by blood of the Cherokee Nation, - Cherokee roll card, field No. D 1179.

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-1179

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Vinita, Indian Territory, January 3, 1903.

Janie Hughes,

Melvin, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of December 26, stating that it was impossible for you to appear before the Commission and testify in the matter of your application for enrollment as a citizen by intermarriage of the Cherokee Nation until the time within which you were required to appear had expired. You ask, if further evidence is needed in your case, how you should proceed in the matter.

In reply you are advised that before determining the rights of any person to enrollment as a citizen by intermarriage of the Cherokee Nation, the Commission requires such person to appear and give personal testimony as to his or her right to enrollment on September 1, 1902. This testimony can be given before the Cherokee Land Office of this Commission at Vinita, Indian Territory, and you should appear and give same at the earliest possible date.

Respectfully,


Acting Chairman.

R.P.

Cher. D-1179.

Tahlequah, Indian Territory, November 7, 1908.

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

Gentlemen:-

There is enclosed herewith the complete record in the matter of the application for enrollment as Cherokee citizens of Janie Hughes, et al, Cherokee D-1179.

This case is believed to be ready for decision and inasmuch as the principal applicant is an intermarried white, the record is transmitted for your consideration and appropriate action.

The original card in this case is at the general offices at Muskogee.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

Enc. C-11.
JOC.

mkg

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

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

REFER IN REPLY TO THE FOLLOWING
Cherokee B 1170

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskegee, Indian Territory, March 10, 1904.

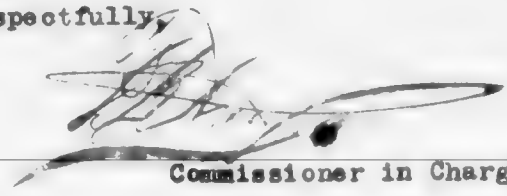
W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

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 Bryant Hughes for the enrollment of his three minor children, Lewis, Clifford and Ada B. Hughes, as citizens by blood of the Cherokee Nation.

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

Respectfully,



Encl. V-23

Commissioner in Charge.

Tahlequah, Indian Territory. May 18, 1904.

Commission to the Five Civilized Tribes,
(Cherokee Division),

Muskogee, Indian Territory.

Gentlemen:

There are enclosed herewith original Cherokee doubtful cards as follows:

Cherokee D-297	May Fields
Cherokee D-698	Emma Waybourn
Cherokee D-856	Annie Garrett
Cherokee D-1021	Guss Caldwell
Cherokee D-1179	Janie Hughes

Decisions have heretofore been rendered in these cases and all applicants except intermarried applicants, transferred as indicated by notes on the cards.

There is also returned herewith to be retained at the office at Muskogee until decisions can be prepared as to the intermarried applicants, the records in the above cases, also the record in Cherokee D-811, Samuel A. Ballard, et al.

Respectfully,

MBR
Encl R-172

Commissioner in Charge
Cherokee Land Office.

Cher/ D 1179

Muskegee, Indian Territory, January 10, 1907.

Janie Hughes,
Melvin, 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 D1179

Muskogee, Indian Territory, March 14, 1907.

Fannie Hughes,

Melvin, 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,

Commissioner.

Encl. C-100
LMC

CHEROKEE

D-1179

James Hughes, et al

*original testimony W
made of application 4/20/1901
Notice of final consideration, 3/2/01*

Case C-11

~~*March 31, 1904*~~

11

See Cherokee Packet

Cher D 1180

Cher D 1180

Cherokee.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., April 23, 1901.

In the matter of the application of Francis B. Reid for enrollment as a Cherokee by intermarriage.

Francis B. Reid, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Francis B. Reid.
Q How old are you? A I was 51 in November last.
Q What is your post office address? A Muskogee.
Q What district do you live in? A Canadian.
Q Do you apply to be enrolled as a native Cherokee? A No, sir, adopted, by intermarriage.
Q You are a citizen by intermarriage? A Yes, sir.
Q Who do you desire to enroll besides yourself? A I have some children, if they haven't been enrolled.
Q What is your wife's name? A Her name is Josephine A.; I am not living with her now at all.
Q How old is she? A I think she is about 40.
Q What was her father's name? A Her father's name was Andre.
Q What was the balance of his name? A Paul Andre I think.
Q Is he living? A I think not.
Q What is her mother's name? A Polly was her given name I think.
Q Is Josephine A., your first wife? A Yes, sir.
Q And you her first husband? A Yes, sir.
Q You never were married before? A No, sir.
Q Have you any certificate of your marriage? A No, sir, you will find my name on the 1880 roll though.
Q What are the names of your children? A Alice.
Q How old is Alice? A She will be 23.
Q She will enroll herself; give those under 21 years of age?
A Arthur is the next.
Q How old is he? A He will be 21 in October.
Q What is the name of the next one? A Clarence.
Q How old is Clarence? A Clarence is 18.
Q The next child? A Leola.
Q How old is Leola? A She is 16.
Q The next one? A The next one is Ernest.
Q How old is Ernest? A He is 14 years old.
Q The next one? A The next one is Bertha.
Q How old is Bertha? A Bertha, she is 12 years old.
Children of applicant are listed on straight card by their mother.
Q Are you living with your wife? A No, sir.
Q Have you separated? A Yes, sir.
Q Did she leave you or you leave her? A She left me.
Q How long have you been separated? A Since 1893.
Q Haven't been living with her since 1893? A No, sir.
Q Did you live with her from your marriage continuously up until 1893? A Yes, sir.
Q About what year were you married in? A 1877.
Q And you were divorced from your wife, Mr. Reid? A Yes, sir.
Q Who brought the suit for divorce? A She did.
Q Do you know what grounds she alleged? A Desertion I believe, but the fact of the matter was we compromised the suit.
Q Well what Court did she obtain judgment in? A The circuit court of Canadian district.
The 1880 authenticated roll of Cherokee citizens examined and the applicant identified thereon, Page 43, No. 1175, Canadian district, as F. B. Reid.
The 1895 census roll of Cherokee citizens examined, and the applicant identified thereon, page 92, No. 245, Canadian dist.
Q Have you lived continuously in the Cherokee Nation since 1880?

Francis B. Reid - 2.

- A Yes, sir.
Q Never lived out of it? A No, sir.
Q Living here now? A I am living in Canadian district.
Q Have you remarried since the death of your wife? A No, sir.
Q Has your wife lived on the farm that you and her lived on before you were separated? A No, sir.
Q Are you living on it? A Yes, sir.

The 1880 authenticated roll of Cherokee citizens examined and the applicant's wife, Josephine A. Reid, identified thereon, page 43, No. 1178, Canadian district, Josephine Reed.

The applicant presents to the Commissioner a certified copy of the divorce granted to his wife.

Commissioner Needles: The name of Francis B. Reid is found upon the authenticated roll of 1880 as well as the census roll of 1896. He applies to be enrolled as a Cherokee citizen by intermarriage. He avers that his wife, Josephine A., was a Cherokee citizen by blood, and her name is found upon the authenticated roll of 1880. He makes satisfactory proof of residence, and avers in his testimony that he is separated from his wife, Josephine A. Reid, and that she has procured a divorce. He presents a certified copy of the divorce, which is filed herewith, and the grounds stated in the divorce are cruel treatment that his wife was subjected to by himself. By reason of the fact of the divorce in said case and the separation between said parties, and of the question of the Cherokee laws in such matters, final judgment as to the enrollment of said Francis B. Reid as a Cherokee citizen by intermarriage will be suspended and his name will be placed upon a doubtful card.

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 23rd of April, 1901.

M. Needles

Commissioner.

1951

THE UNIVERSITY OF CHICAGO

DEPARTMENT OF CHEMISTRY

REPORT OF THE COMMITTEE ON THE PROGRESS OF CHEMISTRY

1950-1951

REPORT OF THE COMMITTEE ON THE PROGRESS OF CHEMISTRY

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DEPARTMENT OF THE ARMY
COMMISSION TO THE FIVE
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CHEROKEES BY BLOOD AND ADOPTION.

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Name

Francis B. Reid,

Date

April 23rd 1901 1900.

District

Canadian

Year

1880

Page

43

No.

1175

Citizen by blood *MM*

Mother's citizenship

U.S.

Intermarried citizen

yes

Married under what law

Date of marriage

1877

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

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*Can 1880 will do F. B. Reid
Can 1896 will page 97 # 1175. Can. 1175*

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 5, 1902.

In the matter of the application of Francis B. Reed for the enrollment of himself as a citizen of the Cherokee Nation.

The applicant represented by Judge James M. Shackelford,
Muskogee, I. T.
Cherokee Nation represented by W. W. Hastings.

The applicant was notified by registered letter March 1, 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 21st day of March, 1902. On said date the case was continued by agreement to April 5, 1902. The applicant this day, to wit the 5th day of April, 1902, appears by his attorney, Judge James M. Shackelford.

ALICE EVANS, being first duly sworn, testified as follows:

MR. SHACKLEFORD: Tell us your name please? A Alice Evans.
Q How old are you, Mrs. Evans? A About 53.
Q Where do you reside? A At Muskogee is my postoffice. I live in Canadian District though.
Q Mrs. Evans, do you know Francis B. Reed and Josephine or Josie Reed that was? A I do, she is my sister.
Q She is your sister? A Mrs. Reed was.
Q Do you know when they were married, Mrs. Evans? A Well, I don't know the date they were married in; I am a very poor hand to keep track of dates. I think that they would have been married about three years when I came home from California about, that was in 1880 when I got home.
Q Mrs. Evans, tell us what you know about the separation between Mr. Reed and his wife? A Well, I couldn't hardly know how to begin to tell it to you. Of course she didn't confide to me very much of her troubles, and if she had any she kept them to herself. The first separation I remember he come out to our place, and she asked, said she had made arrangements to come up town, to leave, and was going to keep boarders and send her children to school; asked me if she would let our man and the wagon come in and help to move; and Mr. Evans and I both said yes, the man might come; but when the man came to move them why Mr. Reed refused to let her move the goods or the children, and she didn't confide to us anything about what she was intending to leave him, and so he refused to let her move the goods and refused to let her take the children, and she got into the wagon and put her own things in and come up town and staid, and we worked along that way for some time, and finally she got the children and the things, and then one of the children got sick, and Mr. Reed she sent for him, and he came in, and I thought they were all made up again and living together and were getting along all right as I supposed, but she comes to me and says that she was going up to Tahlequah to get her daughter in school up there, and she took the oldest daughter and went away up to Tahlequah and put her in the seminary school and she stayed up there some two or three weeks and left the other children here with the father; when she came back she told me that she had made arrangements to go to Tahlequah to live, and so I went up there; a short time after she came there was a wagon loading the things, but I supposed

they were just moving and they were getting the things into the wagon, and Mr. Reed was standing there, I didn't know whether it was a separation or what it was; I saw that he was standing around there, and the things were put into the wagon, and got into the wagon with the children, and she had two or three wagons to move her, and so I didn't know that it was really a separation, in fact she didn't tell me what she was going to do, but I found out after she had gone that it was a separation, but she never told me any of her troubles except that she said Mr. Reed wouldn't provide and wouldn't try to do anything.

Q Tell us if there was anything you did to try to get her to come back? A Well, I did everything, well she had so many little ones, I thought that they were as much devoted to their father as they were to her and he seemed to be devoted to them. When I was with him I thought I never saw a man that cared more for his children than he did, but it seems that there was nothing that I could say would have any effect.

Q Who else tried to get her to come back? A Well, my mother tried to persuade her to go back to him.

Q Mr. Reuben Evans is your husband? A Yes, sir.

Q Did he try to get her to go back? A No, sir, I don't think he tried to get her to go, he only told her he thought it was a pretty bad move and didn't see how she could afford to do it at this late hour or something to that effect.

Q Now tell what you know about the divorce proceedings? A Well, it seems that she had her husband, she applied for a divorce, and so she had us summoned, Mr. Evans and I; she didn't say what she wanted to prove by us, and we came to Tahlequah, and we were never called into court to testify as to what she wanted to prove, and Mr. Reed proposed to compromise with her in the case, that is he told her that if she would strike out the word desertion that he would allow her to get the divorce, and she come to me and spoke to me about it and asked me what I thought, and I told her I thought she could afford to do that, it looked reasonable to me that she should take that out and get her divorce, and so she did so, and that was all ever I knew.

Q There was no witnesses introduced at all? A No, sir, I was only at Mr. Blackstone's sister's, and they came to me there.

Q And you were instrumental in having the divorce granted? A I told them I didn't see any reason why she shouldn't do so and why she should refuse to do that.

Q And it was done? A Yes, sir, it was done. After she got the divorce before she married Wood, well I don't know whether it was one or two years afterwards, I know I heard about it at Brushy Mountain and went all the way to Tahlequah to try to stop it, but I didn't have any influence with her to stop it.

Q Where has Mr. Reed lived ever since? A Out here, lived about three miles from town.

Q In the Cherokee Nation? A They were living there when I came home.

Q In the Cherokee Nation? A Yes, sir.

Q He has never lived elsewhere? A They moved up there and they have always kept the place they were living on when she left him.

Q He has never married again? A No, sir.

MR. HASTINGS: What grounds did she substitute for desertion in the divorce? A She simply had cruelty put where she had desertion, and had cruelty as her plea for a divorce.

Q Were you actually in court when this divorce was granted? A No, sir.

Q Did you see the papers changed and amended in your presence? A No, sir, I didn't go to the court room at all.

Q You only heard their talk about it? A I didn't hear; I was

waiting there to be called as a witness, I didn't know what they wanted to prove by me, but she come to me and told me that she wanted me to go up there; and they come to her with this paper from Mr. Reed stating that Mr. Reed said that he would allow her to have the divorce if she would take out the word desertion.

Q And that's all you know about? A Yes, sir.

Q Well, did this man provide for her? A Well, she says that he didn't provide as she thought he ought to; that is what she told me; that was her reasons for leaving him she said.

Q Did they ever live together after she went to Tahlequah? A No, sir.

Q Do you know whether he objected to her going to Tahlequah or not? A No, sir, I don't, never heard their discussion, I think they were kind of at outs with each other in some way, but I never heard of it.

WILLIAM N. LITTLEJOHN, being first duly sworn, testified as follows:

MR. SHACKELFORD: What is your name? A William N. Littlejohn.

Q How old are you? A 56 years old.

Q Where do you reside? A Near Sallisaw.

Q What do you follow? A Well, I am farming now, have followed the practice of law.

Q Well do you know Francis B. Reed and Josie or Josephine Reed, do you? A I know Mr. Frank Reed, and I have seen Ms. Reed; I never had any acquaintance with her.

Q Well, now, were you Mr. Reed's lawyer when this divorce was granted? A Well, now you mean in the Cherokee courts?

Q Yes, sir? A Yes, sir.

Q Well, tell all about it that you know? A Well, at the August term of the Circuit Court for Canadian District of 1897 Mrs. Josephine Reed instituted a suit against F. B. Reed for divorce and issued attachments against all of this property also; she claimed the custody of the children, and the ground set up in the complaint was wilful desertion, and the case was continued from the August term until the March term, 1898. Judge Drew, John Drew, John T. Drew was attorney for Mrs. Josephine Reed, and I gave him to understand that we never would agree for a divorce—Mr. Drew in the mean time was intimating you know that we might possibly compromise and agree on some kind of compromise. After consulting with Mr. Reed I gave Mr. Drew to understand that we never would agree to a divorce under the grounds that she set up in her complaint, wilful desertion, and Mrs. Reed then sent for me to come over to her hotel through Judge Drew. I went over there and we had a talk, and we agreed upon a compromise. She agreed to withdraw her plea of wilful abandonment and insert cruel treatment, and also to withdraw her claim for the property, and Mr. Reed wanted the custody of the children and so did she. They each one wanted the custody of the children. So I suggested to her that we just leave it to the judge to say what would be done with the children. I went and consulted Mr. Reed and he agreed to it, and we had it entered up that way, and she withdrew her plea for his property, and instituted the plea of cruel treatment, and the judge gave her the custody of the children in the decree. That is about as much as I remember of it now.

Q There were no witnesses introduced at all? A No, sir, no witnesses at all.

MR. HASTINGS: Well, he consented to the divorce, Reed did?

A Yes, sir, or yes, I went and consulted him.

Q He was willing to acknowledge cruel treatment as a ground of

divorce in order to let her have it? A Substituted that plea, yes, sir.

Q Well, upon the ground as stated by Mr. Reed at the time he didn't want to live with his wife, didn't want to live with her, wouldn't oppose her getting a divorce upon any other ground than that of wilful abandonment? A That was my understanding, that he was willing for her to have a divorce on any other plea, that he hadn't abandoned her and he wasn't willing to acknowledge to it.

Q He acknowledged to cruel treatment? A Yes, sir, of course.

MR. SHACKLEFORD: Well, did he acknowledge the treatment? A Well, he put it in as a compromise.

Q Had to have some ground for divorce? A Yes, sir.

MR. HASTINGS: Which would you rather have, acknowledge cruel treatment or that you had deserted your wife? A I don't know.

FRANCIS B. REED, being first duly sworn, testified as follows:

MR. SHACKLEFORD: What is your name? A Francis B. Reed.

Q How old are you? A I am 52 last birthday.

Q When were you married to Josephine or Josie J. Reed? A December, 1877.

Q How long did you live together as husband and wife? A Until November, 1893.

Q Then what did she do? A Why at that time she got up and moved to town.

Q Well state whether or not you had ever given any cause or provocation for her leaving? A Why I didn't.

Q State whether or not you had ever cruelly treated this woman?

A I never did cruelly treat her, no sir.

Q Well, now, go on and tell the particulars of it? A Well, in November, 1893, she moved to town. It was on or about the time of this strip payment, and she lived there till June, 1894, and I think it was in May or June she entered a suit for divorce, and she afterwards found out she couldn't draw this money.

Q What money? A This strip money. For the children while there was a suit pending; then she asked to reconcile the matter and compromise the matter. I agreed if she would go back home and live as we always had lived why everything would be all satisfactory with me, and she agreed to the same thing, wrote a letter to the clerk withdrawing this suit to that effect. Then afterwards the payment—along in August I believe at Webbers Falls, and she drew this money for the children and herself.

Q How much money? A Well, there was eight children, \$265.70 each I believe. Twenty-one hundred and something.

Q \$2125.60? A Yes, sir, something over twenty-one hundred.

Q Well? A After she drew this money then she concluded she wouldn't go back home, she would live at Tahlequah, and she moved to Tahlequah, taken the children with her, and along in 1897 she then applied for a divorce.

Q Go on? A On the grounds of desertion and nonsupport, and the case was set for trial in August, 1897, and was continued from August until the next term of court, March, and at that time they asked to compromise the matter, and we finally agreed to a compromise.

Q What compromise did you agree to, what did you say about your rights? A I agreed to compromise in case it wouldn't compromise my citizenship in any way, affect my citizenship in any way, and Judge Littlejohn was my attorney, and he agreed to have it drawn up in that shape, that it wouldn't affect it in any way, and I contended

for the children and she did also, and then we finally agreed that the judge should say who should have the children, and he finally awarded the children to her and awarded the property to me.

MR. HASTINGS: All the property? A Yes, sir, there was nothing but a place left, it had taken all the rest that I had to pay debts.

MR. SHACKLEFORD: What debts? A Store accounts here at Turner and Patterson and other accounts.

Q Whose place was that? A Mine.

Q Who bought it? A I bought this place and paid for it, sir.

Q Well, go on? A Well, after I came home, it was along late in the afternoon of that day, and the clerk told me he would send me a copy of the decree when I come home, and after I came home he did send me a copy of the decree of the court, and I submitted that to the Daves Commission along in April last I think.

Q Well, now, Mr. Reed how much debts did you pay afterwards? A I paid something over twelve hundred dollars.

Q What did you pay it with? A What stock I had left, it took what stock I had.

Q It took all you had excepting the place that you had bought and paid for? A Yes, sir.

Q Where have you lived ever since you married that woman? A Had been living about twenty-two miles—

Q Did you ever mistreat her? A No, sir.

Q What was her object, to get the property that she brought the suit for divorce, by instituting the first suit? A Yes, sir. She compromised that in order to draw the money for the children, she had the children with her.

Q Who had drawn it before that time? A I had always drawn the money before.

Q How long have you been upon the rolls of the Cherokee Nation?

A I was put on the rolls of the Cherokee Nation in 1880.

Q And you have been on the rolls ever since? A Yes, sir.

Q Well, why was it you consented at all for her to get the divorce?

A Well, I just simply said if she didn't want to live with me why of course I didn't want to live with a woman that didn't want to live with me, and if a divorce was all she wanted I would agree to it so long as it didn't affect my citizenship in any way.

Q But you positively refused to agree to anything that would affect your citizenship? A I did.

MR. HASTINGS: Well, you did agree to the divorce on the grounds of cruelty? A I don't know, sir, what—the decree of the court was sent me after I came home.

Q Well, you agreed to that? A No, sir, I didn't.

Q Didn't you authorize an attorney to? A My attorney was to send me the papers, I didn't know what it was.

Q Well, he changed it from desertion to cruel treatment didn't he? A I don't know what he did.

Q Well, you don't dispute the record do you? A Why I couldn't dispute that.

COMMISSION: You submit this case?

MR. SHACKLEFORD: Yes, sir.

COMMISSION: Do you desire to file a brief? A Yes, sir.

The attorney for the applicant and the representatives 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.

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

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

Arthur G. Croninger

Subscribed and sworn to before me this 10th day of April, 1902.

Philip J. Carter
Notary Public.

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deposited and sworn to before me this 10th day of April, 1902.

Notary Public

NOTARY PUBLIC
J. H. ...
10 1902
ST. LOUIS, MO.

Notary Public
The foregoing is a true and correct copy of the original as shown to me by the person presenting the same for recording in the office of the County Clerk of the County of St. Louis, Missouri.

Cherokee D-1180.

Department of the Interior,
Commission on to the Five Civilized Tribes,
Muskogee, I. T., September 24, 1902

In the matter of the application of Francis B. Reid for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

Appearances: J. C. Starr for Cherokee Nation; Judge Shackelford for applicant.

Said Francis B. Reid, being sworn and examined by the Commission, testified as follows:

Q Give your name in full? A Francis B. Reid.

Q What is your age at this time? A I will be fifty-three the first of November.

Q What is your postoffice address? A Muskogee.

Q Are you the same Francis B. Reid that applied to the Commission on April 8, 1901, for enrollment as an intermarried citizen of the Cherokee Nation? A Yes sir.

Q What is your wife's name? A Josephine A. Reid.

Q What was her maiden name? A Andre.

Q When were you married to her, Mr. Reid? A December, '77.

Q Is she living? A Yes sir.

Q Have you and her lived together continuously from the time you married in '77 up until the present time? A Not at the present time.

Q Are you separated? A Yes sir.

Q When did you separate? A Along in '94 I believe; in '93 or '4.

Q Have you been divorced from her? A Yes sir.

Q Have you married since you were divorced from her? A No sir.

Q You are still single? A Yes sir.

Q Where have you lived, Mr. Reid, since you married your wife in '77?

A Lived in the Cherokee Nation.

Q All the time up until the present? A All except about six months up until the present time.

Q Where have you been living that six months? A I was out on business then, only temporary.

Q But your home is in the Cherokee Nation and has been there? A Yes sir.

Q What was the cause of you and your wife's separation? A That is hard to tell, she just got up and left.

Q Did she leave you? A Yes sir.

Q Where were you living? A In Canadian District, about three and a half miles from here.

Q Did you remain at the place where you were living? A Remained there ever since except the six months I was away.

Q Is that on a farm? A Yes sir.

Q You have still control of that farm? A Yes sir, partially.

Q Who has the other part control? A After we contended for the farm; there is some contentagn about it.

Q Did she eventually get a portion of the farm? A No sir; it has never been settled.

Q Is there a suit ~~over~~ over it? A Yes sir, it is still pending.

By Judge Shackelford: In that suit you speak of did they call upon you to select an allotment? A Yes sir.

Q And you have been residing in the Cherokee Nation except that six months temporarily you were out ever since you were married? A Yes sir.

J. C. Starr: How many times have you been married? A Once.

Q This your only wife? A Yes sir.

Commission: You were a single man on the first day of September, 1902? A Yes sir, and am yet.

S-Francois B. Reid et

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.

F. P. Ketchum

Subscribed and sworn to before me this 2nd day of October, 1902.

B. C. Jones
Notary Public.

COMMISSIONER OF THE GENERAL INVESTIGATIVE DIVISION
U. S. DEPARTMENT OF JUSTICE
OCT 1 1902

Francis B. Reid et

The undersigned, being duly sworn, deposes and says that as stenographer
of the 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 1st day of October, 1902.

Notary Public.

Webbers' Falls, I. T.

Reg. Term Circuit Court Commencing March 28, 1898.

In accordance with the agreement of the parties in this case, it is adjudged by the Court, that the plaintiff Josie Reed, have judgment for divorce, on the grounds of cruel treatment, and that the defendant, F. B. Reed, have judgment, for the property, sued for in the citation, and that each party pay the cost, of the witnesses, summoned by them, respectfully and it is further adjudged, by the court that the children be disposed of as follows, to witt. . . the plaintiff Josie Reed, to have the care and custody of the children mentioned in the citation,

W. M. McClain,
Judge.

Attest,
George Jennings,
Clerk Canadian Dist., C. N.

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

Muskogee, Indian Territory, June 26, 1902.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and complete copy of the original offered in evidence in the matter of the application of Francis B. Reid.

D 1180.

R. Chick

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

APR 23 1902
FILED

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AGENT

**In the Matter of the Application of Francis
B. Reid for Enrollment as a Cherokee
by Intermarriage.**

JAMES M. SHACKELFORD,

Attorney for Applicant.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

*In the matter of the application of Francis B. Reid for enrollment
as a Cherokee by intermarriage.*

STATEMENT OF APPLICANT.

The uncontroverted facts in this case as the same appear on the face of the record, are these, namely: That in December, 1877, the applicant, Francis B. Reid, a citizen of the United States, was legally and duly married to Josephine A. Andre, a Cherokee woman, a citizen of the Cherokee Nation. That in the year 1880 the applicant's name was duly and legally placed on the roll of citizens, and he is the same Francis B. Reid whose name is found on the authenticated roll of Cherokee citizens, examined and the applicant identified thereon, page 43, No. 245, Canadian District. The applicant and his wife lived together as husband and wife from the time of their marriage until November, 1893. They had eight children born to their marriage. The names and ages of the children are given in the applicant's deposition herein. The lands on which the applicant and his wife lived were bought and paid for by the applicant himself. In November, 1893, the applicant's wife, without cause or provocation on his part, left

and abandoned him. That he had never in any way mistreated his wife; on the contrary he was to her a true and faithful husband, and a devoted father to his children. That his wife's object in abandoning him was to enable her to draw \$2,125.60 of Strip money that would otherwise have been drawn by him. One suit which she brought for a divorce she dismissed. The second suit she brought was compromised. The applicant not wishing to live with wife unless she was willing to live with him, he agreed to a compromise, provided that his rights as a Cherokee citizen by intermarriage should in no way be effected. Thereupon, in the absence of the applicant the alleged ground of abandonment was stricken out of his wife's petition, and the false ground of cruel treatment inserted; and thereupon as shown by the evidence in this case, without proof of any kind being adduced, the divorce was granted to his wife. To pay the debts which he had incurred in support of his wife and children, amounting to about \$1,200.00, the applicant had to sell and dispose of all of his stock, and he was left with nothing but his land that he had bought and paid for with his own money.

BRIEF AND ARGUMENT.

The Commission will judge and determine the question of the right of the applicant, Francis B. Reid for enrollment as a Cherokee by intermarriage.

Section 21 of the Curtis Act reads as follows: "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." The applicant, Francis B. Reid's name is found on that roll, and it is for the Commission to judge and determine the questions raised in the case by this Act of Congress, namely: Was the roll of Cherokee citizens of 1880 (not including Freedmen) confirmed by that Act of Congress, and is the Commission directed to enroll all persons now living whose names are found on said rolls. If so, the applicant, Francis B. Reid, can but be enrolled.

I respectfully submit that the argument might be safely closed here, but I shall add, in vindication of the good name of the applicant, Francis B. Reid, that he has in no way forfeited his rights as a Cherokee by intermarriage. That abandonment is the only ground of forfeiture under the laws of the Cherokee

Nation. It was not the applicant, but it was his wife who, as shown by all the evidence in the case, without cause or provocation abandoned him. I further submit that there is not in the whole case a valid reason that can be raised against the applicant's enrollment.

Respectfully submitted,

JAMES M. SHACKELFORD,

Attorney for Applicant.

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

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In the matter of the application of FRANCIS B. REID as
a citizen by intermarriage of the Cherokee Nation.

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D E C I S I O N .

The record in this case shows that on April 23, 1901, Francis B. Reid appeared before the Commission at Fort Gibson, Indian Territory, and made application for enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 5, 1902, and September 24, 1902.

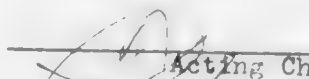
The evidence shows that the applicant, Francis B. Reid, is identified on the authenticated tribal roll of 1880, having been married prior thereto to one Josephine A. Andre, a citizen by blood of the Cherokee Nation. He is also identified on the Cherokee Census Roll of 1896.

The evidence further shows that the said Francis B. Reid and his wife separated in 1896, it appearing that she left him on two separate occasions, and that they were divorced in March, 1898. A copy of the decree of divorce, filed herewith, shows that the divorce was granted to the wife upon the ground of cruel treatment. The allegations as to cruel treatment appear to have been made simply for the purpose of making out a case for divorce under the law, and do not, for the purposes of this application, establish cruelty on the part of the husband. There is no competent evidence to establish abandonment of his wife on the part of the said Francis B. Reid.


The evidence further shows that the said Francis B. Reid has resided in the Cherokee Nation since 1877, that he was a resident of said Nation at the date of the application herein, and that he has not remarried since his separation from his wife.

It is, therefore, the opinion of this Commission that Francis B. Reid 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 _____

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 Bengé	1276	Lizzie Bengé	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	1290	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 Bengé	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 Crutehfield	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	Dona 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 Baldrige	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. Eggleston	2668	Emma McAffrey	3543
Elisha M. Gray	2686	William T. Huit	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	Roxie J. Ketchum	4623
Sydney E. Bell	4232	Lizzie Love	4626
Isaac H. Jordan	4235	Robert K. Wann	4632
Charles Parks	4244	Frederick Metzner	4633
Dora Frenchman	4262	John C. Bratcher	4634
James R. Fugate	4275	Piqrow L. Jones	4641
Maud Adams	4277	Ada Berthoff	4642
Elizabeth Black	4281	Alice Robbins	4644
Anna Thornton	4291	Jane Dougherty	4649
Robert T. Morrison	4294	Samuel Francis	4650
Perley Israel	4295	Clemon C. Peek	4652
William A. Long	4304	Mont C. Frazier	4653
Mollie Swannock	4319	Frank J. Mayberry	4656
Frances Guess	4324	Charles W. Moore	4660
Allen H. Gibson	4327	Jefferson D. Edmondson	4661
John McFall Jr.	4343	Alonzo H. Boone	4662
Albert W. Fitzsimmons	4360	Thomas C. Mock	4668
George S. Ford	4386	Sallie Allison	4669
Quinn Carr	4387	Elizabeth E. Burgess	4671
William A. Powell	4390	LaFayette Breeden	4673
Austin Hasley	4400	James M. Boling	4676
Anna Bible	4414	Francis A. Neilson	4681
Elizabeth Riley	4428	John F. Smith	4689
John P. Sudderth	4449	Rufus S. Steward	4691
Anderson Keen	4450	John I. Haddock	4694
Ida M. Adams	4451	Maggie O. Walkley	4695
Martha J. Randall	4457	George W. Talbert	4698
Mollie Conner	4477	Mary Miller	4700
Jane McGhee	4491	Henry C. White	4707
Jennie Riley	4525	Mattie E. Hill	4760
Hannah Randall	4528	Alice A. Bible	4772
Charles W. Childers	4542	Katie Coker	4785
Nannie B. Riley	4543	John Creek	4801
John W. McDaniel	4544	Ruby R. Bean	4804
Minnie Armstrong	4548	William J. Dodson	4836
Ada Chouteau	4549	Blackburn Reed	4882
Mary Thompson	4571	Viola Lowther	4891
Ota Armstrong	4593	William B. Ritchson	4910
Mary Spencer	4594	Henry D. McDonald	4950
Clarkson F. Woody	4603	Della McDaniel	4956
James M. McConnell	4604	Dorothy Rattlinggourd	4991
Annie E. Coker	4605	Ida McCay	5093
Jennie Long	4606	Henry M. Lyon	5100
Julia Gilstrap	4607	Alice J. Wofford	5101
Laura E. Smith	4608	Nancy Morris	5137
Annie Nicholas	4609	Ella Sullivan	5140
Minnie R. Taylor	4611	Winfield Williams	5144
Mary E. Rogers	4614	Bessie M. Smith	5145
Emma Downing	4615	May Humphrey	5207
William Steere	4619	Donnie Burgess	5235

Nora B. Burgess	5236	William A. Polson	5613
John E. Etter	5239	Paulina P. Pitcher	5614
Harriette Rogers	5240	Charley Headrick	5615
Amanda Foreman	5244	William N. Stinson	5616
William H. Wells	5261	Lenora A. Henry	5621
John T. Gaylor	5266	Effie M. Adams	5622
Annie Sweeten	5269	John H. Shimp	5624
Rosalee Hendricks	5278	Thomas B. Dickson	5625
Emma Chambers	5328	Minnie Henry	5628
James H. Thomas	5329	Thomas J. Simpson	5629
Melville B. Baird	5332	Cap L. Lane	5630
James R. Goodall	5356	Reuben E. DeLozier	5631
Charles Horton	5390	John Heape	5640
James W. Goddard	5417	Perry G. Brock	5645
Dora Cox	5425	Mary J. Newcomb	5650
Nannie G. Alberty	5438	George W. Seigel	5660
Sallie Ward	5455	Martha A. Parks	5666
William H. Sutherlin	5484	Zelda C. Mills	5674
Lizzie Hall	5487	Lizzie Rogers	5675
Cyrus B. Essex	5489	Emma Pigeon	5676
Eda Taylor	5493	Nellie Bluejacket	5677
Laura Taylor	5494	Lucy Bacon	5679
Elector D. Miller	5496	Thomas B. Wood	5681
Emberson M. Arnold	5498	Asa W. Simpson	5683
Stella Henry	5499	William J. Kuhn	5686
William E. Oneal	5506	Elsie Couch	5688
John M. Sharp	5509	William H. Robinson	5692
John L. Davis	5514	Rachel Washington	5693
Sarah E. Downing	5518	Isaiah B. Blackwood	5700
Samantha C. Glass	5524	John R. Johnson	5701
Harry Jones	5525	Dennis W. Smith	5702
Aggie Paris	5532	William H. Chesnut	5705
James W. Hallford	5535	William H. Durham	5707
Phoebe Coker	5537	Albert B. Buckmaster	5710
Anthony K. Douglas	5538	Maud Crutchfield	5730
Joseph H. Johnson	5541	Joseph S. Layne	5731
Harvey O. Riggs	5547	Lena Bell	5737
Alice Glass	5553	Juan N. Corn	5748
Addison Reeves	5566	Robert N. Crafton	5750
Alice Coats	5572	Benjamin F. Coffee	5756
Julia Kidd	5575	Frank McSpadden	5760
William R. Greer	5576	Charles D. Pendleton	5775
Rosa M. Sixkiller	5581	Harden H. Green	5776
Nancy Inlow	5587	Emma J. Ward	5778
Daisey H. Owen	5599	Robert C. Fuller	5781
Annie R. C. Owen	5600	Henry F. Extine	5796
Jesse McKnight	5602	Ida Wyly	5802
Cicero J. Strange	5610	Richard L. Fite	5815
Henry Westenhaver	5611	Edward Lutz	5816
Emma H. Roach	5612	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 Bengé	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. Brickley	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. Dikine	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 Sanders	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 Mayes	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	Robert B. Collins	7556
Terry A. Parkinson	7146	Naney 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 Cumpston	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. Branau	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 Baldrige	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	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	9590	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 Glvens	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	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. Lawrence	10148
Wiley B. McElhaney	10062	Dora E. Hays	10150
Naney Patriek	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 Baldrige	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. Preece	10190
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. Pardee	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. Fields	10214	Adolphus J. Hallum	D 483
Susie Henderson	10216	Alexander Walker	D 490
Charles H. Rienhardt	10218	Albert J. High	D 491
William H. Watkins	10221	America Matoy	D 501
Frank M. Rucker	10222	Moses L. Grazier	D 503
Henry C. Reed	10224	Myrtle Hall	D 509
Laura B. Timberlake	10226	Wallace Thursday	D 544
George A. Brown	10228	Thomas W. Baker	D 546
Drucilla Lowrey	10232	Mattie E. Keys	D 550
Almira Mouse	D 9	William S. Edwards	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. Hawkins	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 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 Turquutt	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 Burger	D 2687
Euphemia Sweetwater	D 1314	Disie 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 Tauuneacie	D 2831
William R. Lipsey	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
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

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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.
TAMM 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-1150

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, **March 1,**

1902.

Mr. Francis B. Reid,

Muskogee, Indian Territory.

Sir:

You are hereby notified that the application of **yourself**

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

March 21, 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, **as you may deem necessary.**

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

Yours truly,

Register

**Acting Chairman
Commissioner in Charge.**

D.

1180

MAR 3 1902

Handwritten scribbles and marks, possibly including a signature or initials.

C.D. 1180

2

11180

**INDIAN TERRITORY,
CHEROKEE NATION.**

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
..... day of A. D. 190...

Given under my hand this.....
day of..... A. D. 190...

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
..... day of , 190....

.....
Attorney for applicant.

**UNITED STATES OF AMERICA, } S. S.
INDIAN TERRITORY, }
NORTHERN DISTRICT.**

I do solemnly swear that I delivered a
true copy of the within notice to

.....
on the day of A. D. 190....

.....
Subscribed and sworn to before me
this

.....
Notary Public.

REGISTERED INDEX
FILED
MAR 27 1902
W. H. S. J. J.
Notary Public

NOTICE!

IN THE MATTER OF the application of Francis B. Reid,
for enrollment as Cherokee citizens:
Case No. D 1180.

To Francis B. Reid, Muskogee, 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,
Indian Territory, on March 21, 1908, 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 16, 1908.

Attorneys for the Cherokee Nation.

AFFIDAVIT,

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT.

} SS

In the matter of the application of _____

Francis B Reed for enrollment as a Cherokee ^{citizen} Freedman.

No. F. D. 1180 A. Coan

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 Francis B Reed whose postoffice is Muskogee,

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 Francis B Reed, showing that he had received said notice.

Arthur Coan
Subscribed and sworn to before me on this the 15 day of March, A. D. 1902

J. C. Starr
Notary Public.

Cherokee D-180

Tahlequah, Indian Territory, September 17, 1903.

Francis B. Reed,

Muskogee, Indian Territory.

Dear Sir:

As requested in your letter of September 14, a copy of the decree of divorce granted to Josie Reed from F. B. Reed is herewith returned to you, a copy of the same having been made and retained in the Commission's files.

Respectfully,

Encl-8-122
GRS

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

17 1903

Cher. D 1180

Muskogee, Indian Territory, January 10, 1907.

Francis B. Reid,

Muskogee, 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 D1180

Muskogee, Indian Territory, March 14, 1907.

Francis B. Reid,

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 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 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



Cher D 1181

Cher D 1181

Cherokees.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., April 23, 1901.

In the matter of the application of Jack Parris for the enrollment of himself, wife, and three children as Cherokees by blood. Jack Parris, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Jack Parris.
- Q How old are you? A I am 27 years old.
- Q What is your post office? A In Canadian district, Critts.
- Q Do you live in Canadian district? A Yes, sir, Canadian district.
- Q Do you want to be enrolled as a Cherokee by blood or by inter-marriage? A Cherokee by blood.
- Q What is your father's name? A Bill West; his name is Parris but he always went by the name of West.
- Q Is he living? A No, sir.
- Q What is your mother's name? A My mother's name is Malinda Williams.
- Q Is she living? A Yes, sir.
- Q Who do you want to enroll besides yourself? A I want to enroll my child, one child.
- Q What is the child's name? A William West Parris.
- Q Are you married? A Yes, sir.
- Q What is your wife's name? A My wife is dead, my first wife.
- Q What is your present wife's name? A Weaver.
- Q What is her given name? A Joan.
- Q Is she a citizen? A Yes, sir.
- Q Do you apply for her enrollment? A Yes, sir, I apply.
- Q For your wife and one child? A Yes, sir.
- Q How old is Joan Weaver? A She is about 27 years old.
- Q Her name now is Joan Parris? A Yes, sir.
- Q Is she a Cherokee by blood? A Yes, sir.
- Q What is her father's name? A Joe Weaver.
- Q Is he living? A Yes, sir.
- Q What is her mother's name? A West.
- Q Is she living? A Dead.
- Q What is her mother's name? A I will be dogged if I can tell you, West is all I know; Mary West I think; this is a job I don't understand.
- Q How old is your child? A He is 5 years old.
- Q Is your name on the authenticated roll of 1880? A I can't tell you, sir, whether it is or not.
- Q Where were you born? A I was born in the Cherokee Nation up on Ballard Creek.
- Q Have you always lived in the Cherokee Nation? A No, sir, I have been in the states off and on, and in the Nation; I have been in the Nation for over 15 years; I am on the payment rolls because I drew money, and I have got a license here issued for my first wife.
- Q You have got no children by your first wife? A Yes, sir, I have ~~got one, that is the one I am speaking about;~~ her name was Hester Ann Kelley; that is the one I have William West Parris by; I have got four children altogether.
- Q Do you want to enroll the balance of them? A Yes, sir, I want to enroll them all.
- Q Now you want to enroll yourself? A Yes, sir.
- Q And your wife? A Yes, sir.
- Q What is her name? A Joan Weaver.
- Q What is your oldest child's name? A The oldest child I have got, its name is William West Parris.
- Q How old is that child? A Five years old.
- Q Now the next child? A The next one is Brunette Parris; it is on the roll Weaver.

Jack Parris et al. - 2.

- Q How old is Brunette Parris? A She is 5 years old.
- Q Are they twins? A No, sir.
- Q How do you happen to have two children not twins the same age? A I married after this here one died; you see the date of that; there is a year and four days difference in them.
- Q How William West is a child by your first wife? A Yes, sir.
- Q How does his name happen to be West? A He just went by his mother's ~~own~~ name, that was my father's name and he went by his mother's name; he was Bob Parris' son; that is the way that came about.
- Q Now what is the next child after Brunette? A Well Rossey, 3 years old.
- Q Now what is the next one? A His name is Buster Parris.
- Q How old is Buster? A He is 8 weeks old to-day.
- Q How who is the mother of William W. Parris? A Hester Ann Kelley.
- Q That was your first wife? A Yes, sir.
- Q Now who is the mother of the other three children? A Joan Weaver.
- Q How old is your oldest child? A The oldest one, since I come to study about it he is 6 years old, and this one is 5; there is a year and four days difference in their age.
- Q Could your name have been on the roll of 1880 by any other name than Parris? A No, sir, it couldn't.
- Q You say your father's name was William Parris? A Yes, sir, because it has never been put down only by Henry Grittendon, he put it down and I drew money on it.
- Q What district did you live in 1880? A I was here at Going Snake.
- Q Is your father or mother on the roll of 1880? A My mother is a white woman and she isn't on the roll; my father is, I am satisfied; he is on the roll away back.
- The 1880 authenticated roll of Cherokees ~~examined~~ examined and the applicant Jack Parris not identified thereon.
- Q Were you in prison on 1896? A Yes, sir.
- The 1896 census roll of Cherokees ~~examined~~ examined and the applicant Jack Parris identified thereon, page 1296, No. 25, prison roll, Tahlequah district.
- Q Did your wife have any other name besides Weaver? A No, sir, she never had any other name; she never was married except by this Cherokee law.
- Q She never was married before she married you? A No, sir.
- Q Why isn't Joan Weaver on the roll? A I guess she was in the Chickasaw Nation when they made that roll.
- Q Is Joan Weaver dead? A No, sir.
- Q Hester Kelley was the mother of William West Parris? A Yes, sir.
- The 1880 authenticated roll of Cherokee citizens examined, and the former wife of applicant, Hester Ann Parris, identified thereon, page 465, No. 1856, as Hester Weaver, Going Snake district.
- Q Now your present wife was named Williams, wasn't she? A No, sir, my first wife was named Kelley and my second wife was Joan Weaver; you see that was when she was an adopted daughter into the family.
- Q How would Hester Kelley get on the roll of 1880 as Hester Weaver? A That was just their foolishness in putting her down that way.
- Q Why should they put her down that way? A I don't know, sir; they put her down that way every time, everybody that took the census out there.
- Q Your first wife was adopted into the Weaver family? A Yes, sir, and they just wanted to put her down Weaver so they could draw her money and hold her property.
- Q Your second wife now is named Joan Weaver? A Yes, sir, that is my second wife.
- Q Her father's name was Joe Weaver? A Yes, sir.

Jack Parris - 3.

- Q And her mother's name was Mary West? A Yes, sir.
- Q Your second wife belonged to the same family in which your first wife was adopted? A Yes, sir.
- Q How old would your first wife be? A She would be about 20 years old, as near as I can come at it, if she was alive.
- Q Is your second wife older than your first wife? A Yes, sir, she is older; there isn't but a little difference between her age and mine.
- Q How long has your first wife been dead? A She has been dead pretty near three years.
- Q She was pretty young when she was married? A Yes, sir.
- Q How old was she when she was married? A 14 I think.
- Q Your present wife never had any sister or brother named Jess? A No, sir.
- Q Never called Jess? A No, sir.
- Q Who is William Parris, the grandchild of Joe Parris: is that your boy? A Yes, sir.
- Q What was his mother's name? A Kelley.
- Q Is her name Hester? A Yes, sir.
- Q Well Joe Parris says she is dead? A Yes, sir, she is dead.
- Q Well, William has already been placed on a doubtful card by his grandfather, Joe Weaver? A Joe isn't his grandfather; John Kelley is his grandfather; they just raised him, they raised his mother and then they took the child.
- Q You didn't live with your wife more than a year? A No, sir, just a year.
- Q You never have proved up your rights as a Cherokee? A Yes, sir.
- Q Where? A At Tahlequah.
- Q Have you got any certificate? A No, sir, I haven't got any certificate, Henry Crittenden is the one that got it for me, he said my name would just be put on the roll, and I drew the money, just the same as the rest of them, and they have used me just the same as if I was a citizen; they played like I was a citizen.
- The 1880 authenticated roll of Cherokees examined, and the applicant, Joan Parris, not found thereon.
- Q Was Joe Weaver the father of your wife Joan, your present wife? A Yes, sir, he is the father of my present wife; she wasn't here at the time they were enrolling, she was in the Chickasaw Nation.
- The 1896 census roll of Cherokee citizens examined, and the children of applicant identified thereon as follows:
- William W. Parris on page 775, No. 1552, Going Snake district, as William Parris;
- (William W. Parris enrolled on Ward Field No. D43)
- Brunette Parris on page 775, No. 1551, Going Snake district, as Brunett Parris.
- Q Is your wife living? A Yes, sir.
- Q Has she been before us? A No, sir, she never has been before you because we never got back from the Chickasaw Nation until about four weeks; we had been out there over a year.
- The 1896 census roll of Cherokee citizens examined and the applicant, Joan Parris, identified thereon, page 803, No. 2265, Going Snake district, as Joannah Weaver.
- The 1880 authenticated roll of Cherokee citizens examined, and the parents of Joan Parris identified thereon as follows:
- Joe Weaver on page 485, No. 1851, Going Snake district;
- Mary Weaver on page 485, No. 1852, Going Snake district;
- Q You say now that Joe Weaver and Mary Weaver are the father and mother of Joan, your present wife? A Yes, sir.
- Q Where was she born? A Born in Going Snake district.
- Q How long has she lived in the Cherokee Nation? A She has lived there all the time until about a year ago we went out of the Cherokee Nation, and we never came back till about three weeks ago.

Jack Parris - 4.

- Q Where were you born? A I was born right on Ballard Creek.
Q Lived in the Cherokee Nation all your life? A Yes, sir, but I have been out and in the Cherokee Nation off and on.
Q You have never been recognized by the Cherokee authorities as a Cherokee citizen? A Yes, sir, I was.
Q Have you any proof of that, any certificate? A No, sir, I have no proof of it, but I have never been rejected at anything I went at.
Q Are these children all living, Roscy and Brunette and Buster?
A Yes, sir.

Commissioner Needles: Jack Parris applies for the enrollment of himself, his wife, Joan, and four children, namely William W., Brunette, Roscy and Buster. The name of said Jack Parris cannot be found upon the authenticated roll of 1880, but it is found upon the census roll of 1896. He avers that his present wife, Joan, is the daughter of Joseph and Mary Weaver, and their names are found upon the authenticated roll of 1880 as indicated in the testimony. The name of said Joan cannot be found upon the authenticated roll of 1880, but is found upon the census roll of 1896. The oldest child for whom he applies, William W., is shown by the records to already have been enrolled on doubtful card No. 43. The names of his other three children are not found upon the census roll of 1896, presumably having been born after said roll was compiled, except the name of Brunette, which is found on the census roll of 1896. Satisfactory proof has been made as to their residence, but no satisfactory proof is made as to the citizenship of said Jack Parris, nor the citizenship of his wife, although his wife's father and mother are found upon the authenticated roll of 1880. Consequently final judgment as to the enrollment of said Jack Parris, his wife and children as enumerated herein for Cherokee citizenship by blood will be suspended, and their names will be placed upon a doubtful card, awaiting proof of citizenship of said Jack Parris, proof of citizenship of his wife, Joan, the mother of the three younger children. It will be necessary in order to complete the enrollment of his three younger children that satisfactory proof of birth be filed with the Commission.

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

Bruce C. Jones

Sworn to and subscribed before me this the 24th of April, 1901.

W. H. ...

Commissioner.

AD1181

ACTING CHAIRMAN

OFFICE OF THE

CC

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ACTING CHAIRMAN

Supl.-C.D.#1181.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 21, 1902.

SUPPLEMENTAL in the matter of the enrollment of JACK PARRIS,
ET AL., as citizens of the Cherokee Nation:

The applicant was notified by registered letter March 1, 1902, that his application for the enrollment of himself et al., as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 21st day of March, 1902, and that on said date he might appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any further testimony affecting his application. The applicant has this day, to-wit: the 21st day of March, 1902, been called and failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---00000000---

I, J. O. Rossen, 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. Rossen

©1181

1892-1893

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 31 1902



ACTING CHAIRMAN

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

In the matter of the application of Jack Parris for the enrollment of himself, his wife, Joan Parris, and his children, Brunette, Rosey and Buster Parris, as citizens by blood of the Cherokee Nation.

D E C I S I O N

The record in this case shows that on April 23, 1901, Jack Parris appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of himself, his wife, Joan Parris, and his children, Brunette, Rosey, Buster and William West Parris, as citizens by blood of the Cherokee Nation. William West Parris is differently classified and is not embraced in this decision. Further proceedings were had in the matter of said application on September 19, 1902.

The evidence shows that Jack Parris and his wife, Joan Parris, are Cherokee Indians. Jack Parris is not identified on the authenticated tribal roll of 1880, but he was born, and has lived in the Cherokee Nation practically all his life, and an examination of the Cherokee tribal rolls in the possession of this Commission shows that he is identified on the Strip payment roll of 1894, and the Cherokee Census roll of 1896, as a native Cherokee. The parents of Joan Parris, Joseph and Mary Weaver, are identified on the authenticated tribal roll of 1880, and it also appears that the name of one Jess Weaver is borne on that roll with the family of the said Joseph and Mary Weaver. A further examination of the roll of 1880 and the records of the Commission, show, that no disposition has been made of said Jess Weaver, and that no application has been made to this Commission for the enrollment of any one by that name. It is, therefore, probable that the Jess Weaver on the roll of 1880, is the applicant, Joan Parris, whose maiden name was Weaver. Joan Parris is also identified on the Strip payment roll of 1894 and the Cherokee Census roll of 1896.

Brunette, Rosey and Buster Parris are the children of the said Jack Parris, by his wife, Joan. Brunette Parris is identified on the Cherokee Census roll of 1896, and the evidence shows that the other two children, Rosey and Buster, were living at the date of this application.

The evidence further shows that Jack Parris has made his home in the Cherokee Nation all his life, and that his wife, Joan, has resided in the Cherokee Nation all her life. Their children are

minors and their residence is considered to be that of their parents.
It is, therefore, the opinion of this Commission that Jack Parris, Joan Parris, Brunette Parris, Rosey Parris and Buster Parris, 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,

(SIGNED) Taine Bixby
Acting Chairman.

(SIGNED) I. B. Needles
Commissioner.

(SIGNED) C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,

this DEC 10 1902

COMMISSIONERS:
HENRY L. WES,
TAMM BIX,
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-1181.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 15, 1902.

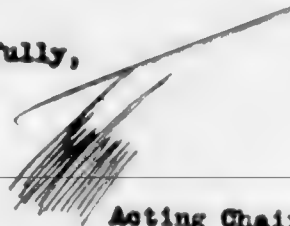
W. V. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application of Jack Farris for the enrollment of himself his wife, Joan Farris, and his children, Brunette, Rosey and Buster Farris, 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-214.

JACK PARK

D-1181

A Original testimony 4/23/1901

B. Memo of application 4/28/1901

Notes of final consideration 4/30/1901

2. Unclaimed reply letter

See Cherat M
Locket 242

Cher D 1182

Cher D 1182

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I.T., November 8, 1900.

In the matter of the application of William Burgess for enrollment as a Cherokee by blood; being sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A William Burgess.
- Q What is your age? A I am about 66, I was born in 1834.
- Q What is your post office address? A Turley.
- Q What district do you live in? A Cooweescoowee.
- Q Are you a recognized citizen of the Cherokee Nation? A I was born and raised here, I am a Cherokee by blood I think.
- Q What degree of blood? A About half.
- Q Who do you want to enroll besides yourself? A Just myself.
- Q Is your name on the 1880 roll? A I guess so.
- Q We don't find your name on the 1880 roll? A I know it is not, because when Scrimpsner was taking it I wasn't on it and I went to Tahlequah and registered, and Mr. Scrimpsner was right there.
(On 1896 roll, page 119, No. 613, William Burgess, Cooweescoowee district; Note on 1896 roll; "Not on 1880 roll.")
- Mr. W.W. Hastings, representative of the Cherokee Nation: Were you ever married before? A Yes, sir.
- Q What was your wife's name? A Susanna Vance.
- Q Did you ever have a child named Anderson John Burgess? A No, sir.
- Q None by the name of Maria? A No, sir.
(On 1894 roll, page 129, No. 301, Wm. Burgess, Cooweescoowee district.)
- Q Did you draw your strip money in 1894? A Yes, sir.
- Q What proof have you got that you are entitled to enrollment as a Cherokee citizen by blood, your name isn't on the roll of 1880?
- A All the proof I have, I was born and raised here and never was denied in life, and how it come not to be on the 1880 roll I don't know: the census takers stayed all night with me, and they took my census, and it wasn't on the 1880 roll and I went to Tahlequah, and John Scrimpsner took it and he was presents, and they took my census there at Tahlequah.
- Q Why did you go to Tahlequah? A Because it wasn't on here, they wouldn't take it here.
- Q They didn't take you here? A Not here, at Tahlequah.
- Q When the census takers came around in 1880 they refused to take it? A They said my name wasn't on the 1880 roll, and I had to go to Tahlequah, and I followed Schrimpsner and he told me to go to Tahlequah, and I went, and it was no trouble at all, and they just took it and said to him, why didn't you take it, and Scrimpsner said, well I thought he wanted to come anyhow.
- Q You are talking about 1896, four years ago. A Well the old 1880 roll, it wasn't on that.
- Q You are talking about going to Tahlequah, that was in 1896?
- A Yes, sir.
- Q Then it wasn't in 1880 when you went to Tahlequah? A No, sir, it was in 1896 when I went to Tahlequah, when John Scrimpsner was taking it.
- Commissioner Needles: Why wasn't your name on the 1880 roll? A Dick Duck and that other man they was taking it, and they stayed all night with me and took it, and when I went to Tahlequah it wasn't there.
- Q They stayed all night with you in 1880? A Yes, sir, stayed all night with me, I kept them all night, and they took my family next morning.
- Q Was your father an Indian by blood? A Yes, sir.
- Q What was your mother? A She was a Dutch woman, they was married back in the old country and came here and I was born the next year after we came here, I am 66 years old, and I have been right here over

William Burgess - 2.

since there is a man knows, and John Saylor knows I have been here all the time.

Mr. Hastings: Did you draw money in 1884? A Yes, sir, I drew in every payment that has been drawn since I was in here; I drew in the old settler payment at Fort Gibson.

Tessey Chambers, being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Tessey Chambers.
Q What is your age? A 45.
Q Your post office? A Claremore.
Q Do you know William Burgess? A Yes, sir.
Q How long have you known him? A About 30 years I guess.
Q Do you know him to be a recognized citizen of the Cherokee Nation by blood? A He has always been recognized as a Cherokee heretofore.
Q Do you know any reason why his name is not on the roll of 1880?
A No, sir, they use him as a jurymen and everything of that kind here.

William Burgess, recalled, testified as follows:

Commissioner Needles: Have you got any writings from the authorities over at Tahlequah as to your citizenship? A No, sir.

Q You have no certificate or anything of that kind? A No, sir.

The name of William Burgess is found upon the census roll of 1896 and the pay-roll of 1894. His name is not found upon the authenticated roll of 1880, but satisfactory proof has been made as to his identity and that he is a Cherokee citizen by blood, consequently said William Burgess will be duly listed for enrollment as a Cherokee citizen by blood.

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

Bruce C. Jones

Sworn to and subscribed before me this the 9th of November, 1900.

[Signature]

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
NOV 9 1900

ACTIVE EXHIBIT

5288

3-13-1912 Not

Ordered Filed

this Case

[Faint handwritten text]

Cherokee by blood intermarriage.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., April 23, 1901.

In the matter of the application of Martha J. Burgess for the enrollment of herself as a Cherokee by intermarriage.

Martha J. Burgess, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Martha J. Burgess.
- Q What is your age? A I can't hardly tell you, I must be pretty near about 70.
- Q What is your post office? A Wagoner.
- Q What district do you live in; do you live in Wagoner? A Yes, sir.
- Q Are you a recognized citizen of the Cherokee Nation? A Always have been.
- Q By blood or intermarriage? A By intermarriage.
- Q Does your name appear upon the roll of 1880? A I don't know, they have always taken my census every time the census takers have passed around since 1880 and said they put it on, I can't tell whether they did or not.
- Q What is your husband's name? A William Burgess.
- Q Is he living? A I guess he is, I don't know.
- Q Was he a Cherokee citizen by blood? A Yes, sir.
- Q You don't know whether he is living or not? A No, sir.
- Q You and he are not living together? A No, sir, haven't been for several years.
- Q When were you married? A I can't tell you exactly, in 1870 I believe.
- Q Have you any certificate of marriage? A No, sir, they didn't give us any.
- Q How long have you been separated; about how long? A Must have been separated about - I don't want to say anything unless I can come right down on it.
- Q Has it been thirty years? A No, sir, 16 or 17 years, somewhere along there.
- Q Did he leave you or you leave him? A He left me.
- Q Have you ever married since? A No, sir.
- Q Has he ever married since? A Yes; married three months afterwards.
- Q You don't know where he is living? A He is living somewhere in the edge of the Creek Nation.
- Q Where did you live when you were married? A Lived over on the Verdigris.
- Q Married in the Cherokee Nation, were you? A Yes, sir.
- Q In about 1870? A About 1877.
- Q And you lived with him until 16 or 17 years ago? A Yes, sir.
- Q Do you want to enroll anybody besides yourself? A If I get my name on the roll I have a daughter.
- Q How old is she? A She is about 30 I guess.
- Q She will have to apply for herself. Was he ever a recognized citizen of the Cherokee Nation? A Oh yes.
- Q Did he apply to the Dawes Commission do you know in 1896? A No.
- Q Do you know his present wife's name? A No, I don't know that I do.
- Q Do you know the name of William Burgess' father? A I think his name was John Burgess.
- Q What was his mother's name? A I can't tell you.
- Q Polly? A I don't know.
- The 1880 authenticated roll of Cherokees examined and the applicant not identified thereon.
- The 1896 census roll of Cherokee citizens examined and the applicant not identified thereon.
- Q Was William Burgess ever married before he married you?

Martha J. Burgess - 2.

A Yes, sir.

Q Was his wife dead at the time he married you? A Yes, sir, she was when he married me.

William Burgess is enrolled on Cherokee Card Field No. 5233.

Q You don't know of any roll that your name is on? A No, sir, I know it has been put down every time they come around and taken the census, they put my name on till 1896, and I failed to get there in time, or I would have been on that; I didn't get word in time to go.

Commissioner Needles: Martha J. Burgess applies for enrollment as a Cherokee citizen by intermarriage. She avers that she was married to one William Burgess in the year 1877, and lived with him until 16 or 17 years ago. The said William Burgess is duly enrolled as a Cherokee citizen by blood on Field Card No. 5233. The applicant presents no satisfactory proof of marriage, and consequently final judgment as to her enrollment as a Cherokee citizen by intermarriage will be suspended, and her name will be placed upon a doubtful card awaiting proof of marriage and further proof as to the separation of herself and her husband.

A I can give you the name of the man that married us.

Q Is he living? A No, sir, he is dead.

Q What is his name? A Ben Spoker.

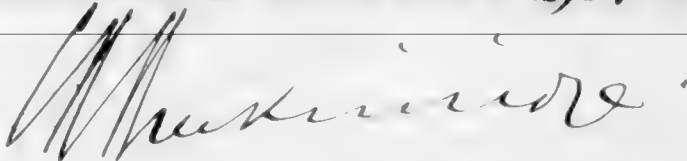
Q Have you got anybody here that knows that you lived with Burgess as man and wife? A Yes, sir, old John Schrimsher knows it if he was here.

Commissioner: Reference is made to Docket B, Page 282, 1896 citizenship applications, Cherokee case No. 4627, William Burgess and Elizabeth Burgess et al., application to be admitted made before the Dawes Commission.

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

Bruce C. Jones

Sworn to and subscribed before me this the 24th of April, 1901.



Commissioner.

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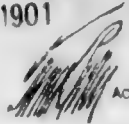
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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
APR 23 1901



ACTING CHAIRMAN

Frank Watson
Secretary of Agriculture, Federal Office, Wash.

CHEROKEES BY BLOOD AND ADOPTION.

Date *April 23* 190*9*

Name *Wagner G.*

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Wife's name *Martha J. Rogers*

District _____ Year _____ Page _____ No. _____

Citizen by blood *No.* Mother's citizenship _____

Intermarried citizen *Yes*

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children:

Robert

Dist.	Year	Page	No.	Age
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
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B. Jones, Stenographer

Proof of marriage and further evidence in regard to separation from husband

Department of the Interior.
Commission to the Five Civilized Tribes.
Ft. Gibson, I. T., April 23, 1901.

Supplementary testimony in the matter of the application of
Martha Burgess for enrollment as a citizen of the Cherokee Nation.

J. G. Schrimsher, being sworn and examined by Commissioner
T. B. Needles, testified as follows:
Q What is your name? A J. G. Schrimsher.
Q How old are you? A About 55.
Q You know Martha Burgess? A Yes sir, I have seen her.
Q Well, what do you know about her citizenship? A Well, all
I know, she once lived a man named Burgess in my neighborhood.
I have been to the house and they were living there together.
Q They were living together as man and wife? A Yes sir.
Q Was he a Cherokee citizen? A I believe he got on the roll as
such.

Applicant, Mrs. Burgess of Mr. Schrimsher-
Q Where was I living when we lived together, Mr. Schrimsher? A
You were living about three miles the other side of Claremore on
the place that is now owned by Dr. Forten.
Q That was the first place? A That is where I was at your house.

Commissioner of witness-
Q You know the reason of their separation? A I do not; don't
know anything about that.

Applicant of witness-
Q You never heard that I did anything contrary in getting along?
A I don't know that I ever heard much about it; I don't remember
anything about that.

Commissioner-
Q Do you know about this woman's residence, where she has been
living for the last twenty years? A No sir, I don't.
Q You don't know whether she was married to Burgess or not? A
I do not; they were living together.

Applicant of witness-
Q Didn't you always hear I was married to Burgess? A I did not
make any inquiry; I always saw you living together.

Commissioner-
Q Were generally considered in the neighborhood as man and wife?
A Yes sir.

Applicant recalled; she having been duly sworn:
Q You were married in 1877? A 1877.
Q Where have you lived since 1877? A All about around over the
nation.
Q Have you lived outside of the Cherokee Nation? A In the Creek
Nation; tried to make a living.
Q How long did you live in the Creek Nation? A Why, I have been
there six or seven years.
Q You are living in the Creek Nation? A Yes, living there now;
I have some property there.
Q Do you own any property in the Cherokee Nation? A Not now;
I had a place, but they allotted it away for me.
Q Did you ever apply to the Dawes Commission in 1896 to be
enrolled as a Cherokee citizen? A Never only by that lawyer; he
had taken my permits and worked for me.
Q Who? A This here Gibbs.
Q Lawyer Gibbs? A Yes sir.
Q Did he apply to the Dawes Commission in 1896 - did you employ
him? A Yes, I employed him to get my permit back to me.
Q Did you ever hear what the Dawes Commission done; whether they
rejected you? A They said the papers showed that I was alright.
Q That is what Gibbs said? A Yes sir.
Q And you paid him? A Yes sir, I paid him.

A- M. B.

Q Did you ever go by any other name since 1877 than Burgess? A No, but the name I come here in. I come here in the name of Cooper. Some called me Cooper after me and Burgess were living together, and they called me that after we were married.

Q Did they make the permits in the name of Cooper? A No sir.

Q Well, now, these papers say you are on the roll of 1880, but we can't find your name? A That is what I thought; I thought it was.

Your name is not found on the roll of 1880, Mrs. Burgess.

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

E. J. Rothenberger
Subscribed and sworn to before me this 24th day of April, 1901.

W. H. ...
Commissioner.

UNITED STATES OF AMERICA,
Indian Territory,
Northern District.

Personally appeared before me _____ a Notary Public in and for the
same district who being by me duly sworn says that _____ is _____
years of age and _____ post of-
fice address is _____ and _____ further states that
~~is well acquainted with.~~

I examined the application and affidavit of
Martha J. Berger and find that the copies
affixed to the chief in these exact copies
of the originals and that they have this
day registered copies to the chief and see
that ~~in~~ the copies and obtain a
register receipt for the same, and know
that the receipt now enclosed is a receipt
of the copies of Martha J. Berger's application
and affidavit which correspond to the originals

M. L. Droom

Subscribed to and sworn before me this 20th day of Aug 1897.

J. C. B. Lindsey

Notary Public.

My commission expires March 30th 1901

to the Honorable Henry L. Davis and
others composed the Commission to
the line "Severed" tribes!

Wanted state to know as shown by
application and affidavits that "Martha
Burgess" was adopted citizen having
been lawfully married to William Burgess
a Cherokee Indian by blood and
remains, as by the laws of said Nation
and that she was enrolled as a Cherokee
Citizen in the year 1858 and remained on
the said roll until the last issue
of the Cherokee paper

Therefore, pray your Honorable
body to give this case your best con-
sideration and that the said "Martha
Burgess" be reinstated and that her name
be placed upon the said roll and be
all the rights and benefits as usual
as a citizen in the Cherokee of the
United States and her name be
removed from the roll of the
Cherokee and

Respectfully yours

J. H. H.

Cherokee, Ga.

adjudged, entitled to such citizenship, and her name be placed upon the proper rolls as a citizen of such Nation. She further avers that she was the lawful wife of William Burgess, being lawfully married to him in accordance with the Cherokee laws governing the marriage of citizens of the Cherokee Nation. She was married in the year of 1877 and her name was enrolled as a citizen of the Cherokee Nation in the year 1880.

her
 Signature of William Burgess
 mark

Wagoner, Indian Territory



INDIAN TERRITORY,

Notary Public, Judicial Division.

SS

NOW on this 19th day of July 1897
 personally appeared before me J. C. B. Lindsey
 a Notary Public in and for said Territory

Martha J. Burgess who being
 duly sworn upon oath states that the facts set forth in the foregoing petition are correct and true. Subscribed and sworn to before me this 19th day of July 1897

J. C. B. Lindsey
 Notary Public.

March 30th 1901

To The Honorable Henry L. Dawes
and Others Composing the Commission
to the Five Civilized Tribes
Your Petitioner, Martha J. Burgess,
would state and show from the
proof submitted to the Commission
that she is an adopted Cherokee
Citizen of Coconawhoochee District,
her name appearing on the
authenticated roll of 1880 and all
the authenticated rolls till the last
census roll, that her name
did not appear on said
census roll on account of
being delayed and missing the
census taker. And she avers that
these facts can be established by
proof to the satisfaction of the Com-
mission under such rules
and regulations as it may prescribe.
And she further avers that these facts
being proven she is entitled to
be adjudged, under the laws of
such Nation and the laws of Con-
gress 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
protections of citizenship in
such Nation. Therefore she
herein respectfully submits to
the consideration of the honor-
able Commission such
proof and on the hearing she be

Received of [unclear] in the

sum of [unclear] application

is affirmed O.K.

7

Indian Territory
Northern Judicial District } 28

Saw on this 23rd day of
1897 personally appeared
before me ~~Mr. [unclear]~~ a
Notary Public in and
for said Territory W. Woodward
who being duly sworn
upon oath states
that Martha J. Burgess
whose name appears upon
the authentic copy roll of
1880 from the ~~Sevier~~ ~~Sevier~~ ~~Sevier~~ ~~Sevier~~ ~~Sevier~~
District Cherokee Nation is
still living & resides in
the town of Wagoner, O.T.
Subscribed & sworn to before
me this 23rd day of July, 1897

William B. Hall,
Notary Public
Comm. exp Jan 16th 1900.

W. Woodward
Notary Public

Indian Territory }
Judicial District } ss

Now on this 24th day of July 1897
personally appeared before me
Wm. M. Hall Notary Public
in and for said Territory
Artemesia R. Gourd who being duly
sworn upon oath
states that Martha J. Burgess
whose name appears upon
the authenticated roll of 1880
from the same course
District Cherokee Nation
is still living and now
resides in the town of
Wagoner I. J. Subscribed and
sworn to before me this
24th day of July, 1897

William M. Hall }
Notary Public }
Com. exp Jan }
16th 1900. }

Artemesia R. Gourd
Notary Public

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/11/00 BY 1043
APR 2000

1043
11/11/00
ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 4th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
MARTHA J. BURGESS as a Cherokee citizen, introduced on part of
the applicant:

APPEARANCES:

Mr. I. P. Bledsoe, Agent for Applicant;
Mr. W. W. Hastings, for Cherokee Nation.

E. E. COKER, being duly sworn by Commissioner Needles,
testified as follows:

MR. BLEDSOE: State your name? A E. E. Coker.

Q What is your age? A I will be 63 in November.

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

Q Where do you reside? A Well, you know sometimes Chouteau and
sometimes at Claremore.

Q Your home is in the Cherokee Nation? A My home is in the Cher-
okee Nation and has been for 35 years.

Q Do you know Martha J. Burgess and William Burgess?

A Yes, sir, I know them by name.

Q How long have you known ~~Martha~~ Martha Burgess? A I have known
her about 25 years I guess. Longer than that, I have known her quite
a while.

Q Do you know when she and William Burgess were married?

A Yes, sir, I remember it will.

Q When were they married? A They were married in '70 along in
the spring, I can't tell the date of the month, but it was at my
house one sabbath evening, my husband married them.

Q Was that in the Cherokee Nation? A Yes, sir, out there about
three miles and a half of Claremore, at my old home place.

Q Was your husband a minister? A Yes, sir, he was an ordained
minister.

Q Did they have any license? A I don't remember. I suppose so.

Q He married them according to the customs? A Yes, sir, and by
some means it was not recorded and they could not find it, and I
was the only witness living.

MR. HASTINGS: What year do you think they were married?

A In '70 I think.

Q Year 1870? A Yes, sir, it has been about 24 years ago.

Q That would not be '70? A Well, count it up.

Q They were married at your house? A Yes, sir, one sabbath even-
ing.

Q Had William Bugess ever been married before? A I could not say.

Q Had he been living with any other woman as his wife?

A I could not say.

Q How long have you known him, then? A I had just heard of him
I hadn't known him very long.

Q Had you known this Martha? A Yes, sir; Miss Cooper.

Q How long have you known her? A For quite a while, she had some
girls and my husband married one of them.

Q Had she ever been married before? A I think she was, I have
known of her and that my husband married her.

Q You think she had been married before? A I think she had.

Q You don't know whether her former husband was living or dead?

A I think he was dead.

Q Do you know that? A I don't know.

Q Was that your information at that time? A Yes, sir, I think at
that time she was called the widow Cooper; I know she had two or
three girls and my husband married one of them.

Q Do you know how long they continued to live together?

A No, I could not tell you that at all.

Supl.C.D.#1182.--2.

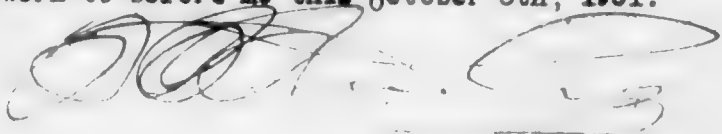
COM'R NEEDLES: Do you know anything about the cause of their separation? A No, sir, all I know is just the marriage is all I can say.

---ooo000ooo---

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

J. O. Rossen

Subscribed and sworn to before me this October 8th, 1901.



Commissioner:

2

D1182

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

FILED
AUG 8 1901



ACTING CHAIRMAN.

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Vertical text, possibly a stamp or address, partially legible.

Supl.-C.D.#1182.

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
MARTHA J. BURGESS as a citizen of the Cherokee Nation:

The applicant was notified by registered letter March 1, 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 21st day of March, 1902. Receipt has been acknowledged of Commission's letter, and the applicant this day appears in person and by her attorney, Robert Toomer, Muskogee, Indian Territory.

The Cherokee Nation by its representative makes satisfactory proof of service on the said Martha J. Burgess that it would on the 21st day of March, 1902, introduce testimony tending to disprove her right to enrollment as a citizen of the Cherokee Nation at the offices of the Commission at Muskogee, Indian Territory.

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

MARTHA J. BURGESS, the applicant, re-called for additional cross-examination, being duly sworn, testified as follows:

MR. HASTINGS:

- Q What is your name? A Martha J. Burgess.
Q What is your age? A I can't hardly tell you, but somewhere about 70.
Q What is your post office? A Tagoner.
Q Where were you born? A In Missouri.
Q Who were you married to first? A Man by the name of Robison.
Q Where did you marry him? A Oh, it has been so long ago I can't hardly tell you; it was in Missouri, of course.
Q How long did you live with him? A I lived with him, I could not tell you, how many years.
Q You and him quit? A Yes.
Q Where is he now? A Oh, man I ain't heard of him in a long time.
Q Where did you go to when you left him?
A I could not tell you, I went to a good many places, wherever I could get the most to do.
Q Well, you and him separated? A Yes, sir.
Q Never divorced? A Well, yes.
Q Did you get the divorce from the courts? A No, I came back and let him get the divorce and let him have it.
Q In what court? A I can't tell you that, it was in Missouri.
Q You haven't got a copy of that decree of that divorce? A No, I never had any idea I would need it.
Q He was living when you left Missouri? A I don't know whether he was up there or down there.
Q Well, was he? A I could not tell you.
Q Well, where was he when you last heard from him? A He was in Missouri.
Q Was he at another place when you left that country?
A Not where I was.
Q What country were you living in when that divorce was granted?
A I don't know whether I can tell you or not.
Q Well, now how long; it is a big state, and we can't find that unless you can give us the town you were living in that was the

county seat of the country you were living in the state; don you know

A I can't recollect.

Q I want to know where you were when that divorce was granted?

A I don't know.

Q You were living in the United States of America; that is all you know? A Yes, sir, I was living in Missouri near Kansas City that is all I know, to make money to live on.

Q What direction from Kansas City were you living? A South.

Q How far? A I don't know.

Q You know whether it was short distance or not?

A It was different distance.

Q But when this divorce was granted? A There was no divorce granted about Kansas City.

Q But where were you living how far from Kansas when this divorce was granted, as you say? A Wasn't granted about Kansas City, let me tell you.

Q Well, where was it granted? A I don't know as I can tell you.

Q Never was granted was it? A Yes, sir.

Q Why don't you give us some information about it so we can inquire into it? A I never paid much attention to where I was going, just so I knowed I was clear.

Q You brought the suit or did he bring it? A He brought it.

Q Did they have service on you and notify you? A No, sir.

Q Did not? A No, sir.

Q You don't know the suit was brought do you? A No, from hearsay.

Q Now, who was your second husband? A His name was Cooper.

Q Where did you marry him? A In Missouri.

Q How far from Kansas City was that? A Oh, that was away up about Fort Scott.

Q Did you leave him too? A No, he died and I seen him burried and good man was he.

Q Well, what was your next marriage? A Burgess.

Q How long did you live with him after you married him?

A Oh, I don't know; I could not tell you that to save my life, because he ~~was~~ would get made and fly off the next day and if you can keep up with it you can beat me.

Q Well, wasn't you and him living together up on Big Caney, Coowees coowee district? A Yes, sir.

Q And you left him and went down to Talala? A I never left him at all.

Q Who stayed at the place where you and he were living, who remained there when you separated? A I don't know who, I can't tell you without studying.

Q Now, this has not been so long ago has it? A It has been several years ago.

Q Now, don't you know when you left him you left him at his own home place and went off and went to Talala and told him you never wanted to see his face again? A No, sir.

Q Didn't you go off and leave him? A No, he left me.

Q Who stayed on the place where you and he were living?

A I stayed there myself.

Q How long? A Not very long because he sold the place to John Carter.

Q Were you there when he sold the place? A I was there sick.

Q Where was he? A He was there at John Carter's, and said he sold the place, I don't know, I can't tell you but he told how much, and I would have to go somewhere else, I told him I could do that.

Q Isn't it a matter of fact that you went off down there to Talala and made a new place and left this man living on the place?

A No, sir.

Q How many years ago has it been since you separated? A Been

ten or 12.

Q You haven't married since? A No, sir, that is enough now.

MR. TOOMER:

Q In your first examination you stated that Burgess had married again; what did you know about that? A I don't know, I just heard he married.

Q You never were divorced from Burgess? A No, sir.

Q He is your husband yet? A Yes, according to laws of the Nation.

WILLIAM BURGESS, being duly sworn, testified as follows on part of the Cherokee Nation.

MR. HASTINGS:

Q What is your name? A William Burgess.

Q What is your age? A 67.

Q What is your post office? A Chelsea.

Q You know this woman here? A Why I used to know her; she told me she never wanted to see me again and I hate to look at her.

Q How long did you live with her? A About three or four years.

Q Where were you living when you lived together as husband and wife? A Living on Big Caney up near Bartlesville.

Q Did you leave her or did she leave you.

Q She left me and said she never wanted to see me again; I suppose by that she left me.

Q Did she go off from that place to another one. A I sold the place to John Carter's wife and she settled a place just below it was the last I ever seen of the woman.

Q What was the cause of this separation? A Children.

Q Did she have some children by a former marriage? A Yes, sir.

Q Did you? A I had two and she said she didn't want to tend to them; that was the cause of it, and then she got her son-in-law to kill me, and told me if he had to leave the country he would leave it for something.

Q Did she ever tell you about her first husband living, whether or not? A I heard them talking about it.

Q Were you ever married before you married her? A Yes, sir.

Q First wife dead? A Yes, sir.

Q Just married one time before you married her?

A Yes, sir; my first wife's children she would not let stay at home, and I paid her half what we had made, half of what we had made right there and she took it.

Q Went off down to Talala? A She went to Talala, and then from there to Wagoner, lives in Wagoner.

Q She is not married since? A I don't know anything about her, whether she is or not.

MR. TOOMER:

Q You never have married either? A Yes, sir.

Q You never got any divorce from her? A No, sir. She never asked for any and I didn't want any.

Q Then you have got two wives? A I ain't got but one.

Q Didn't you see that place you were living at at the time she went off; didn't you sell that place out from under her?

A No, sir, I paid her \$75, the place was my own; I made the place--me and her made the place I will say--I sold the place for \$150 and I give her a big black horse worth \$100 and made it square.

Mr. Toomer: We submit the case.

Mr. Hastings: The Cherokee Nation now moves the Commission to require this applicant to present proof of divorce from her first husband because the facts are peculiarly within

her own knowledge and not within the knowledge of the representative of the Cherokee Nation.

Commission: The motion of the representative of the Cherokee Nation will be entered, and the applicant is hereby notified that she will be given 30 days in which to file evidence of the divorce from her former husband.

Mr/ Toomer: We protest on behalf of the applicant that the demand is unreasonable; it is unjust and it is an illegal demand on her. The proof in this case shows that she is a woman about 70 years of age and of failing memory and we doubt if it is possible to ascertain the Court in which this record was made. Her ignorance is manifest, and we do not think that we ought to be called on to make this proof. However, we will make an effort to do it, but we protest that it does not devolve upon us to make it.

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K I, J. C. Rosson, do hereby certify 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.

J. C. Rosson

CD1182

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAR 28 1902


ACTING CHAIRMAN

14
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17 11 8 2

COMM. S. T. P.

FILED

APR 15 1902

[Handwritten scribbles]

of the next term of the Circuit Court of Clark
County, Missouri, and held at the Court House in the Town of Clinton, Missouri
for the County of Clark and State of Missouri, to-wit: on the 19th day of

John T. ...
Sheriff
...

The 15th day of December 1899 being the third day of said term
of said Court in the cause of

John T. ... Plaintiff

vs.

John T. ... Defendant

That this day comes the said Plaintiff in the
above entitled cause, by his attorney, and the said Defendant by his attorney
before the said Court and each of them has been duly served with a copy of the
pleading of the other, and the said Plaintiff has filed a petition for divorce
and it appearing to this Court that the said Defendant has
been notified of the substance of this suit by publication in the
weekly Clinton News and by advertisement in the weekly
Clinton County News and that he has been absent from the County
for at least four weeks before the first day of the
next term of this Court the same day thereupon the petition of Plaintiff
and the evidence presented to the Court both find that the said Plaintiff
was married to the said Defendant February the 15th 1897 and that
the said Plaintiff continued to live with said Defendant as her husband
until the first day of March 1899 and that during that time said Plaintiff
released himself and discharged all duties as the husband of said
Defendant and the Court further finds that said Defendant has disregarded
her duties as wife of said Plaintiff and that said Defendant has
deserted the said Plaintiff and left him alone without a just cause.

It is therefore considered, ordered and adjudged by the Court
that the same cause of divorce heretofore existing between the said
Plaintiff and the said Defendant and all the same are hereby dissolved and
that the said Plaintiff and Defendant be divorced from then.

Witness my hand and seal of office this 14th day of April 1900.

John T. ...

John T. ...

I, John T. ... Clerk of the Circuit
Court of Clark County, Missouri, do hereby
certify that the foregoing is a true copy of the same as filed in the above
entitled cause by the said Plaintiff and Defendant in my
office, Book A, Page 135.

In witness whereof I have hereunto set my hand and affixed
the seal of said Court House at office in City of Clinton County
Missouri this 14th day of April A.D. 1900.

John T. Chastain Circuit Clerk
J. R. Moore

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

In the matter of the application of Martha J. Burgess 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 April 23, 1901, Martha J. Burgess appeared before the Commission at Fort Gibson, Indian Territory, and made application for her enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Vinita, Indian Territory on October 4, 1901, and at Muskogee, Indian Territory on March 21, 1902.

The evidence in this case shows that the said Martha J. Burgess, was married about 1877, to one William Burgess, a citizen by blood of the Cherokee Nation. The evidence further shows that the said Martha J. Burgess had two former husbands, one Cooper and one Thomas H. Robinson. The said Cooper died prior to her marriage to Burgess, and the evidence further shows that she was separated from her husband, Thomas H. Robinson by decree of divorce in December, 1869. It further appears that the said Martha J. Burgess and her husband, William Burgess separated in 1884 or 1885. The evidence fails to show that she abandoned her said husband and she has not re-married since their separation.

The evidence further shows that the said Martha J. Burgess has resided in the Indian Territory since the date of her marriage to William Burgess, and that she was a resident of the Cherokee Nation at the date of the application herein.

It is, therefore, the opinion of this Commission that Martha J. Burgess should be enrolled as a citizen by intermarriage of the Cherokee Nation in accordance with the provisions of the Act of Congress, June 28, 1898 (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner


Commissioner.

Dated at Muskogee, I. T.

this AUG 11 1902

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Muskogee, I. T. August 26th 1902.

In the matter of the application of Martha J. Burgess for enrollment
as a citizen by intermarriage of the Cherokee nation. C. D. 1182.

The Cherokee nation protests against the decision rendered by the
Commission in this case on August 11th 1902 listing the applicant for
enrollment as a citizen by intermarriage of the Cherokee Nation, and asks
that the same be forwarded to the Honorable Secretary of the Interior for
review.

The applicant herself is a white woman, she has been married to two
husbands prior to her Cherokee husband William Burgess with whom she
lived only a short time when she abandoned him and left him. The Cherokee
Nation says that the decision of the Commission is unfair when it states
that the testimony fails to show that she abandoned him and reference is
made to the testimony of her former husband William Burgess which we
think shows that she did abandon him and that she is therefore not entitle
ed to be enrolled as a citizen of the Cherokee nation. It must be borne in
mind that the burden of proof is upon the applicant to show that she is
entitled to be enrolled as a citizen of the Cherokee nation; it should
also be borne in mind that considerable is at stake and that there is a
financial inducement to prevent the applicant from testifying as to the
truth and it should be further noted that the name of the applicant does
not appear upon the census roll of 1896 and she does not bring a single
witness before the Commission to prove that her husband abandoned her.

She is a white woman, this is her third marriage, she was divorced
from one of her previous husbands which of itself should caution one to be
careful of her testimony. Whatever rights she may have she got them
through this Cherokee husband and the presumption should be against the
applicant and in as much as the burden of proof is upon her and taking
into consideration her former marriages and the legal presumption of bias

we contend that the right in this nation ~~in our territory~~ should
not be conferred upon this applicant upon her own uncorroborated state-
ment.

Respectfully submitted,

W. H. King
Attorney for the Cherokee Nation. *W. H. King*

J. C. S.

Cherokee D-1182.

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

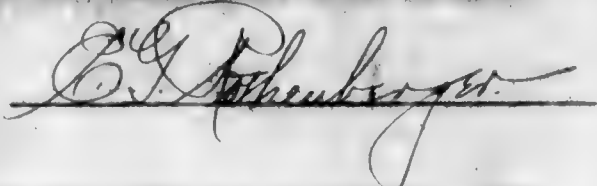
In the matter of the application of Martha J. Burgess for enrollment as a citizen by intermarriage of the Cherokee Nation; she being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Martha J. Burgess.
- Q What is your postoffice? A Wagoner.
- Q How old are you at this time? A Some where about seventy I guess, as well as I can recollect.
- Q Seventy-one or two? A Somewhere about there.
- Q Are you the same Martha J. Burgess that made application for your enrollment to this Commission in April, 1901, are you? A Yes, the same one.
- Q What was your Cherokee husband's name? A William Burgess.
- Q Is he living or dead? A He was alive the last I heard of him.
- Q How long since you heard of him? A I don't know that I know exactly; I was hearing in the spring that he was here, I saw him.
- Q When were you and he married? A I don't know that I can tell you; I am so forgetful.
- Q About when? A I am forgetful, I can't tell you.
- Q About how many years? I don't care for the exact date? A Well it was before 1880 that I was married.
- Q You don't remember the year? A No, I don't recollect exactly.
- Q Had you ever been married before your marriage to him? A Yes sir.
- Q How many times had you been married before you married Mr. Burgess? A Twice.
- Q Were both your former husbands dead? A No, one was dead.
- Q And the other was living? A And the other was living.
- Q Had you been divorced from him? A Yes sir.
- Q Well now, had William Burgess ever been married before he married you? A Yes sir.
- Q How many times had he been married? A Once.
- Q Was that wife of his living or dead when you married? A She was dead.
- Q Now how long did you and Mr. Burgess live together as husband and wife after your marriage? A Why I don't know, some four or five years.
- Q How long have you been separated from him? A I don't know that I can tell you that.
- Q Have you been separated ten or fifteen years? A I guess we separated along about ten or eleven years as well as I recollect now.
- Q Have you ever been married since you were married to Mr. Burgess? A No sir.
- Q Your name is still Burgess? A Yes, still Burgess.
- Q Never have married no other man? A No sir, never married no other man.
- Q How long have you lived in the Indian Territory? A Well, I don't know, I lived here the biggest part of my life.
- Q Have you lived here for fifty years? A No, I guess not quite fifty, about thirty-five or forty I guess.
- Q Have you lived here for the last twenty years in the territory? A Yes sir.
- Q Never lived out of the territory in the last twenty years? A No, I have went out and come back, have been out but not to live.
- Q Went out on business? A Yes, on business, and then back what I call home.
- Q How long was the longest time you stayed out of the territory for any one time? A About two or three or four months.
- Q At one time? A Somewhere along there. It wasn't often that I went out to stay that long, just step out and then right back.

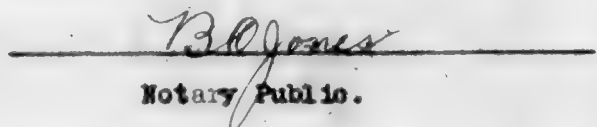
B-Martha J. Burgess.

Q But you made your home in the territory for the last twenty years anyway? A Yes, this is home.

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



Subscribed and sworn to before me this 14th day of October, 1902.



Notary Public.

CHEROKEE-D-1182.

COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS.
Muskogee, Indian Territory, January 5, 1907.

In the matter of making proof of the marriage of Martha J. Burges to her Cherokee husband, prior to November 1, 1875.

APPEARANCES:

Applicant appears by Robert Toomer, represented by Irwin Donovan.

COMMISSIONER.

William Burges, being duly sworn, by B. P. Rasmus, a Notary Public, testified as follows:

COMMISSIONER:

- Q. What is your name? A. William Burges.
- Q. How old are you? A. I am 82 or 83.
- Q. What is your post office address? A. Tulsa.
- Q. Do you know Martha J. Burges? A. I do.
- Q. Is she an applicant for enrollment as a citizen by intermarriage of the Cherokee Nation? A. Yes sir, I guess so.
- Q. What was the name of her Cherokee husband? A. I was her husband.
- Q. When did she marry you? A. I forget the time. I will tell you how come me to know. My boy is 35 years old, and I called him up the other day and asked him how old was he, and he is only three years older than my marriage.
- Q. You have been married 32 years? A. Yes sir.
- Q. Are you still married to Martha J. Burges? A. No sir.
- Q. How long were you married to her? A. A good while.
- Q. What do you mean -- weeks, months or years? A. 7 or 8 or 10 years I reckon.
- Q. Where were you married to Martha J. Burges? A. I was married at Verdigris -- up on the Verdigris river.
- Q. In the Cherokee Nation? A. Yes sir.
- Q. Were you ever married before you married Martha J. Burges? A. Yes sir.
- Q. What was the name of your former wife? A. Susanna Vance.
- Q. Was she living at the time of your marriage to Martha J. Burges? A. No sir.
- Q. Did you have a wife living at the time you married Martha J. Burges? A. No sir.
- Q. Was she ever married before she married you? A. No sir.
- Q. Did Martha J. Burges quit you, or did you quit her? A. We both quit. She agreed if I would quit she would never have

nothing more to do with me, and it has been a good while, and now I have come here.

- Q. Did she go off and leave you, or did you go off and leave her?
A. I went off. I never have seen her but once since, and then she was here before the Daves Commission trying to get on the roll, and I helped her get on the roll.
Q. Who married you? A. Dempsey Coker.
Q. Was he a preacher? A. Yes sir.

CROSS EXAMINATION.

IRWIN DONOVAN:

- Q. What time of the year was it that you married Martha J. Burges?
A. In the fall.
Q. What were you doing to the crops at that time? A. She had rented a crop from a lady there, and I went down and helped her work the crop through, and after the crop was laid by why I moved her up on my place.

COMMISSIONER:

- Q. How long was it before Christmas when you were married? A. I don't remember -- some time. It wasn't Christmas I don't think.
Q. How long did Christmas come after you were married to Martha J. Burges? A. I couldn't tell you that.

DONOVAN:

- Q. Were you married to her when you were making the crop, or after it was made? A. I was married when I was making it.

COMMISSIONER:

- Q. You don't make a crop in the fall? A. No, in the spring.
Q. Didn't you say you married her in the fall? A. I said I moved her.

DONOVAN:

- Q. What was the name of the woman that she rented that place from?
A. Mrs. Myers.
Q. Was she a widow? A. Yes sir.
Q. How long had her husband been dead, if you know? A. A year or two, I guess. He went to Texas and died.

Witness excused.

Lou Switzer, being sworn by B. P. Rasmus, a Notary Public, testified as follows:

COMMISSIONER:

- Q. What is your name? A. Lou Switzer.
Q. What is your age? A. 42.
Q. Your post office address? A. Muskogee.
Q. Do you know Martha J. Burges? A. Yes sir.
Q. How long have you known her? A. She is my mother.
Q. Do you know when she was married to her husband, William Burges?
A. Yes sir.
Q. When was it? A. It was somewhere in '74 or '75.
Q. Can't you be more definite than that? A. All I can tell is
by things that took place at that time.
Q. What took place at that time? A. I was with my mother -- I
was small -- between 10 and 11 years old. She rented this Myers
place -- Mrs. Myers' husband was a half brother to the Silks and

Q. How old are you now? A. 42.
Q. That is about 32 years ago? A. Yes sir.
Q. Then you remember your mother being married? A. Yes sir.
Q. Did your mother get a certificate of marriage at that time? A.
They didn't have them for women at that time. Men had them, but
not women. They were married by a preacher.
Q. Who was the preacher? A. Dempsey Coker.
Q. Were you present? A. No sir.
Q. Do you remember the wedding? A. I remember the day they
went to get married.
Q. Was William Burges recognized as a citizen of the Cherokee
Nation at that time? A. Yes sir, he and my mother has both
drawed money since that time.

CROSS EXAMINATION.

DONOVAN:

- Q. Do you know how long Myers had been dead at the time your mother
rented that place? A. No, I don't know exactly how long.
Q. Do you remember Mr. Norwood, who is up here today? A. Yes
sir.
Q. How long after your mother's marriage was it before he came into
the neighborhood? A. It must have been -- I don't know --
a year or two years -- I don't know which.

COMMISSIONER:

- Q. Is your mother living at this time? A. Yes sir.

DONOVAN:

- Q. What is the mental condition of your mother? A. My mother
can't walk.
Q. Is she good at remembering dates? A. No sir, her mind has
been failing for the last three years.

COMMISSIONER:

- Q. How long did your mother live with William Burges? A. I do
not remember just how long -- I don't know. They lived together
I couldn't say how many years, but it was in years.
Q. Were you living with your mother when they separated? A. Yes
sir.
Q. Where were you living at that time? A. They were

- living on Caney Creek.
- Q. On a farm? A. Yes sir.
- Q. Did William Burges go off and leave your mother, or did she leave him? A. We left her right there on the farm. They made a contract, and divided the things.
- Q. He never came back? A. No sir.
- Q. Did your mother ever marry again? A. She never has.
- Q. Has your mother lived in the Indian Territory continuously since her marriage to William Burges? A. Yes sir.
- Q. Do you know why she is not enrolled on the 1880 roll? A. She was sick at that time, and didn't go. I have heard her tell that time and time again. She sent her papers to a lawyer and he wrote her that she was on. Her papers were all brought here, and are among the papers of the Commission.

Witness excused.

William Burges recalled.

COMMISSIONER:

- Q. Where were you born? A. I was born here in Cooweescoowee District.
- Q. Have you always lived in the Indian Territory? A. Yes sir.
- Q. Have you always been recognized as a citizen of the Cherokee Nation? A. Yes sir.
- Q. Your rights have never been questioned? A. No sir.

Witness excused.

Lou Switzer recalled.

COMMISSIONER:

- Q. Was your mother married before she married William Burges? A. Yes sir.
- Q. What was the name of her first husband? A. Robertson.
- Q. Was he your father? A. Yes sir.
- Q. Was he living at the time your mother married William Burges? A. Yes sir.
- Q. Was she divorced from him? A. Yes sir, I have got a copy of the divorce here in this office.

Witness excused.

A. H. Norwood, being duly sworn by Jesse McDermot, a Notary Public, testified as follows:

COMMISSIONER:

- Q. What is your name? A. A. H. Norwood.
- Q. Your age? A. 57.
- Q. What is your post office address? A. Dewey.
- Q. Are you acquainted with Martha J. Burges? A. Yes sir.

- Q. Do you know William Burges? A. Yes sir.
Q. Do you know when they were married? A. No sir, I don't. I might state that I became acquainted with them in 1876.
Q. Were they living together as husband and wife at that time? A. I couldn't say that they were at that time, but they were a short time after that. They were over there in that section of the country, and they might have been married.
Q. How long was it after that that you know they were married? A. That was as late as '79 or '80 I think. I was at their house.
Q. How long did they live together as man and wife? A. I could not say about that. I think it was after 1880 or 1881 that they quit -- or it might have been after 1882. I saw him afterwards and saw her afterwards, and they were not living together.
Q. The first knowledge you have of their living together as man and wife was in '79 or '80? A. Yes sir, I heard it before, but I didn't know it. I heard it in '76.

CROSS EXAMINATION.

DOYOVAN:

- Q. When did you open up your store in the place that is now Claremore? A. In 1876.
Q. Was that near the farm of this man Myers? A. Yes sir, about 6 or 7 miles from it.
Q. Do you know when he died? A. No sir, I don't. He was living in '72 and he was dead in '76 when I went up there, and had been dead for some time.
Q. Did you know or hear of Burges and his wife, Martha occupying the widow Myers' place before you came to Claremore? A. No, but I know they lived down in that neighborhood.

WITNESS EXCUSED/

Eula Jeanes Branson, being sworn, states that she correctly reported the proceedings had in the above and foregoing, on the 5th. day of January, 1907.

Eula Jeanes Branson

Subscribed and sworn to before me, this 9th. day of January, 1907.

Walter W. Chappell
Notary Public.

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

In the matter of the application for the enrollment of Martha J. Burgess 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 Fort Gibson, Indian Territory, April 23, 1901, application was received by the Commission to the Five Civilized Tribes for the enrollment of Martha J. Burgess as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Vinita, Indian Territory, October 4, 1901, and at Muskogee, Indian Territory, March 21, 1902, September 27, 1902 and January 5, 1907. The records further show that the Commission to the Five Civilized Tribes, under no date, 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, Martha J. Burgess, is a white woman, and neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation other than by virtue of her marriage to one William Burgess, who is identified on the Cherokee Strip payment roll of 1894, Cooweescoowee District, No. 3010, as a native Cherokee. The applicant has not established by a preponderance of the evidence that said marriage was prior to November 1, 1875. Neither the said applicant, Martha J. Burgess, nor her husband, the said William Burgess, can be identified on the Cherokee authenticated tribal roll of 1880. Said applicant did not, therefore, marry in accordance with Cherokee law, a recognized 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, under no date, granting the application for the enrollment of Martha J. Burgess 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, Martha J. Burgess, 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.


Commissioner.

Muskogee, Indian Territory,

FEB 2 1907

DEPARTMENT OF THE INTERIOR

In the matter of the application for the Enrollment of Martha J. Burgess as a Citizen by intermarriage of the Cherokee Nation.

To the Secretary of the Interior:

Comes now Lou Switzer, formerly Lou Robinson, and states that she is the daughter and heir of Martha J. Burgess, the applicant for enrollment, as above set forth, who departed this life on the 9th day of March, 1907, and she respectfully moves that the case of her mother be reopened for additional testimony, and for ground therefor states:

That for the entire time after the decision of the United States Supreme Court in the case of the adopted whites, and for some time prior thereto, her mother was a total wreck mentally and physically; that she was utterly incapable of attending to any business, and especially of looking after her citizenship case.

That petitioner, just after the death of her mother and after the decision of the Supreme Court attempted to get up some additional testimony, but without the aid of her mother, and within the limited time, she was unable to find all the testimony bearing on the question of the date of the marriage of her mother to William Burgess; that she has been dilligently searching, and has found some additional testimony, which by due dilligence, she could not have found before, and believes that she can find further additional testimony if this case is reopened, and she is allowed to produce this testimony.

She states that she expects to prove by Jess Ballen, a Cherokee Indian by blood who resides near Collinsville, Indian Territory, that in the year 1875 he lived close to the Myers place

where her mother and William Burgess were married; that he is certain of this because he has a son who was born in 1875, and is not thirty-two years old, going on thirty-three, and that he knows said marriage took place in the year of the birth of his son; that he also knows that when the census takers, Dick Duck and John Wicks, came around to take the census to make the so-called roll of 1880, that Bill Burgess gave himself and the petitioner's mother to be put on the said roll.

That she expects to prove by J. B. Burgess, a citizen by blood of the Cherokee Nation who resides at Claremore, Indian Territory, and who is an uncle of William Burgess who was the Indian husband of her mother; that he had a child born on the 19th day of February, 1875, and that William Burgess married petitioner's mother the summer following the birth of said child, and that William Burgess and petitioner's mother made a place near them, and that they did not like the place, and he obtained it from them; that his son, at the time of the purchase of said place was a baby in arms.

Petitioner further alleges that she believes that it can be established beyond a doubt by these and other witnesses that her mother comes within the decision of the Supreme Court of the United States; that at the time of the testimony given at different times by her mother in this case, her mother's memory was not good and her intellect impaired, and that it gradually grew worse until some time before her death she had no mind at all.

That this motion is made not for any purpose of delay in this case, but that justice may be done.

Subscribed and sworn to before me _____
this _____ day of March, 1907

Notary Public

My commission expires January 17, 1911

DEPARTMENT OF THE INTERIOR

In the matter of the application for the enrollment of Martha J. Burgess as a Citizen by intermarriage of the Cherokee Nation

William T. Hutchings, being first duly sworn, states that he is a practising attorney at Muskogee, Indian Territory, and a member of the firm of Hutchings, Murphey & German. That Mrs. Lou Switzer lived next door to him in the City of Muskogee four or five years, and that most of that time her mother, Martha J. Burgess, lived in a house belonging to Mrs. Lou Switzer two blocks in the rear of affiant's home; that he was personally acquainted with Martha J. Burgess, and knows that for several years prior to her death, her mind became greatly impaired, and that for more than a year prior to her death, her mind was wholly gone, and she could not recognize anybody except those who were constantly in attendance upon her; that during that time she was physically helpless, having to be helped from her bed to her chair, being utterly unable to walk for more than a year prior to her death; that her mind had begun to fail her some time before that, and that her memory of things was not the best during any of the time that affiant knew her, and he has talked to her during that time on several occasions about her business affairs, and particularly her right to allotment in the Cherokee Nation, this affiant being the attorney for the adopted whites in the suit in the Supreme Court of the United States involving the rights of the intermarried whites to participate in the allotment of lands of the Cherokee Nation.

Subscribed and sworn to before me
this 27th day of March, 1907

My commission expires January 17, 1911

Notary Public

DEPARTMENT OF THE INTERIOR

In the matter of the
application for enrollment
of Martha J. Burgess as a
citizen by intermarriage
of the Cherokee Nation.

MOTION AND AFFIDAVIT

Copy

Hutchings, Murpley & German
Attorneys for Applicant.

DEPARTMENT OF THE INTERIOR,
Commissioner to the Five Civilized Tribes.

RECEIVED
MAR 28 1907

rad
8

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

In the matter of the application of Martha J. Burgess for enrollment as a citizen by intermarriage of the Cherokee Nation.

DECISION.


The record in this case shows that on April 23, 1901, Martha J. Burgess appeared before the Commission at Fort Gibson, Indian Territory, and made application for her enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 4, 1901, and at Muskogee, Indian Territory, on March 21, and September 27, 1902.

The evidence in this case shows that the said Martha J. Burgess, was married about 1877, to one William Burgess, a citizen by blood of the Cherokee Nation. The evidence further shows that the said Martha J. Burgess had two former husbands, one Cooper and one Thomas E. Robinson. The said Cooper died prior to her marriage to Burgess, and the evidence further shows that she was separated from her husband, Thomas E. Robinson by decree of divorce granted in December, 1869. It further appears that the said Martha J. Burgess and her husband, William Burgess separated in 1884 or 1885. The evidence fails to show that she abandoned her said husband and she has not re-married since their separation.


The evidence further shows that the said Martha J. Burgess has resided in Indian Territory ever since the date of her marriage.

It is, therefore, the opinion of this Commission that Martha J. Burgess should be enrolled as a citizen by intermarriage of the Cherokee Nation in accordance with the provisions of the Act of Congress, June 28, 1898 (30 Stats., 496), and it is so ordered.


COMMISSION TO THE FIVE CIVILIZED TRIBES



 Acting Chairman



 Commissioner



 Commissioner

Dated at Muskogee, Indian Territory,
this _____

COMMISSIONERS
HENRY L. DAWES.
TAMM 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-1182

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, **March 1,**

1902.

Mrs. Martha J. Burgess,

Wagoner, Indian Territory.

Madam:

You are hereby notified that the application of **yourself**

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

March 31, 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, **as you may deem necessary.**

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

Copy to Robert Toomer,
Muskogee, I. T.

Register.

Yours truly,

~~XXXXXXXXXXXX~~
Commissioner in Charge.

1/11

1/11

1/11

ATTORNEYS

L. B. BELL

W. W. HARTING

J. B. DAVENPORT

J. C. STARR, SECRETARY

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. DC. D. 1132.

VINITA, IND. TER.

190

Muskogee, I. T., March 13, 1902.

Mr. William Burgess,
Turley, I. T.

Dear Sir :

Enclosed herewith find a subpoena for your attendance before the Dawes Commission at Muskogee on March 21st, 1902. Please accept service of the subpoena, and sign up the blank stamped in red ink on the back and return the subpoena to us by first mail. Also write us what you know about the citizenship of Martha J. Burgess, who claims to have been married to you at one time. Write us what you know as to the cause of your separation from her; also is she had been married before she married you, and if you had been married before you married her; and also if this Martha J. Burgess has been married since your separation from her.

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. 1182.

Muskogee, I. T., ^{MINITA, IND. TERR.} March 13, 1902.

190

Mr. J. P. Bledsoe,

Chouteau, I. T.

Dear Sir:

Enclosed herewith find a notice in C. D. 1182, set for March 21st, 1902. Kindly accept service of the same and return to us at once, and oblige,

Yours truly,

NOTICE!

IN THE MATTER OF the application of Martha J. Foreman,
for enrollment as Cherokee citizens:

Case No. D. 1113.

To Martha J. Foreman, et al., Respondent:

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 Winstons, Indian Territory, on March 21st, 1906, at 10 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 10th day of March, 1906.

.....
.....
Attorneys for the Cherokee Nation.

e D. 11 87

**INDIAN TERRITORY,
CHEROKEE NATION.**

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
..... day of A. D. 190..

Given under my hand this
day of A. D. 190

Marshal for the Cherokee Nation.

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

14 day of, 190 .

.....
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

.....
on the day of A. D. 190

.....
Subscribed and sworn to before me
this

.....
Notary Public.

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

ALLISON I. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1182.

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 Martha J. Burgess 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. 45.

Cherokee
D-1188

Muskogee, Indian Territory, December 29, 1906.

Martha J. Burgess,
Box 1294,
Muskogee, Indian Territory.

Dear Madam:

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 husband, by reason of your marriage to whom you claim the right to enrollment as a citizen by intermarriage of the Cherokee Nation, was a recognized Cherokee citizen at the time of your marriage to him.

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

A
Commissioner.

Cherokee
D-1182

Muskogee, Indian Territory, December 29, 1906.

Robert Toomer,
Attorney for Martha J. Burgess,
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.

Martha J. Burgess has been advised that to properly determine her right to enrollment as a citizen by intermarriage of the Cherokee Nation, it will be necessary for her to appear before the Commissioner for the purpose of giving testimony as to the date of her marriage and whether or not her husband, by reason of her marriage to whom she claims the right to enrollment as a citizen by intermarriage of the Cherokee Nation, was a recognized Cherokee citizen at the time of her marriage to him.

~~Martha J. Burgess 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,

JNH

Commissioner.

Muskogee, Indian Territory, February 22, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Martha J. Burgess as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commissioner, dated February 22, 1907, denying said application.

Respectfully,

Commissioner.

Encl.A-72
RA

Through the Commissioner
of Indian Affairs.

Cherokee

D 1182

Muskogee, Indian Territory, February 22, 1907.

Martha J. Burgess,

Muskogee, Indian Territory.

Dear Madam,

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 22, 1907, denying your application for enrollment as a citizen by intermarriage of the Cherokee Nation. Your attorney, Robert Toomer, Muskogee, Indian Territory, has heretofore been furnished a copy of the record of proceedings had in the case and there has this day been forwarded him a copy of the Commissioner's decision.

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

Respectfully,

Commissioner.

Encl.A-73

RA

Register.

Cherokee
D 1182

Muskogee, Indian Territory, February 28, 1907.

Robert Toomer,
Attorney for Martha J. Burgess,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 22, 1907, denying the application for the enrollment of Martha J. Burgess, as a citizen by intermarriage of the Cherokee Nation. You have heretofore been furnished a copy of the record of proceedings had in the case.

The decision, together with the record of proceedings had in the case, has this day been forwarded 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,

Commissioner.

Encl.A-74

RA

REFER IN REPLY TO THE FOLLOWING:

Cherokee
D 1183

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

Muskogee, Indian Territory, February 22, 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 22, 1907, rejecting the application for the enrollment of Martha J. Burgess, as a citizen by intermarriage of the Cherokee Nation.

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

Respectfully,

Commissioner.

Encl.A-71
RA

C O P Y .

Refer in reply
to the following:
Land 40424-1907.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 1, 1907.

The Honorable,
The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Martha J. Burgess as a citizen by intermarriage of the Cherokee Nation, together with the decision of Commissioner Bixby, dated February 22, 1907, adverse to the applicant.

The decision of Commissioner Bixby has been examined; it is found to be correct; and it is therefore recommended for approval.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EBM-D.

Y.P.
W.H.M.

DEPARTMENT OF THE INTERIOR,

IRS.
D.C.13259-1907.

WASHINGTON.

I.T.D.

7042, 7044, 7046, 7052, 7060,
7074, 7078, 7080, 7082, 7086,
7092, 7094, 7096, 7102, 7120,
7144, 7150, 7158, 7164, 7166,
7168, 7170, 7172, 7186, 7202,
7204, 7206, 7210, 7212, 7230,
7242, 7250, 7254, 7264, 7274,
7275, 7278, 7280, 7284, 7286,
7290, 7300, 7302, 7304, 7306,
7308, 7312, 7314, 7346, 7350,
7352, 7364, 7358, 7360, 7362,
7384, 7390, 7406, 7420, 7424,
7424, 7428, 7440, 7442, 7444,
7502, 7504, 7508, 7510, 7512,
7516, 7518, 7520, 7522, 7524,
7528, 7530, 7532, 7534, 7538,
7540, 7542, 7544, 7562, 7598,
7606, 7612, 7616, 7622, 7630,
7754, all 1907.

March 4, 1907.

DIRECT.

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

Sir:

Your decisions in the following Cherokee citizenship cases, adverse to the applicants, are hereby affirmed. Copies of Indian Office letters, submitting your reports and recommending that the decisions be affirmed, are enclosed:

Title of Case.	Date of your letter of transmittal.
John Wesley Freeman (freedman),	February 18, 1907.
Harry N. Curry, et al.,	February 23, 1907.
Stephen Baldrige (freedman),	February 18, 1907.
Thomas Bell (freedman),	February 18, 1907.
Martha J. Burgess (intermarriage),	February 22, 1907.

Moses Carter (freedman),	February 1, 1907.
Hurshel L. Hyde (by blood),	February 21, 1907.
John W. Goss (intermarriage),	February 21, 1907.
William S. Hutchens (intermarriage),	February 25, 1907.
Mattie Mackey (freedman),	February 23, 1907.
William C. Smith (by blood),	February 21, 1907.
Roy Drom (by blood),	February 27, 1907.
Loneta Johnson, et al. (by blood),	February 23, 1907.
Cynthia A. Fields, (intermarriage),	February 23, 1907.
Nathaniel Wickliff, (freedman),	February 16, 1907.
Herbert K. Hyde (by blood),	February 20, 1907.
Mollie Hurst (intermarriage),	February 23, 1907.
Mollie C. Collins (intermarriage),	February 23, 1907.
Amanda Brackett (intermarriage),	February 23, 1907.
Fatima Keys (intermarriage),	February 23, 1907.
Levi P. Isbell (intermarriage),	February 20, 1907.
Annie C. Butler (intermarriage),	February 23, 1907.
James R. Bivin (intermarriage),	February 14, 1907.
Laura Ross (freedman),	February 23, 1907.
Willie Joanna Lowe, et al. (freedman)	February 23, 1907.
William T. Teague (by blood),	February 20, 1907.
Theodore Jones (freedman),	February 25, 1907.
Viola W. Finwick (freedman),	February 25, 1907.
Wiley Polston, et al., (freedmen),	February 23, 1907.
Pansy Grinnett (freedman),	February 21, 1907.
Alice Harman (intermarriage),	February 23, 1907.
Betty McLaughlin (by blood),	January 17, 1907.
Loran Alfred Lovett (by blood),	February 15, 1907.
Maudie Skaggs (by blood),	February 15, 1907.
Robert Walker (freedman),	February 14, 1907.
Edward B. Frayser (intermarriage),	February 15, 1907.
Daniel Sitsler, et al., (by blood),	February 14, 1907.
Olla May Mitchell (by blood),	February 15, 1907.
Felix F. Witt (intermarriage),	February 15, 1907.
Preston G. Browning (intermarriage),	February 23, 1907.
Harrison Cecil Smith, et al., (by blood)	February 16, 1907.
Lilly Irene True, et al., (by blood),	February 25, 1907.
Alberta Sanders, et al., (freedmen),	February 25, 1907.
Samuel Sanders (freedman),	February 21, 1907.
Peggie Bearpaw (by blood),	February 25, 1907.
Lawrence Graves (freedman),	February 25, 1907.
James Beck (freedman),	February 25, 1907.
J. Lillian Pruett, et al. (by blood),	February 23, 1907.
Charles W. Trent (intermarriage),	February 25, 1907.
John Greece (by blood),	February 25, 1907.
Bessie Landrum, et al. (freedmen),	February 25, 1907.
David Monroe Moses (freedman),	February 25, 1907.
Rosa S. Whitaker (intermarriage),	February 25, 1907.

Roeseburn Bright (freedman),	February 14, 1907.
Leonard King, et al. (by blood),	February 14, 1907.
Roberta Vann (freedman),	February 14, 1907.
Thomas Leroy Loyd (freedman),	February 14, 1907.
James G. Holland, et al. (by blood),	February 20, 1907.
Sarah A. Trout (intermarriage),	February 20, 1907.
A. B. Amey, et al. (by blood),	February 25, 1907.
Samuel Vestel (freedman),	February 25, 1907.
Minnie M. Langley (intermarriage),	February 25, 1907.
Charles Selvie Hall, et al. (by blood)	February 28, 1907.
Minnie Adams (freedman),	February 28, 1907.
Abbie Scrivener (as citizens), et al.	February 28, 1907.
Lucy Miller (by blood),	February 28, 1907.
Clarence Jones, et al. (freedman),	February 28, 1907.
John H. Davis (intermarriage),	February 28, 1907.
Corey Shickle (freedman),	February 16, 1907.
Abund Duran, et al. (freedman),	February 28, 1907.
Jane Critchman (intermarriage),	February 28, 1907.
Jesse Hall (freedman),	February 28, 1907.
Miriam L. Leach (intermarriage),	February 28, 1907.
Minnie L. Merritt (by blood),	February 1, 1907.
Maria Wilson (intermarriage),	February 1, 1907.
Tommy Lee (freedman),	February 1, 1907.
William Lee (freedman), et al. (freedman),	February 1, 1907.
Maria M. Anderson (by blood),	February 1, 1907.
Clara Hall, et al. (by blood),	February 28, 1907.
Martha B. Morgan (intermarriage),	February 28, 1907.
James Williams (by blood),	February 28, 1907.
Joe McRae (freedman) (by blood),	February 28, 1907.
Clara Temple (by blood),	February 1, 1907.
Odell Foster (freedman),	February 28, 1907.
Minnie Gilbert (freedman),	February 28, 1907.
Arthur S. Jackson (by blood),	February 1, 1907.
Aliza B. Weston (intermarriage),	February 28, 1907.
Esther Allen (freedman),	February 1, 1907.
Viola Martin (freedman),	February 1, 1907.
Minnie Miller (freedman),	February 1, 1907.
Joseph S. Hampton (intermarriage)	February 28, 1907.

A copy hereof and all the papers in the cases mentioned
 cases have been sent to the Indian Office.

Respectfully,

(Signed) B. A. Hitchcock,

91 enclosures, and
 182 enclosures to Ind Of.
 with copy here of.
 W.C.F. 3/4/07.

Secretary.

POOR ORIGINAL -
 BEST AVAILABLE COPY

Cherokee
D 1182.

Muskogee, Indian Territory, March 30, 1907.

Martha J. Burgess,

Box 1294, Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 22, 1907, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 4, 1907.

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

Respectfully,

Acting Commissioner.

Encl. C-19
LMC

Cherokee F.W.B.
335

Muskogee, Indian Territory, March 30, 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 rejecting the application for the enrollment of John Wesley Freeman et al., as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior March 4, 1907.

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

Respectfully,

D. S. ...
Acting Commissioner.

Incl. P-4-60
vnp

Cherokee
D 1182

Muskogee, Indian Territory, March 28, 1907

Lou Robinson,
Postoffice Box 1294,
Muskogee, Indian Territory.

Dear Madam:

This office is in receipt, by reference of the Secretary of the Interior, of your letter of March 1, 1907, relative to the right to enrollment as a citizen by intermarriage of the Cherokee Nation of your mother, Martha J. Burgess.

In reply you are advised that the Commissioner's decision dated February 22, 1907, refusing the application for the enrollment of Martha J. Burgess as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on March 4, 1907. The action of the secretary is final in Cherokee citizenship cases.

That part of your letter relative to a Bill of Sale on certain improvements in the Cherokee Nation held by Mrs. Burgess, will be made the subject of a separate communication.

Respectfully

L M B

Acting Commissioner

(COPY)

D.C.21312-1907.

I.T.(LAND)
33601-1907.

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

GAW

April 20, 1907.

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

Sir:

The Office is in receipt of your letter of April 5, 1907, addressed to the Department, with which you enclose a motion filed March 28, 1907, in the case of Martha J. Burgess, an applicant for enrollment as a citizen by intermarriage of the Cherokee Nation.

Your letter and the motion have been placed in the files of this Office without transmission to the Department, for the reason that all the papers are on file here.

Very respectfully,

Frank M. Conser,

Chief Clerk.

FWE-EH

Cherokee D.1182.

Muskogee, Indian Territory, April 30, 1907.

Hutchings, Murphey & German,
Attorneys for Martha J. Burgess,
Muskogee, Indian Territory.

Gentlemen:

Referring to the motion filed by you March 28, 1907, for a rehearing of the Cherokee intermarried case of Martha J. Burgess, there is enclosed a copy of a letter from the office of the Commissioner of Indian Affairs, dated April 20, 1907, from which it will be seen that said motion has been placed on file in that office with the other papers in the case.

Respectfully,

Encl. W-2.
S.W.

Acting Commissioner.

Cherokee D.1182.

Muskogee, Indian Territory, April 30, 1907.

Lou Switzer,
Box 1294,
Muskogee, Indian Territory.

Dear Madam:

Referring to the motion filed March 28, 1907,
by your Attorneys, Hutchins, Murphey & German, for a re-
hearing of the Cherokee intermarried case of your mother,
Martha J. Burgess, there is enclosed for your information
a copy of a letter dated April 20, 1907, from the office
of the Commissioner of Indian Affairs, from which it will
be seen that said motion has been placed on file in that
office with the other papers in the case of your mother.

Respectfully,

Encl. W-3.
S.W.

Acting Commissioner.

Muskogee, Indian Territory, April 5, 1907

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of March 4, 1907 (I.T.D. 70427754-1907), affirming, among others, the decision of the Commissioner to the Five Civilized Tribes dated February 22, 1907, rejecting the application of Martha J. Burgess for enrollment as a citizen by intermarriage of the Cherokee Nation, there is enclosed a motion filed March 28, 1907, by Hutchings, Murphey & German, Attorneys, of Muskogee, Indian Territory, for a rehearing of said case.

In view of the provisions of the Act of Congress of April 26, 1906 (34 Stat. 137), relative to the closing of the Cherokee rolls, there appears to be no authority for further considering this case, and the motion is therefore transmitted to be filed with the original record in the case.

Respectfully,

Through the Commissioner of
Indian Affairs.
Encl. B-72

Acting Commissio

Ind. Land & Money
JDF:lb 8-16-46
Re: Claim of Martha
Burgess IV D-1182
Land-Ten. & Acq.
28874-46
Enclosures - 4

August 16, 1946

The Honorable
Commissioner of Indian Affairs

Dear Mr. Commissioner:

Since receiving your letter of July 17, concerning the above claim we have reviewed the case of Martha J. Burgess on file in this office and find that she made application for citizenship in the Cherokee Nation as an intermarried white, April 23, 1901. The testimony reveals that she did not prove to the satisfaction of the Commission that she was married to William J. Burgess, Cherokee 24882, prior to November 1, 1875, although many witnesses were introduced by her attorneys in an effort to prove this fact. She was at one time approved for enrollment as a Cherokee citizen by the Commission and she was listed as an approved applicant in a decision rendered by the Commission on August 11, 1902. However, on Aug. 26, 1902, a protest was filed against this decision by W.W. Hastings, Attorney for the Cherokee Nation. The case was reopened and additional testimony taken with the result that her original application was denied by the Commissioner and a decision was rendered to this effect February 27, 1907.

A record of the proceedings had in the matter of the application for enrollment, together with the decision of the Commissioner dated February 22, 1907, denying said application were forwarded to the Secretary of the Interior February 22, 1907.

For your information we are attaching photostatic copies of census card D-1182 and decision of Mr. Toms Bixby, the Commissioner, dated February 22, 1907.

The enclosures submitted with your letter of July 17 are returned herewith.

Sincerely yours,

Assistant to Superintendent

REGISTRY RECEIPT.

Post Office at

Hagaman N.Y.

Registered Letter

No. 70 Rec'd

5/28

1897

of

G. S. Gibbs

Hagaman N.Y.

addressed to

Samuel B. Mayer

Wahluqua N.Y.

W. W. Phelps

Cher D 1183

Cher D 1183

Cherokee by blood.
Department of the Interior.
Commission to the Five Civilized Tribes.
Ft. Gibson, I. T., April 24, 1901.

In the matter of the application of Louvenia Latty for the enrollment of herself and four children as Cherokee citizens; she being sworn and examined by Commissioner C. R. Brockinridge, testified as follows:

- Q Give me your full name. A Louvenia Latty.
Q How old are you? A 30 years old.
Q What is your postoffice? A Gritts.
Q In what district do you live? A Canadian District.
Q Do you want to be enrolled as a Cherokee by blood? A Yes sir, that is the way; I have been enrolled all the time; yes sir, Cherokee by blood.
Q You want to enroll anybody besides yourself? A My children.
Q How many children? A Four children.
Q And that is all is it; yourself and four children? A Yes sir; I have a niece.
Q Is she an orphan? A Her mother's living, but she couldn't get on the roll.
Q Has the niece been applied for? A Yes sir.
Q Her application is made and you can't renew it? A Yes sir.
Q You can give additional testimony if you wish to? A Yes sir.
Q Have you a husband? A He's been dead three years.
Q Now it is just yourself and four children you want to apply for? A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Give me the name of your father. A Jim Johnson.
Q Is he dead? A Yes sir.
Q About how long has he been dead? A He's been dead a long time; I don't know how long.
Q Since you were a little child? A Yes sir.
Q Give me the name of your mother. A Mary Winters.
Q Winters was her name before she married your father? A Yes sir.
Q Is your mother dead? A Yes sir.
Q How long has she been dead? A Nine years.
Q You have been married how many times? A Once.
Q To whom were you married? A Joe Latty.
Q You say he's dead? A Yes sir, he's been dead three years.
Q Was he a Cherokee citizen? A He was an adopted citizen.
Q Adopted through you? A Yes sir, his name was put down on the Freedman Roll.
Q He was a Cherokee Freedman was he? A Yes sir, his name went on with them.
Q Was he a Cherokee Freedman in fact, or was he a Cherokee by blood? A He was kind of an adopted citizen.
Q How old was Joe Latty when he died? A I couldn't exactly tell how old.
Q Was he older than you? A Yes sir, he's older.
Q How much older than you? A As near as I know he must be something over twenty years; he's along about 48 as near as I know about it.
Q About when were you married to Joe Latty? A 14 years ago last August.
Q You were never married except to him? A No sir.
Q Have you married since he died? A No sir.
Q And you and he lived together until he died, did you? A Yes sir.
Q Give me the names of your children? A Mary J. Latty.
Q How old is that child? A 13 years old.
Q Give me the name of the next child? A Rachel Latty.
Q How old is that child? A 11 years old.
Q Give me the name of the next child? A Betsy Latty.
Q How old is that child? A 8 years old.
Q Give me the name of the next child? A Fannie Latty.
Q How old is that child? A Four years old.
Q Have you ever been admitted to any of the rolls of the Cherokee Nation? A I have been to everyone but this one.
Q Have you a certificate of your marriage to your husband, Latty? A No sir.
Q Is there anyone here who knows you and he lived together as husband and wife? A Nobody around here.

9- L. L.

- Q None of your neighbors here? A No sir, John Drew married Ma.
Q But none of your neighbors are in the house this morning? A No sir.
Q Did you go by the name of Johnson in your childhood? A Yes sir.
Q Your mother married after your father's death, did she? A Yes sir.
Q What was her name after that remarriage? A Burr.
Q Do you remember what she married her husband Burr? A No sir, I was small.
Q You may have been enrolled as Burr? A I may have been.
Q Give me the full name of your stepfather? A Aaron Burr.
Q Did you or any of your people ever apply for admission to Cherokee citizenship to the Dawes Commission? A I aint had but one brother.
Q I didn't ask you about your brother; have you ever applied? A No sir.
Q What district were you in in your childhood? A A while I was in Canadian District and in Illinois District.
Q Spent your childhood in those two districts? A Yes sir.
Q Mary Burr was your mother? A Yes sir.

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

The applicant's mother is found on said roll as follows:
Page 509, No. 251, Mary Barr, Illinois District.
(Note:- Enrolled in '83 as Mary Lane.)

- Q You recognized that Mary Barr as your mother? A Yes sir.
Q And you recognize the different members of the family who have been called off there? A Yes sir.
Q Is Aaron Burr dead? A Yes sir.
Q Did your mother ever carry the name of Lane? A She married a man by the name of Lane after Burr died.
Q She married Lane after Burr died? A Yes sir.
Q They didn't live together very long? A She lived quite a while, and then she married Lane.
Q She married Lane when you were very young? A Yes sir.
Q You can't remember when she married Burr? A No sir.
Q Were you called by any other name ~~than~~ except Louvenia? A They hardly ever called me that; they always called me "Sis."
Q Did you live with your mother all through your childhood? A Yes sir.
Q Nobody else brought you up? A No sir.
Q You remember an Aaron Barr, Jr., was that a half brother of yours? A Yes sir, half brother of mine.
Q Do you remember Andrew Barr? A Yes sir.
Q Was he a half brother of yours? A Yes sir.
Q Do you remember Franklin Barr? A Yes sir, he was my step-brother.
Q Do you know a person named Willis D. Oxford? A No sir.
Q Never heard of such a person? A No sir.
Q Did you ever hear of a person named Frank Reynolds? A No sir.
Q Myra Dickey? A No sir.
Q Christian Moore, Maggie Head or W. D. Oxford? A No sir.
Q There is a Lavinia Johnson who was in a case before the Dawes Commission, Case No. 3048, you don't think that can be you? A No sir.
Q You say you have a brother? A Yes sir.
Q A full brother? A No sir, they are just half brothers.
Q You have no full brothers? A No sir, just no one but myself; I got no full brothers.
Q Well, your mother, she has daughters besides yourself? A No sir.
Q Hasn't she any sons? A Yes sir, she's got two.
Q What are their names? A Aaron Burr.
Q That's a son born of your stepfather? A Yes sir.
Q The next son's name? A Andy Burr.
Q Is he younger than Aaron? A Yes sir, he is the youngest.
Q How come it that you are not on the roll of 1880? A I don't

3- L. L.

know:

- Q Can you prove that you are the daughter of this Mary Winters or Mary Burr? A Yes sir, I don't know whether there is anybody around here.
- Q Can't you bring somebody here? A Dr. Burke knows me.
- Q Where does he live? A Webbers Falls.
- Q What is his name? A Dr. Otto Burke.
- Q Did he know you in your childhood? A Yes sir.
- Q How old a man is Dr. Burke? A I don't know.
- Q Is he fifty? A Yes, sir.
- Q You have him come and testify in your case? A Yes sir.
- Q Did you draw Cherokee strip money? A Yes sir, and old settlers too. I drew every time they drew.

The 1896 census roll of the citizens of the Cherokee Nation examined and the names of the applicants are found thereon as follows:

- Page 42, No. 1151, Louvinia Latta, Canadian District.
Page 42, No. 1152, Mary J. Latta, Canadian District.
Page 42, No. 1153, Rachel Latta, Canadian District.
Page 42, No. 1154, Betsy Latta, Canadian District.
Page 42, No. 1155, Fannie Latta, Canadian District.

The 1894 Pay Roll of the citizens of the Cherokee Nation examined and the names of the applicants are found thereon as follows:

- Page 61, No. 1294, Luvenna Latty, Canadian District.
Page 61, No. 1295, Mary Latty, Canadian District.
Page 61, No. 1296, Rachael Latty, Canadian District.

- Q Betsy and Maud are the same? A Yes sir.
- Q What is her name? A Her name is Betsy, they call her Maud.
- Q But her actual name is Betsy? A Yes sir.
- Q Maud is a nickname? A Yes sir.

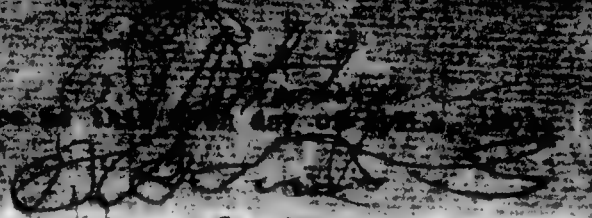
Page 61, No. 1297, Maud Latty, Canadian District.

- Q These children all living now? A Yes sir.
- Q Your husband was a Freedman? A Yes sir, he went on with the Freedmen.
- Q He never went on the Cherokee roll? A No sir.
- Q Did he claim to be a Cherokee by blood? A He claimed it but they never proved it up.

The applicant applies for the enrollment of herself and four children. The applicant is not identified on the roll of 1880, but her deceased mother is identified on that roll, and the applicant is identified under her married name on the rolls of 1894 and 1896; she states that she has lived in the Cherokee Nation all her life; her mother is identified as a Cherokee by blood; and the applicant is identified on the roll of 1896 as a Cherokee by blood. She will now be listed for enrollment as a Cherokee by blood on a doubtful card to await proof that she is the daughter of Mary Burr, as her alleged mother appears on the roll of 1880, and also proof of her marriage as alleged by her to Joe Latty, now deceased. Of the four children named in the testimony, Mary J., Rachel, and Betsy Latty are duly identified on the rolls of 1894 and 1896; the latter child was sometimes called Maud, but its proper name is Betsy; these four children are now living and will be listed for enrollment as Cherokees by blood on a doubtful card with their mother to await the proof required in her case. The youngest child, Fannie Latty, is duly identified on the roll of 1896; this child is now living and will also be listed for enrollment as a Cherokee by blood on a doubtful card with its mother to await the proof required in her case.

THE STATE OF NEW YORK
IN SENATE
January 10, 1907.

REPORT OF THE COMMISSIONER OF THE LAND OFFICE



COMMISSIONER.



601183

COMMISSION TO THE UNITED STATES

FILED.

OCT 2 1901

[Handwritten signature]
ASSISTANT ATTORNEY GENERAL

Cherokees.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 25, 1901.

In the matter of the application of Louvenia Latty et al. for enrollment as Cherokee citizens.

Supplemental testimony on behalf of applicant.

Appearances:

Applicant present in person;
W. W. Hastings, Cherokee Representative.

BENJAMIN FRANKLIN BURR, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Benjamin Franklin Burr.
Q How old are you? A 40.
Q What is your postoffice address? A Critts.
Q Are you a Cherokee citizen? A Yes, sir.
Q By blood? A Yes, sir.
Q Do you know the applicant, Louvenia Latty? A Yes, sir.
Q You know her mother? A Yes, sir.
Q Who was her mother? A Her name was Mary Winters, said her name was.
Q Did she ever go by the name of Mary Burr.
Q Well that was her name, Mary Winters, and she went by the name of Mary Burr.
Q Explain that? A Mary Winters was her maiden name I reckon and her and my father lived together ten or 12 years and she went by the name of Burr.
Q Your father was her husband? A Yes, sir.
Q Is Mary Burr living? A Yes, sir.
Q How do you know the applicant to be a daughter of Mary Burr?
A She was always acknowledged to be that, I didn't know her when she was right little, I guess she must have been six or eight months old when I first seed her, but the old lady always acknowledged her as being her daughter.
Q Is she married now, the applicant? A No, sir.
Q Was she ever married? A I reckon so.
Q Who to? A A fellow named Joe Latty.
Q Her maiden name that was Louvenia Burr? A Johnson.
Q How did her maiden name happen to be Johnson if her mother's name was Burr? A Her mother had been married I reckon maybe twice, before her and my father lived together.
Q This applicant's father, what was this applicant's father named?
A I didn't know him, Johnson I reckon, I heard her speak of him but I never saw him that I know of.
Mr. Hastings: What name did this applicant go by from her infancy up until her marriage? A Johnson.
Q Louvenia Johnson? A Yes, sir.
Commissioner: Do you know a child of Mary Burr's named Aaron?
A Yes, sir.
Q Is he living? A Yes, sir, he was a short time ago.
Q Was he older than Louvenia here or younger? A No, sir, he was younger.
Q Is Andrew younger or older than Louvenia? A He is younger.
Q Is Louvenia the oldest child? A Yes, sir, the oldest of the three.
Q You know Franklin? A Yes, sir, that is myself.
Q You are a half brother then to Louvenia; what relation are you?
Q She is my stepsister.
Q Did Louvenia's mother ever go by the name of Lane? A I don't know; her and my father separated in about '88 and I think maybe she married a fellow named Lane then, I heard of him, never saw him.
Q Was the applicant, Louvenia, there living with your father and

-2-

stepmother? A Yes, sir.

Q She was in the family? A Yes, sir, she was with the family all the time I can hear.

Q Do you know the reason her name is not on the roll of 1880 as well as the other children? A No, sir, I wasn't at home when they enrolled in the year of 1880.

Mr. Hastings: Her mother then was your stepmother? A Yes, sir; I don't reckon they were ever married, if they were married I don't know it, but then they lived together ten or twelve years.

Q Have you lived near her from her infancy up until she was married? A This woman, yes, sir.

Q Do you know that she lived with her mother up until she married? A Yes, sir.

Q And that in the Cherokee Nation? A Yes, sir.

Q What district? A Lived in Canadian part of the time and Illinois part of the time.

Q In one of these districts all the time: she lived in one or the other of the districts up until she married? A No, my father lived some time in Coowescoowas district, I don't know how many years he lived there, and then went to Canadian and from there to Sequoyah and then went in Illinois district and then they came back to Canadian after her mother and my father separated.

Q How long has she been married to Latty? A I don't know.

Q Was she ever married but the one time? A Not that I know of.

Q Well she has been married as much as twenty years then, or has she? A No, sir.

LOUVENIA LATTY, being duly sworn and examined by Commissioner Needles, testified as follows:

Q Is your husband, Joe Latty, living? A No, sir.

Q He was a freedman was he? A I don't know whether he was or not, I don't know whether he went in on the Cherokee roll or not.

Q How many children have you? A Four.

Q You had them enrolled when you were enrolled? A Yes, sir.

Q Are they all living now? A Yes, sir.

Q They were living at the time they were enrolled, were they?

A Yes, sir.

Q Have you any proof of marriage to your husband, Joe Latty? A I have none but John Drew up here.

Q Where is he? A He lives up here.

Q What do you mean by up here? A I say John Drew is all the proof I have.

Q Where is John Drew? A I say I can hunt him up.

Q Where does he live? A He lives up here.

Commissioner: This testimony will be filed in the case.

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

Bruce C. Jones

Sworn to and subscribed before me this the 27th of September, 1901.

R. R. McAdams

0401183

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 21 1902

COMMISSION TO THE FIVE CIVILIZED TRIBES
WASHINGTON, D. C.

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Supl.-C.D.#1183.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 21, 1902.

SUPPLEMENTAL in the matter of the enrollment of LOUVENIA LATTY,
ET AL., as citizens of the Cherokee Nation:

The applicant in this case was notified by registered letter March 1, 1902, that her application for the enrollment of herself and others as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 21st day of March, 1902, and that on said date she could 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 has this day, to-wit: the 21st day of March, 1902, been called and failing to respond either in person or by attorney, the case 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. Reeson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the proceedings above, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Reeson

400

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

In the matter of the application of Louvenia Latty for the enrollment of herself and her four minor children, Mary J., Rachel, Betsy and Fannie Latty as citizens by blood of the Cherokee Nation.

D E C I S I O N .

The record in this case shows that on April 24, 1901, Louvenia Latty appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of herself and her four minor children, Mary J., Rachel, Betsy and Fannie Latty as citizens by blood of the Cherokee Nation. Further proceedings were had in the matter of said application at Fort Gibson, Indian Territory on September 25, 1901, and at Stilwell, Indian Territory, on May 9, 1902.

The evidence shows that the said Louvenia Latty is the daughter of one Mary Burr, a citizen by blood of the Cherokee Nation, who is duly identified on the authenticated tribal roll of 1860. The name of Louvenia Latty does not appear on the roll of 1880, but on examination of the tribal rolls, in the possession of this Commission, it appears that the said Louvenia Latty is identified on the Strip payment roll of 1894, and on the Cherokee Census roll of 1896 as a native Cherokee. The above named children are the issue of a marriage between said Louvenia Latty and Joe Latty in 1867. All of said children are identified on the Cherokee Census roll of 1896, and on examination of the Strip payment roll of 1894, it appears that Mary J. Rachel and Betsy Latty are identified thereon.

The evidence further shows that the said Louvenia Latty has resided in the Cherokee Nation all her life; that she and her children were residents of said Nation at the date of the application herein.

It is, therefore, the opinion of this Commission that Louvenia Latty, Mary J. Latty, Rachel Latty, Betsy Latty and Fannie Latty should be enrolled as citizens by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.



Commissioner.



Commissioner.

Dated at Muskogee, I. T.

this

SEP 20 1902

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

ALLISON L. AYLESWORTH
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

SECRET
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 1, 1902.

W. W. Hastings,

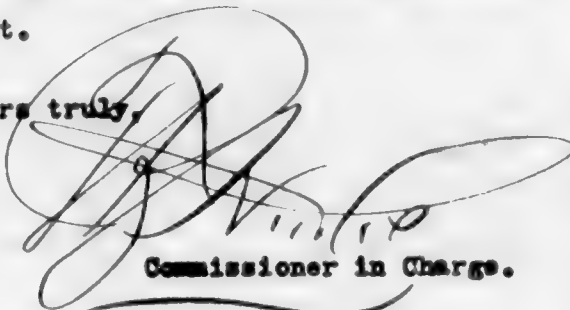
Attorney for Cherokee Nation,

Muskogee, Indian Territory,

Dear Sir:

You are hereby advised that Louvinia Latty, an applicant for enrollment as a citizen of the Cherokee Nation who has been listed for enrollment as such on Cherokee roll card, No. D-1083, has been notified that she will be permitted to appear before the Commission at its office in Muskogee, Indian Territory, on the 20th day of May, 1902, for the purpose of introducing further testimony as regards her right to enrollment.

Yours truly,



Commissioner in Charge.

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

ALLISON I. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1183.

ADDRESS IN FULL
COMMUNICATIONS TO THE COMMISSIONERS

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 Louvenia Latty for the enrollment of herself and her four minor children, Mary J., Rachel, Betsy and Fannie Latty, 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. 11.

~~CONFIDENTIAL~~

CONFIDENTIAL AS

- (1) Original testimony April 24, 1901
- (2) Memo. of application April 24, 1901
- (3) Supplemental testimony, Sep 25, 1901
- (4) Notice of final consideration, 9/21/02

~~CONFIDENTIAL~~

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, IT., SEPTEMBER 22, 1900.

In the matter of the application of Isaac B. Hitchcock for enrollment as a citizen of the Cherokee Nation; said Hitchcock being sworn by Commissioner C. R. Breckinridge, testified as follows:

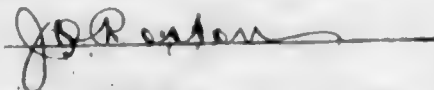
- Q Give me your full name, please? A Isaac B. Hitchcock.
Q How old are you? A 75.
Q Your post office? A Vinita.
Q In what district do you live? A Cooweescoowee.
Q Who is it you want to have put on the roll? A Just myself.
Q You claim as a Cherokee by blood? A Adoption, yes.
Q How long have you lived in the Cherokee Nation? A 75 years.
Q Your are on the roll of 1880 and 1896? A Yes, sir.
Q Your wife is dead? A Yes, sir, she died in 1886, and I have no wife.
Q Is that the wife with whom you enrolled ~~with~~ in 1880? A Yes, sir.
Q Give me the name please, of her? A Elizabeth A. Hitchcock.
Q She was a Cherokee? A Yes, sir.
Q Died in 1886? A Yes, sir.
Q Have you ever married since her death? A Yes, sir.
Q Is your present wife a Cherokee or white woman? A I do not know whether she is dead or not.
Q How ~~long~~ since ~~you~~ married since your wife died in 1886? A Yes, sir.
Q Your second wife's name? A Mrs. Orr.
Q When did you marry your second wife? A In 1889.
Q Was she Cherokee or white woman? A White woman.
Q Is she living or dead? A I do not know, I have not heard from her for years.
Q You have never married since you married Mrs. Orr? A No, sir.
Q She had not rights as a Cherokee citizen? ~~AXIX~~ No, sir.

1880 enrollment; page 266, 1226, J. B. Hitchcock, Delaware.

Com'r Breckinridge:--The applicant is identified on the roll of 1880 as a ~~native-born~~ adopted ~~Cherokee~~ white. His wife with whom he was enrolled at that time is said by him to have died in 1886. Since her death he states that he has re-married to a white woman. His second wife possesses no rights in the Cherokee nation and under the law he is considered to have lost all the rights he possessed; therefore the application for the enrollment of Isaac B. Hitchcock is rejected, and this action will be reported to the Secretary of the Interior and his approval will be final in the case.

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



Subscribed and sworn to before me this 24th day of September, 1900.



Commissioner.

5 1184

Department of the Interior.
Commission to the Five Civilized Tribes.
Ft. Gibson, I. T., April 24th, 1901.

In the matter of the application of Isaac B. Hitchcock for enrollment as a Cherokee by intermarriage; he being sworn and examined by Commissioner C. R. Brockbridge, testified as follows:

- Q Give me your full name. A Isaac B. Hitchcock.
 Q How old are you? A 76 according to record.
 Q What is your postoffice? A Vinita.
 Q You made application at Vinita, on September 22nd, of last year for enrollment? A Yes sir.
 Q You now want to give some additional testimony, do you? A Yes sir.
 Q It appears that you have lived in the Cherokee Nation all your life? A All my life, never had any other home on earth.
 Q And you were duly enrolled in 1880? A Yes sir, every roll since 1857; every roll made in the Cherokee Nation.
 Q You are a white man? A Yes sir.
 Q It appears from your testimony that you were identified on the roll of 1880 as an intermarried citizen; since that time you have married a non citizen woman? A Yes sir.
 Q Your application was rejected on the ground as having married out as the expression is, and that ~~fact~~ seems to be the difficulty in your case, Mr. Hitchcock? A That's right.
 Q You want to address yourself to that point? A Yes, legally; a question of law.
 Q What statement do you desire to make in regard to your not having lost your rights marrying a white woman? A I suppose there is a Cherokee law book here. I desire to call the attention of the authorities here to the provision in this same law which says, that I have lost my right by marriage with a non citizen, white woman. It goes on to say in another section here how it shall be determined I have lost my rights; it says here that I shall be cited before the Judge of the Circuit Court of the Cherokee Nation and have a trial by jury; you will find those things right here to refer you to the law and the testimony; I am to have a trial by jury before the Circuit Court of the District in which I reside; then should the jury decide that I have done this, I am guilty of this misdemeanor or trial, whatever it may be called. The Judge is then to notify the Chief; the Chief is to notify the Agent, and I am to be removed from the limits of the Cherokee Nation. You will find it worded that way in this section. Now, I have this to state that the Cherokee laws were enforced for numbers of years; I cannot now say how long after my said intermarriage; I never was cited to Court; I never had an examination, a trial, to see whether I had been guilty according to Cherokee law; and at every election after this that I have been at my home in Coowessowee District, I have been allowed to vote; I have been challenged in this way, the judge, some one would say, here is Mr. Hitchcock, you married out didn't you; yes; that is alright I don't dispute that fact, - one of the judges would say then to me, Mr. Hitchcock you were acquainted with the Cherokee law in relation to this matter; - yes sir; - Well, were you ever cited (they had a law book like this) ever cited before the Cherokee Nation according to requirements in this section - did you ever have a trial and was your case ever decided according to Cherokee law; - No sir, it never was. Well then, we are not here to decide such cases, come up and vote, so I have been allowed to vote. I have held offices under the Cherokee Nation at one or two, I can't tell all these years; I voted at every election that I have been at home at Vinita all these years, and my name appears on every roll since 1857; I was married in '57 and you will find my name on every roll that has been made unquestioned, and it appears on the 1880. This is the fact I wish to present; that is all I have to say. My contention is that I was never tried; never had a trial and a decision against me according to this same Cherokee law, and therefore I take this position that there is no judicial tribunal on earth according to this Cherokee law to decide that I have lost my right, and I claim that right legally; that is about all. I submit the contention which I present to the Commission.

2- I. B. H.

Q You are familiar with Section 667 of the 1896 compilation of the laws of the Cherokee Nation? A Yes sir.

Q That Section states:- "That if any man or woman, a citizen of the United States or of any foreign country becomes 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. I have read all of that section. This section only states what shall follow the fact of remarrying a non citizen; it does not state that any further proceedings are necessary in order to incur the result here indicated. Is there any other provision of law? A Yes sir, there is another section right there.

Q To which you wish to refer? A Yes sir.

Q Section 669? A Yes sir.

Reference is made to Section 669, which prescribed certain duties on the part of Cherokee Officials in cases of remarriage to a non citizen, and the proceedings which must be had prior thereto.

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

Q You didn't draw any Cherokee strip money? A No sir.

Q What official position have you held since you remarried to your non citizen wife? A I was Judge of an election and Clerk of an election; that is all the positions I have occupied.

Q When were you judge of an election? A I don't remember the year, within the last three or four years; four or five years.

Q And how long since you were Clerk of an election? A About the same time.

Q When did you last vote as a Cherokee citizen? A If I voted in 1899, unquestioned; only in that way attention was drawn to it and the judge asked me what I told you a while ago, and asked me if I ever was cited to the Court. I never had a trial according to the provisions of the law; I told him I never had, and they told me we can't go back on the law, and you could vote.

Q Although you admitted that you had remarried a non citizen? A Yes sir.

Q Who appoints the judges and Clerks of Elections, Mr. Hitchcock? District Clerk? A I don't know.

Q Who appointed you? A I don't remember now.

Q You remember who appointed you when you were Clerk of an Election?

A No sir, I don't remember.

This testimony will be filed as additional testimony in the case cited Rejected 169, and an order is made that this application be transferred from the rejected to a doubtful card for the consideration by the Commission of all the evidence in the case.

Applicant further states- As Col. Wisdom is here himself, he paid me. You will find my name as an old settler in this last payment. You will find my name there.

Q Did you receive money as an old settler in 1896 or '97? A Yes sir, Col. Wisdom paid me himself.

Q The United States Indian Agent? A Yes sir.

Q The records will show? A Yes sir, the records will show.

Examination continued by J. C. Starr, representative of the Cherokee Nation-

Q Did you receive old settler money for yourself or for your wife?
A My wife's share and her father's share divided out down and down, two bits to one for a dollar according to the heirs. It was my wife's share; my portion of my wife's share, and I think there was a little

S- I. B. K.

bit, I don't know how much now, of old John Duncan, her father's share. I think there was a little bit, the two added together.

Q You didn't get old Settler's money of your own right? A No sir.

Q But as the share derived from your first wife? A Yes sir, I don't know how they ruled it; the records will show.

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

E. R. R. R.
Subscribed and sworn to before me this 24th day of April, 1901.

W. M. R. R.
Commissioner.

Q11184

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 31 1902

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Supl.-C.D.#1184.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 21, 1902.

SUPPLEMENTAL in the matter of the enrollment of ISAAC B. HITCH-
COCK as a citizen of the Cherokee Nation:

he applicant was notified by registered letter March 1, 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 21st day of March, 1902, and that on said day 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 has acknowledged receipt of Commission's letter. Applicant has been called this day, to-wit: the 21st day of March, 1902, and failing to respond either in person or by attorney, the case 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. Rossen, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings above, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rossen

37184.

In the matter
of the application of
Isaac B. Hitchcock
for enrollment as
a citizen of the
Cherokee Nation

Brief of Applicant.

Attest
1874

Before the Commission to the Five Civilized Tribes.

In the matter of the application of Isaac B. Hitchcock for enrollment as a citizen of the Cherokee Nation. } Brief of Applicant.

Statement of Facts.

:-:--:- :-:

The applicant is seventy-five years old and was born in the Cherokee Nation and has lived in the Cherokee Nation all of his life. He is an adopted citizen having married Elizabeth Duncan, a Cherokee woman, under the laws of the Cherokee Nation in 1857. His name appears on the Roll of 1880 page 286, No. 1226, and he is on all the other Rolls of the Cherokee Nation since 1857, except the Roll of 1896; His first wife, Elizabeth Hitchcock, nee Duncan, died in 1886 and he married Mrs. Orr, a White woman, in 1889, nine years before the Cherokee Laws were ~~was~~^{est}ablished by the act of Congress of June 28th 1893; that after his second marriage he continued to exercise all of his rights of Cherokee citizenship, voted, acted as officer of elections, etc, up to the present time and his rights were never questioned and no forfeiture was ever declared of his citizenship by the Circuit Courts of the Cherokee Nation, although said courts were in full possession of jurisdiction to hear and determine his case for nine years after his second marriage (see section 609, Compiled laws of the Cherokee Nation of 1892) and this law is in evidence in this record.

Brief and Argument.

This case is more a question of law than of fact, I respectfully submit that your Commission should enroll this applicant for ~~the~~ good reasons, First, he ~~has~~^{has} identified himself as the identical person whose name appears on the Roll of 1880, as a living citizen of the Cherokee Nation,

not a freedman; Second: That no forfeiture of his citizenship was ever declared by the Circuit court of the Cherokee Nation if he had forfeited his citizenship, but on the contrary he was permitted and allowed to enjoy all the rights privileges and perform all the duties of citizenship for nine years after his second marriage, while the Circuit courts had full power to give him a trial and he has so exercised his citizenship, rights and privileges to the present time, without question, and now I desire to take up these two propositions in their order.

The first contention of applicant is that under the law that governs this Commission in the enrollment of applicants for citizenship in the Cherokee Nation he is entitled to enrollment when he shows he is on the Authenticated Roll of the Cherokee Nation of 1880 as said roll has been authenticated and confirmed by Acts of the National Council of the Cherokee Nation and the Act of Congress. In support of this contention we quote from the Act of Congress, approved June 28th, 1898, commonly known as the "Curtis Act."

Sec. 21: "That in making rolls of citizenship for the several tribes the Commission to the Five Civilized Tribes is authorized and directed to take the Roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and 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."

The language above quoted is mandatory. It says in making rolls of citizenship this Commission is authorized and directed to take the Roll of 1880 as already confirmed and are authorized and directed to enroll all persons now

3.

living whose names are found on said roll: It seems from this language that "all persons" are entitled to be enrolled (those names are found on said roll ("not/including freedmen") regardless of whether they are Indians by blood or adoption, without distinction. The section above quoted shows conclusively that it made no distinction for the reason its express terms makes the only exception where it says "not including freedmen". If there had been other or further exception it would have been so expressed when the freedmen ~~exception~~ ^{* Civil} was saved ^{Express} in ^{veris.} The general rule of law is that where the legislature undertakes to modify the general provisions of law by express exceptions that the law is binding in its provisions except to the exception expressively saved and is confined solely to the restriction named in the exception, Sec. 222, page 294, and the sections following on the same subject found in Sutherland on Statutory Construction.

There is also one other exception which I failed to mention and that is where party is dead whose names appears on the Roll of 1830. This applicant does not come within either of these two exceptions as he is neither a freedman nor dead. This Commission is concluded when a live applicant who is not a freedman, presents himself for enrollment and identifies himself as the person whose name appears on the Roll of 1830. This, this applicant has done to the entire satisfaction of any reasonable person.

Now as to the second ground that non forfeiture has ever been declared, I admit that Section 867 of the Compiled Laws of the Cherokee Nation of 1892 says "That if an adopted citizen of the Cherokee Nation on the decease of his Cherokee wife or husband, marries a person with no rights of Cherokee citizenship by blood he shall forfeit his citizenship, etc" but the act of Congress of June 28th 1898 says if he be on

4.

the roll of 1880 you are directed to enroll him unless he be dead or a freedman and the law of Congress take ~~precedence~~ ^{precedence} over the laws of the tribe. Again I say that section 669 of the Laws of the Cherokee Nation controls section 667 and said section is as follows: "The circuit court shall have authority to hear and determine all cases that may be brought before it by any person or by the solicitor of the District wherein it may be alleged that a citizen of the United States or of any other government, adopted by intermarriage under the laws of the Cherokee Nation, has forfeited his rights to citizenship in said Nation by acts which declare such forfeiture. Proceedings in such cases shall be by citation if the party be resident in the Cherokee Nation, or by thirty days notice of such proceedings in the Cherokee Advocate and be conducted as are civil suits before such courts. On the finding of verdict by the jury against such person, it shall be the duty of the clerk to notify the Principal Chief of such finding, and it shall be the duty of the Principal Chief to make known such finding to, and call on, The United States Indian Agent for the removal of such person beyond the limits of the Cherokee Nation."

Thus you will see that the mere marriage does not ipso facto work a forfeiture, but that there must be a complaint, a summons, a court and a jury to pass upon the law and the facts and there must be a final judicial determination and declaration in each case before Section 667 is operative. Forfeitures must be judicially declared. PP 125, 316, 318, 441, 445 and 446 and noted thereunder, Cooley's Constitution Limitations. Legislatures may by an act declare grounds of forfeiture but forfeitures must be judicially declared, *see above authorities.*

The only court that had jurisdiction to declare a for-

forfeiture in the case was in existence nine years after the Act complained of by this applicant and never brought him to trial as required by Section 669 above quoted. In 1898 this Court was abolished by the Act of Congress of June 28th 1898 and there is now no tribunal to judicially declare this forfeiture by a complaint, summons, trial by jury etc. and hence I contend that he should be enrolled and permitted to enjoy the remainder of his days among the Cherokee people as a citizen of the Cherokee Nation among whom he was born and with whom he has lived as a citizen for fifty-five years, as presented in his argument which I append to this brief as a part thereof. As a matter of right, justice and law, I respectfully ask that he be enrolled.

Respectfully submitted.

Wm P Thompson

Atty. for Applicant.

[Signature]
Over

Personal Argument of Applicant in
Behalf of Himself.

I start out with the well grounded legal proposition:
I became a recognized, adopted Cherokee citizen by Cherokee
Law. I can not be dispossessed or deprived of such citizen-
ship only by Cherokee Law. The Cherokee Law and Courts
were in full and active force for years after I had married
~~the present time~~ Our citizens and officers knew all the facts in the
case, no action was taken by law in the matter. Our Cherokee
laws and courts have been abrogated, so now there exists
no tribunal before which I can be brought for trial. Now,
being under United States Law, my contention is, I have
violated not United States Law, and said United States Law
cannot try and condemn me for what I may have done before said
United States law or laws became operative in our nation.
Such action would be clearly retrospective and by the Con-
stitutions, both of the United States and the Cherokee Nation,
No laws can be retrospective. Up to the present time I
have continuously, and am today, regarded and looked upon
by our Cherokee people as a bona fide Cherokee citizen. I
have voted as such at every election that I have been at
home, up to the very last one held on the first Monday
in August last: 1901. I stand today solitary and alone--dif-
ferent from any other white man, citizen of our Country, so
that my recognition as a citizen will in no wise jeopardize
the interests of the Cherokee Nation, by opening the door, or
becoming a precedent for any other individual whatever to cite
my case for an example or encouragement in his or her case.
I am the only known, living citizen, native among the Western
Cherokees; born among them in 1825, the Cherokee Nation and
people have always and continuously been my own and my only
home and people. If I do not belong here where on the green
earth have I a home? Where do I belong? Our Cherokee people
claim me as one of themselves. *Isaac B. Hitchcock.*

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes.

Muskogee I. T. April 8th 1902

No. Cherokee D. 1184.

In the matter of the application of Isaac B. Hitchcock for enrollment as a citizen of the Cherokee Nation by Intermarriage.

Brief of the Cherokee Nation.

.....

Isaac B. Hitchcock became a citizen of the Cherokee Nation by intermarriage years ago and was a citizen of the Cherokee Nation when the roll of 1880 was made but since that time his Cherokee wife died and he has intermarried with a white woman in violation of Section 666 compiled Laws of the Cherokee Nation-1892.

There seems to be no question of fact involved in this case as ~~inasmuch~~ all parties concede the above facts to be true and inasmuch as this question has been up before the Commission numerous times heretofore for decision and the same having been approved by the Secretary of the Interior it is not deemed necessary that any extended brief be filed in this case.

Section 21 of the Curtis Bill charges the Commission in making a roll of citizens of the Cherokee Nation that it shall enroll "Such intermarried white persons as may be entitled to citizenship under Cherokee Law"

Section 666 of the Compiled Laws of the Cherokee Nation, 1892 provides:

"Should any man or woman, a citizen of the United States or 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 very clear under this section that the applicant is not entitled to be enrolled as a citizen of the Cherokee Nation by intermarriage.

Respectfully submitted,

W. W. Hastings & Co.
Attorney for the Cherokee Nation.

1110

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

In the matter of the application of Isaac B. Hitchcock for his enrollment as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on September 22, 1900, Isaac B. Hitchcock appeared before the Commission at Vinita, Indian Territory, and made application for his enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application on April 24, 1901, at Fort Gibson, Indian Territory.

The evidence shows that the said Isaac B. Hitchcock is identified on the Cherokee authenticated tribal roll of 1880, having been married prior thereto to a Cherokee citizen. It appears that his Cherokee wife died in 1886, and that in 1889, the applicant married one, Mrs. Orr, 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 74 of the Compiled Laws of the Cherokee Nation (1875), provides:

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

It is, therefore, the opinion of this Commission that the application of Isaac B. Hitchcock for his enrollment as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, I. T.

this

JUL 2 0

1941, 1942.

1941, 1942, 1943.
1944, 1945, 1946.

1947:

1948

1949, 1950.

1951, 1952, 1953.
1954, 1955, 1956.

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

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED IN REPLY TO THE FOLLOWING

Cherokee D 1184.

ALLISON I. AYLESWORTH,
SECRETARY

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 Isaac B. Hitchcock for the enrollment of himself as a citizen by intermarriage 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. 132.

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

ALLISON I. AYLESWORTH
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1184.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 7, 1902.

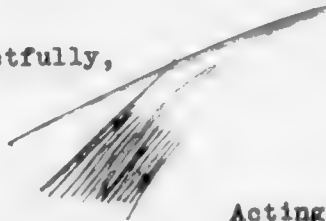
W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Isaac B. Hitchcock for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 5, 1902.

Respectfully,



Acting Chairman.

GENERAL HEADQUARTERS
CHEROKEE CITIZENS

D-1184

Original testimony, Sept 29, 1902

Memo of application, Sept 29, 1902

b. Supplemented testimony, 4/24/03

D. Notice of final consideration, 3/21/03

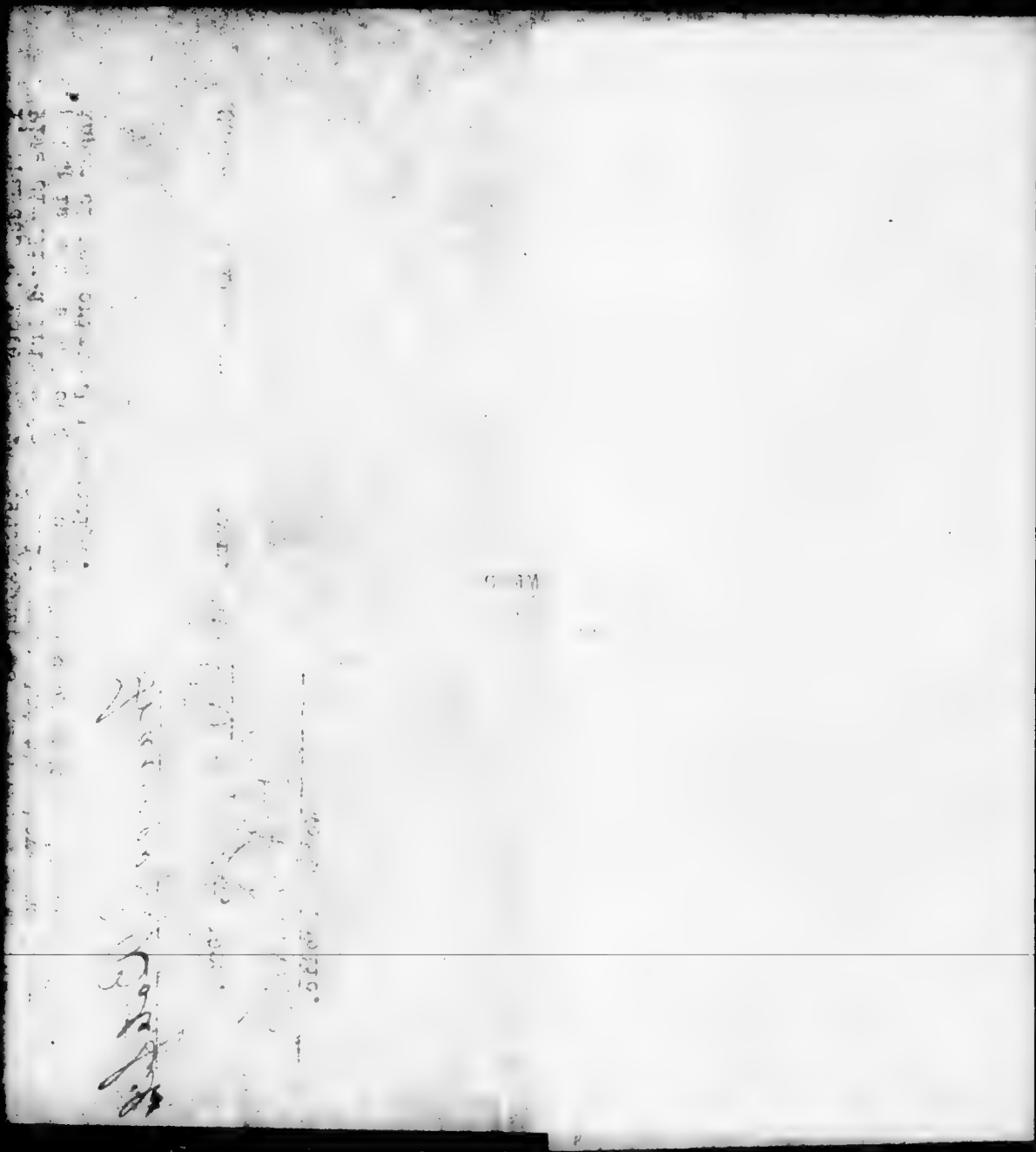
E. Receipt for testimony

Transferred to R-720

D

Cher D 1185

Cher D 1185



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To be filed with D-1185

Rejected as to wife, Julia.
DOUBTFUL, 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.
What is your postoffice? 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? 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 once 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 Becks 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 McP ERSON, being sworn and examined by Commissioner Breckinridge testified as follows:

- Q. Give me 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 forget.
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 Beck.
Q. What was Ward's full name? A. Vann.
Q. And afterwards married to Beck? A. Dave Beck.
Q. Is Vann Ward dead? A. I couldn't tell you.
Q. Did you ever get a divorce from him? A. No, he took another woman.
Q. And you never got any divorce from him? A. No sir.
Q. And then you married Beck? A. Yes sir.
Q. Is Beck dead? A. I can not tell you, he was not the last account I had of him.
Q. How long did you live with Beck? 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 McGee in Delaware. Q. He was clerk of the District was not he? A. Yes sir.
Q. Who married you to Beck? A. He lived at Vinita, he was a justice of the peace.

Q. You did not get any divorce from Beck?

A. No sir.

And who married you to your present husband, McPherson? A. Preacher 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 1885?

A. Yeh sir.

ROBERT Mc PHERSON, the applicant, further testified:

Q. Give the names of the children? A. The eldest one is by my first wife, named Willis

Q. How old is he? A. He will be 18 the 27th of this month.

Q. How the next child? A. Mary.

Q. By this wife is she? A. Yes sir.

Q. How old is she? A. She is going on 16.

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, 1885, by the Rev. Leonidas Dobson, this is placed with the papers in this case.

1880 roll, page 558, #1262, Robt. McPhearson, Illinois .

Q. What was Willis' mother's name? A. Ailsey Muskrat.

Q. Is she on the roll of 1880 as Muskrat? A. I don't 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 1213, #242, Robert McPherson, Tahlequah.

Q. Was Vann Ward a Cherokee by blood? A. I think so.

1896 roll; page 1286, #190, Julia PoPhearson, Tahlequah

1896 roll; page 1213, #2246, Willis McPherson, "

1896 roll, page 1213, #2243, Mollie McPherson, "

1896 roll, page 1213, #2244, Jannie 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.

APPLICANTS WIFE RECALLED:

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 334, #2343, Vann V. Ward, Delaware

- Q. How old would Beck be now if he were living? A. I think he was somewhere in 30 when me and him was married.
- Q. Did he have an "M" in his name, Dave M. Beck? A. I think he did.
- Q. You have got a child named G. W. Beck? A. Yes sir. Q. Were you living with Beck in 1880, 20 years ago? A. No sir, I don't guess I was.
- Q. This child G. W. Beck 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. Beck.

Com'r Brackinridge:--The applicant applies for the enrollment of himself, his wife, and four children. He is identified on the roll 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 formerly married before she married her present husband in 1885. The present marriage in 1885 is established by the certificate filed herewith, but the applicant's wife never procured a divorce from either of her husbands, 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 enrollment is rejected, she being classed as a Cherokee by adoption.

The applicant's eldest 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 after the roll of 1880 was made and she died shortly after their marriage. She can not 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 said 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, on a doubtful card, for the further consideration of their status, in this connection attention is especially called to Section 693 of the 1893 compilation of the laws of the Cherokee Nation.

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

(Signed) J. O. Rosson.

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

(Signed) T. B. Needles.

Commissioner.

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

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 7th day of November, 1901.

(Signed) T. B. Needles.

I, Frances S. Botchford, stenographer to the Commission to the Five Civilized Tribes do solemnly swear that the above and foregoing is a true and complete copy of a copy made by Arthur G. Croninger of the original transcript.

Frances S. Botchford

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

W. H. Reuter
Notary Public.

16 June 1900

Cherokee by blood.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., April 24, 1901.

In the matter of the application of George Beck for enrollment as a Cherokee by blood.

George Beck, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A George Beck.
Q How old are you? A Going on 24.
Q What is your post office? A BRAGGS,
Q Do you apply to be enrolled as a Cherokee citizen by blood?
A Yes, sir.
Q You have been recognized by the Cherokee authorities as a Cherokee citizen? A Yes, sir.
Q Who do you want to enroll besides yourself? A Just myself.
Q What is your father's name? A Dave Beck.
Q Is he living? A Yes, sir, the last time I heard from him.
Q What was your mother's name? A She was Furlow before she married.
Q Is she living? A Yes, sir.
Q Are you married? A No, sir.
Q Only apply for the enrollment of yourself? A Yes, sir.
Q Is your name on the roll of 1880? A I don't know, sir, my stepfather always enrolled me, I wasn't of age.
Q What was his name? A Robert McPherson.
Q How does John Israel happen to be your brother in law, did he marry your sister? A Yes, sir, she was a half sister of mine.
Q What district were you born and raised in? A I was born in Missouri.
Q Have you ever been recognized as a Cherokee citizen? A Yes, sir, I came here when I was a little chap, I can't recollect when I came here.
Q Did you ever apply to the Cherokee authorities to be admitted or enrolled as a Cherokee citizen? A Yes, sir.
Q When? A Well my stepfather he did.
Q Do you know whether the Cherokee authorities ever admitted you or not? A No, sir, I don't know.
Q Did you ever apply to the Dawes Commission in 1898? A No, sir.
Q You say you were born in Missouri? A Yes, sir.
Q Was your mother a Cherokee citizen? A No, sir.
Q Was your father? A Yes, sir.
Q His name was Dave Beck? A Yes, sir.
Q Was he married to your mother Susan? A Yes, sir, I think he was, I don't know myself, they parted when I was small.
Q You were born in the State of Missouri? A Yes, sir.
Q When did you come to the Cherokee Nation? A Well, I don't know myself, I can't tell, I can't recollect it, I was small.
Q Have you always lived in the Cherokee Nation since you can recollect? A Yes, sir.
Q Did you draw your strip money in 1893? A Yes, sir.
Q Where did you live in 1894? A I lived in Illinois district.
Q You didn't draw your strip money in 1894? A Yes, sir, I drew it: Mr. Bengo drew it for me at Tahlequah.
Q Is Dave your father? A Yes, sir.
Q Wouldn't you know his children? A Him and my mother parted when I was small and I haven't seen him since.
Q Did you draw your strip money in Tahlequah district? A Yes, sir, at Tahlequah.
Q You got it after the regular payment, didn't you? A Yes, sir.
The 1880 authenticated roll of Cherokee citizens examined and the applicant not identified thereon.
The 1896 census roll of Cherokee citizens examined and the

George Beek - 3.

Applicant not identified person.

Q Did your father have a wife named Amanda? A I don't know whether he did or not.

Q Where is your mother? A She is in Illinois district.

Q Has she been here to enroll yet? A No, sir.

Q You don't know whether Dave Beek had any wife before your mother or not? A No, sir, I don't know.

Q Your mother wasn't a citizen? A No, sir.

Q And you don't know whether your father and mother were ever married or not? A No, sir.

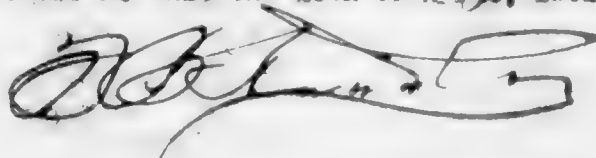
Q And you were born in the State of Missouri? A Yes, sir.

Commissioner Needles: The name of George Beek cannot be found upon the authenticated roll of 1880 or the census roll of 1896. His name is not found upon the pay-roll of 1894, but he states that he draw his strip money after the regular payment, at Tahlequah. By reason of the fact that the name of said George Beek is not found upon the rolls of 1880 and 1896, and no satisfactory proof is made as to his citizenship, final judgment as to his enrollment will be suspended and his name will be placed upon a doubtful card.

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 25th of April, 1901.



Commissioner.

C101185

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 31 1902



Supl.-C.D.#1185.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 21, 1902.

SUPPLEMENTAL in the matter of the enrollment of GEORGE BECK
as a citizen of the Cherokee Nation;

The applicant was notified by registered letter March 1, 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, and that on said date he might appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any further testimony affecting his case. The applicant has this day been called and fails to appear either in person or by attorney.

Commission: It is directed that a copy of the testimony had in Cherokee Rejected case, R.485, be filed with and made a part of the record in the case at bar, and likewise in the case Cherokee doubtful #1231.

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.

---00000000---

I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings above, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

REC'D
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Department of the Interior,
Commission to the Five Civilized Tribes,
Washkago, I. T., June 28, 1902.

In the matter of the application of GEORGE BECK, for the enrollment of himself as a citizen by blood of the Cherokee Nation:

JULIA McPHERSON, called as a witness, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A Julia McPherson.
Q How old are you? A About 46 years old.
Q Where do you live? A In Illinois when I am at home.
Q Are you the mother of George Beck? A Yes sir.
Q What was his father's name? A Dave Beck.
Q Are you a white woman? A Yes sir.
Q Is Dave Beck a Cherokee? A Yes sir.
Q Where was this boy George born? A He was born at my father's
Q Where? A Close to Menett.
Q In Missouri? A Yes sir.
Q How long had you been living there when this child was born?
A Just there--well four or five months, something like that.
Q Was your husband there with you? A No sir he was away.
Q Did you separate from him? A No sir, I went there on a
visit.
Q How long did you continue to stay there after the child was
born? A I can't tell that.
Q Was it a year? A No sir it wasn't quite a year.
Q Where did you go to after you left Missouri?
A I come back to the Nation.
Q Where have you been living since that time? A In Tahlequah
District and Illinois.
Q Has this boy George ever been out of the Cherokee Nation since
his birth in Missouri? A His grand-pa took him home with
him and kept him a while.
Q How old is he? A Twenty four years old next month.
Q You didn't understand the question. How old was George when his
grandfather took him out of the Indian Territory?
A I don't think I can tell.
Q Well about how old? A He must have been--he wasn't ten
years old. He must have been seven or eight or nine.
Q How long did his grandfather keep him? A He kept him--to
the best of my knowledge he stayed there a year.
Q With his grandfather? A Yes sir.
Q Did he come back to the Nation then? A Yes sir and has
been here ever since.
Q How does it happen that this boy is not on the roll of 1880?
A I don't know, the old man done the enrolling. I don't know.
Q How long did you continue to live with his father Dave Beck?
A I lived with him in all about seven years.
Q When were you married to him? A I can't tell the year,
now, we was married.
Q Haven't you any idea? A No sir.
Q How long ago has it been? A I can't tell that.
Q How long was it before George was born? A I can't say.
Q You certainly have some idea as to how long you had been married
before George was born? A We were married a good long while.
Q What do you mean by a good long while; six months, or a year?
A To say the days I couldn't do it.
Q I am not asking for the days; I am asking about the time?
Were you married as much as a year before the child was born?
A Yes sir.
Q How old is the boy now? A Twenty four years old next month

Examined by Mr. Hastings:

- Q Is he married? A No sir.

- Q Never been married ? A No sir.
- Q Did you ever live with your husband Dave Beck after you came back from Missouri ? A No sir.
- Q Then you were separated before you went to Missouri ?
- A No sir; I stayed a little while, but to make it my home, I didn't.
- Q You said you didn't live with Dave after you came back ?
- A I stayed a little while until I took my things and went away.
- Q How long did you live with him after you returned ?
- A Three or four months.
- Q Who married you to Dave Beck ? A I know his given name, but his sir name I can't tell it. He lived close to Vinita, and they called him Frank, and he was a justice of the peace there.
- Q Close to Vinita ? A Yes sir.
- Q And he was a justice of the peace ? A Yes sir.
- Q Don't you know there never was a justice of the peace in the Indian Territory ? A That's what I thought he was. He was a stranger to me; the first time I seen him was the last time.
- Q At whose house were you married ? A I can't tell that.
- Q You can't tell within ten years of the year you married ?
- A Not now I can't. I never paid no attention to it afterwards. I didn't know all this would come up.
- Q How many times were you married before you married Beck ?
- A One.
- Q Who ? A Man by the name of Fisher.
- Q Where ? A In Arkansas.
- Q Do you know when you married him ? A No sir.
- Q Was he dead when you married Dave Beck ? A That's what I heard.
- Q Did you live with him until he died ? A No sir.
- Q Were you divorced from him ? A No sir.
- Q Was he divorced from you ? A I don't know; he married again.
- Q Did he marry again before you married Dave Beck or afterwards ?
- A I can't say.
- Q How do you know he was married ? A I heard it.
- Q Were you separated from Dave Beck when you went to Missouri prior to the birth of this child ? A I didn't go with that purpose.
- Q Where were you living before you went to Missouri ?
- A With him near South West City.
- Q Did you ever leave him prior to that time ? A No sir.
- Q How long did you say it was after you went to Missouri that George was born ? A Just a few months; I don't recollect how many.
- Q Got no idea at all ? A Four or five months, or three or four months, I can't tell. I don't like to tell without I was positive. That's to the best of my knowledge.
- Q Did you marry again after you left Dave Beck ? A Yes sir.
- Q Who did you marry next time ? A I married a man by the name of Ward.
- Q On whose place did you live when you lived with Dave Beck near South West City ? Who were your neighbors down there ?
- A I don't know who all. The Muskrats and Duncans, and lots of neighbors.
- Q Where does Dave Beck live now ? A I can't tell you.
- Q Do you know where Dave Beck was living when the roll of 1880 was made ? A No sir.
- Q Was he a Cherokee by blood ? A Cherokee by blood.
- Q Did you know Dave Beck's father ? A I believe his father was named Jeff Beck as well as I can recollect.
- Q Did you know Dave's mother ? A No sir.
- Q Never heard her name mentioned ? A I don't know that I ever did. As well as I recollect his father was named Jeff Beck.
- Q Was his father living when you were married to Dave ?
- A I don't know.
- Q Did you ever see his father ? A No sir.

- Q Ever see his mother ? A No sir.
Q Did Dave ever go by any other name than Beak ?
A I never heard of any other.
Q Where does this boy George live now ?
A He is in Lawrenceville, Kansas, now.
Q In the penitentiary ? A Yes sir.
Q How long has he been there ? A Two or three months, maybe longer.
Q Where was he living when they sent him to the penitentiary ?
A Right here in Illinois district.
Q Who had he been making his beam with ? A He stayed with me the biggest part of his time, unless he was at work somewhere.

--The roll of 1880 examined and the name of the applicant's father does not appear thereon; whether does the name of this applicant appear upon said roll

- The Commission: Is there any other statement you desire to make relative to the enrollment of your son ? A No sir.
Q How often did you say you were married before you married Beak ?
A Just once.
Q What was the name of your first husband ? A Fisher.
Q Were you divorced from him ? A Not that I know of.
Q Was he divorced from you ? A I can't tell you.
Q How long after your separation was it before you took up with Beak ? A It was a year or over.
Q Who married you to Beak ? A I said a while ago I can't tell his name. He lived close to Vinita.
Q Is he living now ? A I can't tell you. His given name was Frank and that's all I know.

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

E. Bagwell

Subscribed and sworn to before me this June 28, 1902.

J. H. Renter
Notary Public.

SEP 20 1902

RECEIVED
M. H. C. V. A.

W1155

Cherokee D-1185.

Department of the Interior,
Commission to the Five Civilized Tribes,
Washkago, I. T., October 3, 1902.

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

David M. Beck, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A David M. Beck.
Q What is your age? A 66 years old.
Q Where do you live? A I live in Cooweescoowee District, four miles southwest of Chelsea.
Q Did you ever know a woman by the name of Julia McPherson? A I never knew her since she was a McPherson.
Q Did you ever know her before she was McPherson? A I knew a Julia Ward, she was a widow.
Q She was at one time your wife, was she? A Yes sir.
Q And you understand her name is now Julia McPherson? A Yes sir.
Q Well now, can you remember about when you were married to Julia Ward, who is now Julia McPherson? A No sir, I can't; it was somewhere right along about '76 or '77, along about '75 or '6.
Q Now, do you remember, Mr. Beck, about how long you and Julia McPherson lived together as husband and wife before you separated? A Somewhere in the neighborhood of two years, not far from it.
Q You and your wife, Julia, separated did you? A Yes sir.
Q Well, during the time you and she lived together did you have any children by her? A Not a one that I know of.
Q Did she have a child born after she left you? A Not that I know of.
Q Did you ever hear that she had a child born? A I heard she had one born.
Q How long after she left you and you separated before this child was born, but you ever heard of? A It was I expect one and a half or two years.
Q Do you know what name this child goes by now? A I don't know sir, only just George Beck is what I heard of.
Q Is George Beck, who is the child of Julia McPherson, is he your child? A I couldn't say it.
Q Do you know whether or not he is? A I don't know, but I don't believe he is.
Q You never had seen the woman for a year and a half before he was born, had you? A No sir, I think not.
Q You never knew George Beck personally? A No sir.
Q He never came to you and claimed you as his father? A No sir.
Q Have you ever seen Julia McPherson who was formerly your wife since this child, George Beck, was born? A No sir.
Q You never have heard from her directly? A No sir.
Q So far as you know George Beck is not your son, is he? A I think not; well, I know he ain't.
Q Julia McPherson is a white woman isn't she? 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.

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


Notary Public.

Cherokee N. 1146.

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

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

P R O C E E D I N G S .

The record in this case shows that on April 24, 1901, George Beck appeared before the Commission at Fort Gibson, Indian Territory, and made application for his enrollment as a citizen by blood of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on June 25, 1901, and October 3, 1900. A copy of the testimony taken at Tahlequah, Indian Territory, on June 1, 1900, in the matter of the application of Robert McPherson, et al., Cherokee N. 400, and at Fort Gibson, Indian Territory, on September 24, 1901, in the matter of the application of Saml. J. J. J., Cherokee N. 1001, for enrollment as citizens of the Cherokee Nation, is herewith filed herewith; also a copy of the testimony taken at Fort Gibson, Indian Territory, on April 24, 1901, and at Muskogee, Indian Territory, on March 22, 1901, in the matter of the application of John J. J., et al., Cherokee 7464, for enrollment as citizens of the Cherokee Nation, were ordered filed with Cherokee N. 1001, and are a part of the record herein.

The evidence shows that George Beck, at the time of this application, was twenty-four years of age. He was born in the State of Missouri, and removed to the Cherokee Nation when quite young. It further appears that his father is a white man. The identity of his father is not established.

George Beck identified one of the tribal rolls of the Cherokee Nation, and was he ever admitted to citizenship. In said roll, he was identified as a citizen by the Commission to the Five Civilized Tribes, under the Act of Congress approved June 11, 1897 (30 Stat., 211), and the Act of Congress approved August 12, 1898 (30 Stat., 211), and the Act of Congress approved August 12, 1898 (30 Stat., 211).

It appears, however, that in Act of the National Council of the Cherokee Nation, approved November 27, 1894, appropriated two hundred and fifty-five dollars and twenty cents (\$255.75) to the said George Beck. Said act fails to recite that said applicant had been determined to be a Cherokee citizen, and was entitled to said appropriation as such.

The evidence further shows that the said George Hook has lived in the Cherokee Nation continuously since early childhood.

It is the opinion of this Commission that the application for the enrollment of George Hook as a citizen by blood of the Cherokee Nation should be denied, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is, therefore, so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED

Tams Bixby.

SIGNED

T. B. Needles.

BY

J. D. Bookinridge.

W. E. Stanley

Dated at Muskogee, Indian Territory,

this MAR 20 1903

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

ALLISON L. AYLESWORTH,
SECRETARY

APPROVED BY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

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

Cherokee D-1186

Muskogee, Indian Territory, March 24, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 20, 1903, rejecting the application of George Beck for the enrollment of himself 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. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,



Chairman.

Enc. M-458

COPY.

Refer in reply to the following:

Land
19799-1903.

Department of the Interior,
Office of Indian Affairs,
Washington, June 13, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application of George Beck for the enrollment of himself as citizen by blood of the Cherokee Nation.

On March 20, 1903, the Commission rendered a decision in this case finding that the said George Beck appeared before it on April 24, 1901, and made his said application. Said Commission further finds from the evidence that George Beck at the time of his application was 24 years of age, was born in the State of Missouri and removed to the Cherokee Nation when quite young; that his mother is a white woman; and that the identity of his father is not established. The Commission further finds that George Beck is not identified on any of the tribal rolls of the Cherokee Nation and was never admitted to citizenship therein by the tribal authorities thereof, the Commission to the Five Civilized Tribes under act of Congress approved June 10, 1896 (29 Stats., 321) or by the U. S. Court on appeal therefrom; that it does appear that by an act of the national council of the Cherokee Nation approved November 27, 1884, an appropriation of \$265.70 was made to the said George Beck but that said act does not recite that the applicant had been recognized

as a Cherokee citizen and was entitled to said appropriation as such.

The Commission further finds from the evidence that said George Beck has lived in the Cherokee Nation continuously since early childhood but that by reason of the foregoing, his enrollment as a citizen by blood of the Cherokee Nation should be denied in accordance with the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495).

The office can hardly concur with the Commission in its said finding wherein it is claimed that the identity of the father of George Beck is not established. All of the evidence as to the age of the applicant tends to establish the fact that he is about 24 years old. David M. Beck, the alleged father of George Beck states in his testimony that he was married to Julia McPherson, the mother of said George Beck, "somewhere right along about '76 or '77, along about '75 or '76; and that they lived together in the neighborhood of 2 years, so that if the said George Beck was 24 years old at the time he so testified, the office considers that the said David M. Beck is proven to be the father of the said George Beck.

However, there is no evidence establishing the citizenship of the said David M. Beck and it does not appear from the record evidence that his name is on any of the rolls of the Cherokee Nation as a citizen thereof. If the said David M. Beck is in fact a citizen by blood of the Cherokee Nation and is so enrolled as such, and if the office is correct in holding that under the evidence said David M. Beck is the father of the applicant, it would appear to be at least equity to hold that the said George Beck is entitled to enrollment as a citizen by blood of the Cherokee Nation, for while his

name does not appear on any of the tribal rolls of the Cherokee Nation yet it does appear that said Nation recognized his citizenship to the extent of appropriating \$265.70 by an act of the national council thereof, approved November 27, 1884, to his use and benefit, and that he actually received said money.

The office knows of no law which makes such an act of the national council of the Cherokee Nation equal to the actual identification of a person on the tribal rolls of said nation but it does seem to be such a recognition of the rights of said George Beck by the Cherokee Nation as carries great weight in determining whether or not he is entitled to enrollment as a citizen thereof. The office further considers that in all probability additional evidence could be secured showing more definitely that the said David M. Beck is or is not the father of said George Beck. It is true the said David M. Beck denies that he is the father of this applicant, but he does it in such a way as to leave it still uncertain after reading his testimony.

The office further considers that if the Department agrees with the office that said act of the national council should be construed as being equal to the identification of any citizen on the tribal rolls of the Cherokee Nation, then this case should be remanded to the Commission for further evidence as to the parentage of this applicant. The fact of continued residence in the Cherokee Nation on the part of George Beck and his having been voted money by the national council out of the Cherokee fund would seem to make his application worthy of full consideration, and the office recommends that such consideration be given his case.

W.C.B.(B)

Very respectfully, A. Jones, Commissioner.

COMMISSIONERS
TAMM BLAIBY
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE
W. E. STANLEY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES. Cherokee D-1185

REFER IN REPLY TO THE FOLLOWING

ALLISON L. AYLESWORTH
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 22, 1903.

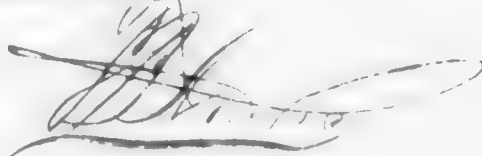
W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of Departmental letter of June 25, in regard to the application of George Beck for the enrollment of himself as a citizen by blood of the Cherokee Nation.

In accordance with the instructions contained in the Department's letter you are hereby advised that you will be given thirty days from date hereof, in which to file such argument as you desire to make in the matter of said application. You will be required to serve a copy of your argument upon the applicant.

Respectfully,



Commissioner in Charge.

Enc. D-89

JP

WCY

RAP

DEPARTMENT OF THE INTERIOR.

D.C.17945-1903.

WASHINGTON.

ITD. 5112-1903

June 25, 1903.

Commission to the Five Civilized Tribes,

Washkoreo, I. T.

Gentlemen:

On June 13, 1903, the Commissioner of Indian Affairs submitted the case of George Beck, applicant for enrollment as a citizen by blood of the Cherokee Nation, and recommended that the record be returned to you for further investigation. A copy of his letter is inclosed.

It is directed that you advise the applicant and the attorneys for the Cherokee Nation of the recommendation of the Indian Office, and that thirty days from date of such notice will be allowed within which to file any argument they may desire; that a copy of such argument must be served upon the opposite party.

Respectfully,

E. A. Hitchcock,

Secretary.

1 inclosure.

COMMISSIONERS:

TAMS BIKBY,
THOMAS B. NEEDLES,
C. B. BRACKINRIDGE

WM. O. BEALL,
Secretary.

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

REFER IN REPLY TO THE FOLLOWING:

Cherokee

D-1185.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 25, 1904.

W. W. Hastings,

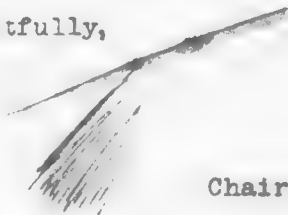
Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated March 20, 1903, rejecting the application for the enrollment of George Beck as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 10, 1904.

Respectfully,



Chairman.

~~George Beck~~

- ~~Original testimony April 24, 1904~~
- ~~Memo of application April 24, 1905~~
- ~~Notes of final consideration 3/11/05~~

~~ACTION BY THE STATE OF NEW YORK
IN SENATE~~

Cher D 1186

Cher D 1186

S

~~*Memo*~~

1186

DEPARTMENT OF THE INTERIOR
MISSION TO THE FLEETVILLE TRIBES

FILED
AUG 3 1900

[Signature]
ATTORNEY GENERAL

Department of the Interior,
Commission to the Five Civilized Tribes,
Stilwell, I. T., July 27, 1900.

In the matter of the application for the enrollment of McKinley Ross as a Cherokee by blood, by his mother, Ruth Flinn, who being duly sworn and examined by Commissioner Breckenridge, testified as follows:

Q What is your name? A Ruth Flinn.

Q How old are you? A 21.

Q What is your post office? A Evansville, Ark.

Q What is your district, Flint district? A No, sir, Arkansas.

Q Do you live in Arkansas? A Yes, sir, I live in Arkansas.

Q Do you claim to be a citizen of the Cherokee Nation? A No, sir.

Q For whom do you make application for enrollment? A For my child.

Q Just your child? A Yes, sir.

Q Mrs. Flinn, it appears from the duly authenticated copy of the decree of divorce that on the 19th of May, 1890, you were granted a divorce from your late husband, Rufus Ross, by the Washington County, Arkansas, Circuit Court, sitting in Chancery at the Spring Term of said Court, and that you were granted the custody of the child for whom you now apply for enrollment. You apply for the enrollment of the child, McKinley Ross, I believe, do you? A Yes, sir.

Q You present a certificate of marriage showing that on January 17, 1897, you were married by Rev. J. D. Edwards, a minister of the Gospel, to Rufus Ross. This certificate is noted as having been duly recorded on the 20th of January, 1897, by J. B. Lynch, Clerk of the Flint district. You you apply for no rights for yourself, you are a white woman, are you? A Yes, sir.

Q And of course the child acquires no rights through you? A No, sir.

Q The certificate of the birth of this child which you present now shows that the child was born on May 27, 1897. Mrs. Flinn, you claim that the husband of yours, the father of this child, is a Cherokee, a duly enrolled citizen of the Cherokee Nation? A Yes, sir.

Q The Commission has not at present looked up the enrollment of the father because it appears from the documents which you have submitted that, and which you are understood to admit are correct, that this child was born a little over four months after the marriage, and the Commission can't consider it upon such evidence as entitled to acquire rights derived from its father, Rufus Ross, whatever his rights may be, it being the child of a mother who has no rights of herself. Wherefore, Mrs. Flinn, the Commission is constrained to refuse her application for the enrollment of this child. Now I wish to say to you that if you wish to prosecute this matter further, you can submit any papers that you wish to the Commission, sending them to its office at Muskogee, and this decision, with any argument or papers that you wish to submit will be forwarded to the Honorable Secretary of the Interior for his final approval or disapproval of the decision which we have come to. For the present we return all the papers to you.

Bruce A. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Sworn to and subscribed before me this 2nd day of August, 1900.

Bruce A. Jones
Commissioner.

FOR ENROLLMENT AS

CHICKSEE CITIZENS

- A. Original testimony of July 27, 1900.
- B. Memo of application of July 27, 1900.
- C. Memorandum of transfer.

[Faint handwritten notes, possibly "at the office"]

Cancelled

Cher D 1187

Cher D 1187

(1)

1870

The following is a list of the
 names of the persons who
 were present at the
 meeting of the
 Board of Directors
 held on the
 10th day of
 January, 1870.
 The names are
 as follows:

J. M. Smith
 W. H. Jones
 T. A. Brown
 R. L. Green
 S. P. White
 C. D. Black
 F. G. Gray
 H. K. Red
 L. M. Blue
 N. O. Yellow

Department of the Interior,
Commission to the Five Civilized Tribes.
Sallisaw, I. T., August 6th, 1900.

In the matter of the application of John W. Tyner et al. for enrollment as Cherokee citizens; being sworn and examined by Commissioner Breckinridge, testified as follows:

- Q What is your full name? A John W. Tyner.
Q How old are you? A 53 ~~years~~
Q What is your postoffice? A Campbell, I. T.
Q Your district? A Illinois.
Q How long have you lived in Illinois? A I've lived there nearly 25 years.
Q For whom do you apply for enrollment? A Myself.
Q Anybody else you want to have enrolled? A Children.
Q Your wife? A No sir, my first wife is dead: My second wife is a white woman.
Q Do you apply for her to have enrolled? A I don't know.
Q When were you married? A 13th ~~of~~ June, last time.
Too late for ~~her~~ her to be enrolled by intermarriage.
Q Do you apply for only yourself and children? A Yes sir.
Q Do you apply as a Cherokee by blood? A Yes sir.
Q These are all children of a previous marriage? A Yes sir, all of them.
Q Was their mother a Cherokee by blood? A No sir, ~~she was white~~.
Q She was white? A Yes sir.
Q When did the mother of these children die? A 14th of January, 1897, if I aint mistaken.
Q What was her full name? A Louiza Smith; Matthews was her maiden name.
Q When were you married to her? A In '67.
Q Now, the mother of these children was enrolled then in 1880? She never was on any of the Cherokee rolls, not as a Cherokee citizen.
Q Will she be on the rolls as an adopted Cherokee? A No, I suppose not as I was not admitted at that time.

You present here, Mr. Tyner, a document signed by Jas. A. Winston, Clerk of the U. S. Court, Northern Dist, Ind. Ter., N. S. Young, Deputy Clerk, certifying that on the 15th of December, 1897, the Honorable Wm. M. Springer, Judge of the U. S. Court, Northern District, Indian Territory, admitted citizens of said Nation on appeal from the Commission to the Five Civilized Tribes certain persons, among them John W. Tyner.

- Q Is that your name? A Yes sir.
Q You present this then as your certificate of admission? A Yes sir.
Q Or evidence of admission by action of the U. S. Court? A Yes sir.
Q You say that you apply for certain of your children? A Yes sir.
Q Are they mentioned in the decree of the Court? A I suppose they are.
Q Well, what are their names? A Four at home with me and a grandchild. Gansady Tyner.
Q How old is that child? A She was born in '79.
She is over age and must apply for herself.
Q This daughter can apply for herself, can she? A I suppose she can.
Q Give me the names now of those that are under age and single? A Minnie E. Tyner.
Q How old is that child? A She's 13.
Q Next child? A John W. Tyner.
Q How old? A 10, born in '89.
Q Next child? A Grandchild, Ella Etter.
Q Is that an orphan child? A Yes sir.
Q How old is that child? A 6 years old.
Q Your children, 13 and 10 years of age, on what ground do you ask for enrollment of them? ~~was~~ they admitted by the U. S. Court the same time you were?

John W. Tyner - 2.

A I suppose they were; I couldn't tell you about that.

None of their names appear, Mr. Tyner, in this certificate of the decree.

Q Have you any other grounds on which you can apply for their enrollment except the action of the ~~U. S. Court~~ U. S. Court? A I don't know that I have. When we put in our application it was put down and theirs under it.

It seems the Court accepted you and did not accept them.

Q Now, on what grounds do you apply for ~~his~~ enrollment of this child, Ella Etter? A Because she was my daughter's child; that's all.

Q She claims as through your daughter? A Yes sir.

Q No claim either through her father? A No sir.

Q Your daughter on any of the rolls of the Cherokee Nation?

A No sir; she's dead; she was never on any of the Cherokee rolls.

Q And not admitted by the U. S. Court as far as you know? A No sir.

Q What's the name of the child? A Her name is Ella Etter Tyner the child of my daughter.

Com'r. Breckinridge:

Mr. Tyner, you present here a certificate as stated in the testimony of your having been admitted to Cherokee citizenship by decree of the United States Court on the 15th day of December, 1897. That is satisfactory, and you will be enrolled as a Cherokee citizen, but that decree does not enumerate your children, Minnie E. and John W., both of whom were alive at that time; therefore, the application for your two children, Minnie E. and John W., is rejected.

Now as for your grandchild, Ella Etter Tyner, neither that child nor its mother has ever been recognized in any manner as a Cherokee citizen; neither is this child or its mother upon any roll of the Cherokee Nation. Under the law, this Commission has no jurisdiction over such an applicant. It is not even permitted to consider it. A memorandum will be made of the fact that you did apply for the child. In the sense intended by the law, we cannot even consider that application.

Edward G. Rothenberger, being duly sworn by Commissioner Breckinridge as Stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony of the above named witness, John W. Tyner, and that the foregoing is a full, true and correct transcript of his notes.

Edward G. Rothenberger.

Sworn to and subscribed before me this 7th day of August, 1900.

Commissioner.

The undersigned, being sworn as stenographer to the Commission to the Five Civilized Tribes, states that the above and foregoing is a full, true and correct copy of the testimony as made by him from the original transcript in the case of John W. Tyner #970.

Subscribed and sworn to before me this 23rd day of March, 1901.

E. G. Rothenberger
Commissioner.

0201187

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAR 28 1902

[Handwritten signature]

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Supl.-C.D.#1187.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 21, 1902.

SUPPLEMENTAL IN the matter of the enrollment of ELLA E. TYNER
as a citizen of the Cherokee Nation:

The applicant's ^{grand} father, John W. Tyner, was notified by registered letter March 1, 1902, that his application for the enrollment of his grandchild, Ella E. Tyner, would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 21st day of March, 1902. Said John W. Tyner this day, to-wit: the 21st day of March, 1902, appears in person.

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

JOHN W. TYNER, being duly sworn, testified as follows:
BY THE COMMISSION:

- Q What is your name? A John W. Tyner.
Q What is your post office address? A Campbell, Indian Territory.
Q You have heretofore made application to the Commission for the enrollment of your grandchild, Ella E. Tyner, as a citizen of the Cherokee Nation? A Yes, sir.
Q Who is the father of this child? A Well, I can't tell you who.
Q Do you know what his nationality was? A No, sir; I don't.
Q Don't know whether he is a white man or Cherokee? A No, sir.
Q Who is the mother of the child? A My daughter, Georgeann, she is dead.
Q When did she die? A She died in '95, I think it was.
Q That was prior to the time that you made application to the Commission for admission to citizenship in the Cherokee Nation, was it not? A Yes, sir.
Q Your daughter did never been recognized as a citizen of the Cherokee Nation? A I think not.
Q Her name did not appear upon any of the tribal rolls?
A No, sir.
Q Where was she born? A I declare I don't know whether I can tell you or not.
Q Was she born in the Cherokee Nation? A No, I don't think she was; she must have been born in Arkansas, I think.
Q Is there any further statement that you desire to make relative to the application of your grandchild? A That is all.
Q You submit the case to the Commission for final consideration do you? A Yes, sir.

Commission: The applicant's grand-father, John W. Tyner, 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.

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

J. O. Rossen

IN THE DEPARTMENT OF THE INTERIOR.

WASHINGTON.

In Re:

Application for the enrollment of Ella E. Tyner as a citizen
by blood of the Cherokee Nation.

Cherokee D. 1187.

Argument in behalf of the Cherokee Nation.

The Commission to the Five Civilized Tribes on March 2nd 1903 rendered a decision rejecting the applicant, and reporting on the case December 9th 1903, the Honorable Commissioner of Indian Affairs recommended that the decision be not approved, but in as much as a copy of the Recommendations of the Honorable Commissioner of Indian Affairs has not been furnished the Cherokee Nation we do not know upon what grounds the disapproval was recommended.

The applicant Ella E. Tyner, was born prior to the making of the 1896 Cherokee Census roll but her name doesnot appear thereon and she has never been recognized as a citizen of the Cherokee Nation. Her mother Georgeanna Tyner was born without the limits of the Cherokee Nation; was never recognized as a citizen of the Cherokee Nation; her father John W. Tyner testified that she had never been readmitted to citizenship in the Cherokee Nation or in any way so far as he knew been recognized as a citizen of said Nation and we do not see how the Commission could have arrived at any other decision than that which was rendered by them on March 3 1903 The act of Congress approved May 31, 1903, cited by the Commission, forbids the Commission from receiving, considering or making any record of the application of any person for enrollment as a member of any tribe in the Indian Territory who has not been a recognized citizen thereof and duly and lawfully enrolled or admitted as such. It is not even contended that the applicant or her mother was ever enrolled or admitted as a citizen of the Cherokee Nation and we do not see how the Honorable Commissioner of Indian Affairs could have recommended the disapproval of the Commission's decision in this case. True it may be barely possible that appli-

#2.

cant may have some Cherokee blood coursing through his veins but it will be remembered that there are hundreds of Cherokee Indians, fullbloods, in North Carolina, and for that matter Cherokees in various states of the United States who are not entitled to be enrolled as citizens of the Cherokee Nation because they never have been recognized or admitted as such.

We most respectfully submit that the decision of the Commission rendered in the above case should be affirmed.

Respectfully,

W. W. Hastings
Attorney for the Cherokee Nation.

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

In the matter of the application for the enrollment of
Ella E. Tyner as a citizen by blood of the Cherokee Nation.

D E C I S I O N .

The record in this case shows that on August 6, 1900, John W. Tyner appeared before the Commission at Sallisaw, Indian Territory, and made application for the enrollment, among others, of his grandchild, Ella E. Tyner, as a citizen by blood of the Cherokee Nation. 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 Muskogee, Indian Territory, on March 21, 1902.

The evidence shows that the said Ella E. Tyner is the daughter of Georgeann Tyner, who died in 1895. It appears from the evidence that the said Ella E. Tyner has never been enrolled by the tribal authorities of the Cherokee Nation; neither does it appear that she or her said mother were ever admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said nation; nor does it appear that the said Ella E. Tyner or her said mother were ever admitted to citizenship in the said nation by the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory, in accordance with the provisions of the Act of Congress, June 10, 1896 (29 Stats., 321).

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

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

It is, therefore, the opinion of this Commission that Ella E. Tyner is not a citizen of the Cherokee Nation, and duly and lawfully enrolled or admitted as such; and that pursuant to the provisions of

-2-

the law above quoted, this Commission is without authority to receive, consider, or make any record of the application for her enrollment as a citizen of the Cherokee Nation.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Tame Bixby

Acting Chairman.

(SIGNED).

T. B. Needles.

Commissioner.

(SIGNED).

C. R. Breckinridge.

Commissioner.

Dated at Muskogee, Indian Territory,

this MAR - 2 1903

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D-1187

Muskogee, Indian Territory, March 9, 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 John W. Tyner for the enrollment of his grandchild, Ella E. Tyner, 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. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,



Chairman.

Enc. M-209

D.C. 34738.

WCF. PHE. LRS .

I.T.D. 8688-1903.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, December 15, 1903.

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

Gentlemen:

On March 9, 1903, you transmitted the record in the matter of the application of John W. Tyner, for the enrollment of his grandchild, Ella E. Tyner, as a citizen by blood of the Cherokee Nation. Your decision rejecting the application was dated March 2, 1903.

Reporting December 9, 1903, the Commissioner of Indian Affairs recommends that your decision be not approved, and that you be directed to enroll Ella E. Tyner as a citizen by blood of the Cherokee Nation.

You are requested to notify the applicant, and the attorney for the Cherokee Nation, of the recommendation of the Commissioner, and that thirty days will be allowed the attorney for the Nation within which to submit any argument in the case that he may desire. A copy of said argument must be served upon the applicant, who will be allowed ten days to reply to same.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

Ek.

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

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1187

ALLISON L. AYLESWORTH,
SECRETARY.

AL

ADDRESS AND THE

Muskogee, Indian Territory, December 23, 1903.

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

Dear Sir:

In the matter of the application of John W. Tyner for the enrollment of his grandchild, Ella E. Tyner; as a citizen by blood of the Cherokee Nation, you will be allowed 30 days, in accordance with Departmental letter of the 15th inst., (I.T.D. 8688-1903), addressed to the Commission, a copy of which is herewith inclosed, within which to submit any argument in the case you may desire, a copy of which argument must be served upon the applicant, who will be allowed 10 days within which to reply to same.

Respectfully,

Chairman.

Encl.--V--2.

mdg

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1187.

WM O BEALL,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

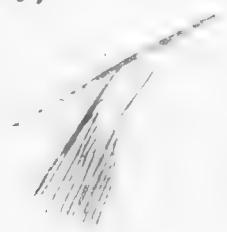
Muskogee, Indian Territory, April 29, 1904.

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 for the enrollment of Ella E. Tyner as a citizen by blood of the Cherokee Nation, was reversed by the Secretary of the Interior on April 21, 1904.

Respectfully,



Chairman.

Walter E. Sawyer

D-1187

Original testimony, Aug 6, 1900.

Memorandum of Application, Aug 6, 1900.

Memorandum of Transfer.

Notice of final consideration, 3/21/02

Line 5, 1704: corrected
and No. 1 transferred to Sherka
10/11

See ...
no app.

Cher D 1188

Cher D 1188

RECEIVED
FBI
AUG 15 1960

Department of the Interior.
Commission to the Five Civilized Tribes.
Sallisaw, I. T., August 6th, 1900.

In the matter of the application of William Smith, Jr., for enrollment as a Cherokee citizen; being sworn and examined by Commissioner Breckinridge, testifies as follows:

- Q What is your full name? A William Smith, Jr.
Q What is your age? A 22.
Q What is your post-office? A Campbell.
Q District? A Illinois.
Q How long have you lived in Illinois District? A 16 years I believe.
Q For whom do you apply now for enrollment? A Myself.
Q You are not applying for anybody except yourself? A No sir, just myself.
Q Are you on any of the rolls of the Cherokee Nation? A No sir, I reckon not; they sent our names up, but I don't think they ever got on.
Q How do you claim Cherokee citizenship? A On my mother's side.
Q By action of what authorities or what court? A I can't tell, somebody else will have to tell you that.
Q Was your mother ever admitted by the United States Court? A I can't tell you.
Q Do you claim as a Cherokee by blood? A Yes sir.
Q Where was your residence in 1880? A I wasn't here in 1880; I was in Arkansas.
Q Did you ever apply or any of the family apply for admission to the Dawes Commission? A Don't know; couldn't tell you anything about them. I aint been with them all the time.
Q Did you draw any money in '94? A No sir.
Note: Not on the roll of 1894; not on the roll of 1896.
Q What is your mother's name? A Martha Smith.
Q And your father's name? A William Smith.
Q Is your mother the woman that claims to have been admitted by action of the United States Court in 1897? A Yes sir.

Com'r. Breckinridge: Mr. Smith, your name does not appear upon any rolls of the Cherokee Nation. You do not present any evidence of ever having been admitted by the United States Court, and this Commission is not at present aware of your having any grounds whatever recognized by law for admission to citizenship, and under the status of your case as stated and under the law, this Commission is not permitted to receive or report upon your application. A memorandum will be made, however, of your appearance and inquiry will be further made to see if there is any error in the record as indicated in your mother's application, and whether such errors if any, are possible of correction. That is the position the Commission is compelled to take under the present status of your application.

Edward G. Rothenberger, being duly sworn by Commissioner Breckinridge as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony of the above named witness, William Smith, Jr., and that the foregoing is a full, true and correct transcript of his notes.

Edward G. Rothenberger

Sworn to and subscribed before me this 7th day of August, 1900.

Commissioner.

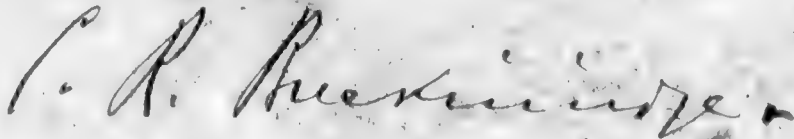
Supl.-C.D.#1188.

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

SUPPLEMENTAL in the matter of the enrollment of William Smith,
Jr., as a citizen of the Cherokee Nation:

Applicant was notified by registered letter January 31, 1902, that this Commission would take up for final consideration his case on the 17th day of February, 1902, and that he would on said date be given an opportunity to introduce any further testimony affecting his application. He has been called three times and fails to respond either in person or by attorney.

The representatives of the Cherokee Nation present request that a copy of all the proceedings had before this Commission in 1896 and of the United States Court on appeal in the matter of the application of the applicant's mother, Martha Smith, be filed and made a part of the record in this case. The request of the nation will be complied with and the case is closed.



Commissioner.

File with ~~C~~ 1188

(COPY)

To the Honorable the Dawes Commission on Citizenship in the Indian T. Y. of the Five Civilized Tribes. Your petitioner, Martha J. Smith, nee Seitz, the undersigned, respectfully states that she is Cherokee Indian by blood and asks to be enrolled as a member of the Cherokee Nation of Indians in the Indian Territory; that she derived her said Indian blood from her mother, Jennie Seitz, nee Smith, who was a Cherokee Indian by blood. Jennie Seitz was the daughter of Rebecky Smith nee Bowen. Your petitioner states that the above facts are the lawful grounds of her application for citizenship in the Cherokee Nation, and prays that her claims may be fully investigated by your Honorable Commission and that she be judged to be a citizen of said Cherokee Nation of Indians and entitled to all the rights and privileges pertaining to such citizenship in accordance with the laws and treaties with said Nation of Indians. My age is 47 yrs. My P. O. address is Osage, Ark. My family consists of the following named persons. My husband Wm. Smith, age 53 years

- J. D. Smith, a child, age 26.
- P. E. Smith, " " " 24
- R. L. Smith, " " " 23
- J. W. Smith, " " " 21
- W. P. Smith, " " " 19
- M. F. Smith, " " " 16
- M. E. Smith, " " " 14
- F. T. Smith, " " " 12
- H. S. Smith, " " " 8
- M. B. Smith, " " " 6

My grandchildren names are as follows:

- W. H. Smith, age 5 yrs.
- Ruth Smith, " 1 "
- Ray Smith, " 7 "
- A. B. Paul, " 2 monts old.

Witness my hand this 1st day of Sep. 1896.

her
(Signed) Martha J. X Smith.
mark

State of Ark.)
Co. of Carroll) SS.

Personally appeared before me the undersigned authority Martha J. Smith to me known to be the petitioner in the above petition that she has read (or heard read) the said petition and that the facts stated therein are true as she verily believes.

her
(Signed) Martha J. X Smith.
mark.

..... and sworn to before me Osage, Ark.

(SEAL)

(Signed) T. B. Bell, N. P.

United States of America,
Indian Territory,
Northern District.

SS. Affidavit of service and return.

I, C. A. Thomas, do solemnly swear that I did, on this, the 8th day of September, A. D., 1896, serve on the Principal Chief of the Cherokee Nation, true, correct and literal copies of the same above and foregoing applications, record and evidence and depositions and record evidence and exhibits as follows, to wit:

One true copy of Citizenship Application of Martha J. Smith et al, Osage Arkansas and Certified to by E. B. Hall, Notary Public for Carroll County, Ark, constituting pt of the applications, and testimony to be submitted to the Dawes Commission, in support of the claim of Martha J. Smith et al for citizenship in the Cherokee Nation.

(Signed) C. A. Thomas

Subscribed and sworn to before me this, the 8th day of September, A. D., 1896.

(Signed) G. W. Baker,
Notary Public.

(SEAL)

My Commission expires on the 21st day of November, A. D., 1899.

Indorsements:

No. 5450.
Martha J. Smith
v
Cherokee Nation.

Filed Sept. 9, 1896.
A. S. McKennon,
Com'r.

Rejected.

Osage, Ark.

-----0000000000000000-----

Before the Honorables, Henry L. Dawes, Frank C. Armstrong, A.S. McKennon, T. B. Cabaniss, and A. E. Montgomery, Commissioners.

In the matter of application of Martha Smith et al for citizenship in the Cherokee Nation.

Nation's No.
Commission's No.

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

1st. That this Commission has not jurisdiction over the parties or subject matter of this controversy, and no legal right, therefore, to hear and determine the same.

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

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

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

S. H. Mayes, Principal Chief Cherokee Nation.

By Hastings, Hutchings & Boudinot, Attorneys.

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

(Signed) John L. Adair,

Subscribed and sworn to before me this, the 19 day of Sept 1896.

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

(SEAL)

Indorsements:

Nation's No. 1958.
Commission's No.

In re Application of
Martha Smith, et al.

DEMURRER AND ANSWER.

Filed Sept. 25 1896.
A. S. McKennon,
Com'r.

---ooo000ooo---

(The following is the record of the Commission to the Five Civilized Tribes as found on page 80 of Docket "B" of applications for Cherokee citizenship made to the said Commission in 1896:)

3450.

Martha J. Smith;

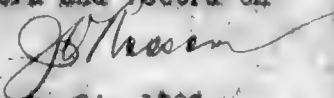
V.

Cherokee Nation.


Vinita, Indian Territory, October 22,
1896. Filed Sept. 9, 1896. Answer
filed. Application denied.
Osage, Arkansas.

---ooo000ooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly copied the records in the matter of the application of Martha J. Smith in 1896, to the Commission to the Five Civilized Tribes, for citizenship in the Cherokee Nation, and that the above and foregoing is a true and complete copy of all the papers and record on file with this Commission.



Subscribed and sworn to before me this February 24, 1902.



Commissioner.

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

aab

In the matter of the application of William Smith, Jr.,
for his enrollment as a citizen by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on August 6, 1900,
William Smith, Jr., appeared before the Commission at Sallisaw,
Indian Territory, and made application for enrollment as a citizen
by blood of the Cherokee Nation.


The evidence shows that the applicant, William Smith, Jr.,
in connection with his mother and others, filed his original peti-
tion, under the Act of Congress June 10, 1898, (30 Stats., 321),
with the Commission to the Five Civilized Tribes for admission as a
citizen by blood of the Cherokee Nation, which said application was
denied by the Commission and no appeal taken therefrom. It does not
appear from the evidence in this case that the applicant has ever
been enrolled or admitted to citizenship by the tribal authorities
of the Cherokee Nation.

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

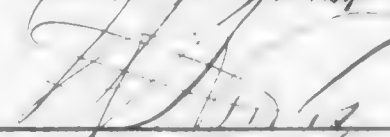
"That said Commission shall continue to exercise all
authority heretofore conferred on it by law. But it shall not
receive, consider, or make any record of any application of any
person for enrollment as a member of any tribe in Indian Terri-
tory who has not been a recognized citizen thereof, and duly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

It is, therefore, the opinion of this Commission that
William Smith, Jr., is not a citizen of the Cherokee Nation, and
duly and lawfully enrolled or admitted as such; and that, pursuant
to the provisions of the law above quoted, this Commission is without
authority to receive, consider, or make any record of his application
for enrollment as a citizen of the Cherokee Nation.

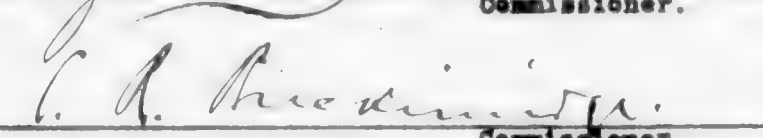
THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.



Commissioner.



Commissioner.

Dated at Muskogee, Indian Territory,
this SEP 20 1900

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

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1188.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 24, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 20, 1902, rejecting the application of William Smith, Jr., 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. 5.

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

ALLISON L. AYLESWORTH,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1188.

Muskogee, Indian Territory, November 11, 1902.

W. W. Hastings,

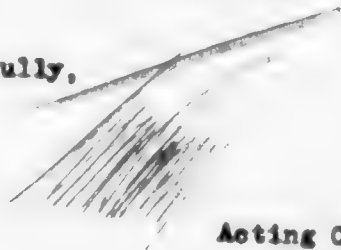
Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, of date September 20, 1902, rejecting the application of William Smith, Jr. for the enrollment of himself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 24, 1902.

Respectfully,



Acting Chairman.

THE MATTER OF THE APPLICATION OF

William Smith Jr.

- A. Original testimony, Aug 10, 1900.
- B. ~~Memorandum of Appointment, Aug 10, 1900.~~
- C. ~~Memorandum of Appointment.~~

Notice of ~~final~~ ~~discovery~~ ~~of~~ ~~the~~ ~~location~~

Copy of patent filed in 1896

supporting application for same

Order closing testimony, Feb 11, 1902

See ~~...~~ ~~...~~ ~~...~~ 1911
Vol 1182.

Cher D 1189

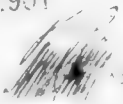
Cher D 1189

8.

Memo 17

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JAN-17 1901



ACTING CHAIRMAN

#17.
"D" #31.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
SALLISAW, I.T., AUGUST 6th, 1900.

IN THE MATTER OF THE APPLICATION OF William H. Smith et al for enrollment as Cherokee citizens; being sworn and examined by Commissioner, Breckinridge, testifies as follows:

- Q What is your full name? A William H. Smith.
Q What is your age? A 43.
Q Your Postoffice? A Campbell.
Q Your district? A Illinois.
Q How long have you lived in Illinois District? A I lived in there 16 years.
Q Where did you live before that? A State of Arkansas.
Q For whom do you apply now for enrollment? A Myself and wife.
Q Th at all? A Yes sir.
Q Do you apply as a Cherokee by blood? A No sir.
Q Internarried? A Apply for my wife.
Q Have you children? A Yes sir.
Q Do you apply for your wife and children? A Yes sir; wife and children.
Q What is your wife's name? A Martha Smith.
Q What was her name before you married her? A Tyner.
Q What is her age? A 43.
Q How was she admitted to citizenship, by action of the United States Court? A By United States Court, yes sir.
Q Where is your decree? A That was just got through with it; My name is the first name on it.

Mr. Smith, you hand here a certificate, signed by Jas. A. Winston, clerk, and by N. S. Young, deputy clerk, of the Northern Dist. of the United States Court, Indian Territory, and under the seal of the Court, dated July 11, 1899, to the effect that on the 15th of December, 1897, certain persons were admitted to citizenship in the Cherokee Nation by Hon. Wm. M. Springer, Judge of the Court, on appeal from the Commission to the Five Civilized Tribes; among those names appears the name of William Smith.

- Q Whose name is that? A My own name.
Q Now I understand you to say that ought to be the name of your wife, Martha? A Yes sir.
Q Now, I understand that you, William Smith, did not even apply for citizenship? A No, not myself.
Q But that your wife did apply? A Yes sir.
Q And that the Court did decide in her favor? A Yes sir.
Q And I understand you to further say that this insertion of your name is due to an error either in the Court or by the copy of some-where? A Yes sir.

Q Now Mr. Smith, you apply for your wife, Martha Smith, nee Martha Tyner, under the state of facts as brought in the testimony?
A Yes sir.

- Q Now give me the names of your children? A George J. Smith.
Q How old is that child? A 23.
Q Well, in the first place, he will have to apply for himself. Let him apply for himself.

- Q Give me the names of your minor children that are unmarried?
A Annie L. Smith.
Q What's her age? A 17.
Q What is the next child? A Elisabeth.
Q How old is that child? A 13.
Q Next child? A Minnie.
Q How old is that child? A 11.
Q Next? A Rufus.
Q How old is he? A 9.

William H. Smith et al.

-2-

Q Next? A John.

Q How old is that child? A 6.

Q Next? A That's all.

Q Now are any of these children mentioned in the decree of the United States Court, admitting you, and that you say was intended to admit your wife to citizenship? A They were intended to be, of course, but I see that they are not in there ~~that~~.

Q These children are all living and living with you at this time? A Yes sir.

Now, Mr. Smith, this is quite an extraordinary case. You apply for your wife and present a certificate of her admission by the United States Court, as shown in the testimony, which certificate seems to contain your name and does not contain her's, and you testify that you were not a party before that Court, but that your wife was. You have given your evidence frankly. You further claim that your children whose names are enumerated in the testimony were also with your wife before that Court, and you think that they were included in the action of the Court. Now, the insertion of the name, William Smith, however, is not your full name, your full name is given as William H. Smith, but the insertion of William Smith in lieu of your wife, Martha, may be a clerical error in the certificate you present; therefore, the Commission at present will put your application for your wife upon a doubtful card for further enquiry and consideration. There is no record in any form exhibited at this time that any of the five children, whose names you have enumerated, have ever been enrolled or admitted to citizenship in any way, by the

Cherokee authorities; therefore, this Commission has no power to consider their application upon such a showing. A memorandum will be made, however, of their application and the whole matter will be further considered by this Commission when it is ~~next~~ in a position to more fully and satisfactorily consult the original records, and you will be advised of the ultimate result at your present postoffice address.

Edward G. Rothenberger, being duly sworn by Commissioner Breckinridge, as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony of the above named witness, William H. Smith, and that the foregoing is a full, true and correct transcript of his notes.

Edward G. Rothenberger.

Sworn to and subscribed before me this 17th day of August, 1900.

COMMISSIONER.

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, state upon my oath that the above and foregoing is a true, ~~and~~ full and correct copy of the original transcript of the testimony in the matter of the application for enrollment of William H. Smith et al, said original transcript having been made by Edward G. Rothenberger, as stenographer.

R. R. Enness
Subscribed and sworn to before me this 16th day of January, 1901.



COMMISSIONER.

File with C. 1189

(copy)

To the Honorable the Dawes Commission on Citizenship in the Indian T. Y. of the Five Civilized Tribes. Your petitioner, Martha J. Smith, nee Seitz, the undersigned, respectfully states that she is Cherokee Indian by blood and asks to be enrolled as a member of the Cherokee Nation of Indians in the Indian Territory; that she derived her said Indian blood from her mother, Jennie Seitz, nee Smith, who was a Cherokee Indian by blood. Jennie Seitz was the daughter of Rebecky Smith nee Bowen. Your petitioner states that the above facts are the lawful grounds of her application for citizenship in the Cherokee Nation, and prays that her claims may be fully investigated by your Honorable Commission and that she be judged to be a citizen of said Cherokee Nation of Indians and entitled to all the rights and privileges pertaining to such citizenship in accordance with the laws and treaties with said Nation of Indians. My age is 47 yrs. My P. O. address is Osage, Ark. My family consists of the following named persons. My husband Wm. Smith, age 53 years

- J. D. Smith, a child, age 26.
- P. E. Smith, " " " 24
- P. I. Smith, " " " 23
- J. R. Smith, " " " 21
- W. P. Smith, " " " 19
- M. F. Smith, " " " 16
- M. B. Smith, " " " 14
- F. T. Smith, " " " 12
- M. S. Smith, " " " 8
- M. B. Smith, " " " 6

My grandchildren names are as follows:

- W. H. Smith, age 5 yrs.
- Ruth Smith, " 1 "
- Ray Smith, " 7 "
- A. B. Paul, " 2 monts old.

Witness my hand this 1st day of Sep. 1896.

her
(Signed) Martha J. X Smith.
mark

State of Ark.)
Co. of Carroll) SS.

Personally appeared before me the undersigned authority Martha J. Smith to me known to be the petitioner in the above petition that she has read (or heard read) the said petition and that the facts stated therein are true as she verily believes.

her
(Signed) Martha J. X Smith.
mark.

..... and sworn to before meOsage, Ark.....

(SEAL)

(Signed) T. B. Bell, N. P.

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

SS. Affidavit of service and return.

I, C. A. Thomas, do solemnly swear that I did, on this, the 8th day of September, A. D., 1896, serve on the Principal Chief of the Cherokee Nation, true, correct and literal copies of the same above and foregoing applications, record and evidence and applications and record evidence and exhibits as follows, to wit:

One true copy of Citizenship application of Martha J. Smith et al, Osage Arkansas and Certified to by T. B. Bell, Notary Public for Carroll County, Ark, constituting pt of the applications, and testimony to be submitted to the Dawes Commission, in support of the claim of Martha J. Smith et al for citizenship in the Cherokee Nation.

(Signed) C. A. Thomas

Subscribed and sworn to before me this, the 8th day of September, A. D., 1896.

(Signed) G. W. Baker,
Notary Public.

(SEAL)

My Commission expires on the 21st day of November, A. D., 1899.

Indorsements:

No. 3450.
Martha J. Smith
V
Cherokee Nation.

Filed Sept. 9, 1896.
A. S. McKennon,
Com'r.

Rejected.

Osage, Ark.

-----0000000000000000-----

Before the Honorables, Henry L. Dawes, Frank C. Armstrong, A.S. McKennon, T. B. Cabaniss, and A. B. Montgomery, Commissioners.

In the matter of application of Martha Smith et al for citizenship in the Cherokee Nation,

Nation's No.
Commission's No.

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

1st. That this Commission has not jurisdiction over the parties or subject matter of this controversy, and no legal right, therefore, to hear and determine the same.

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

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

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

S. H. Mayes, Principal Chief Cherokee Nation.

By Hastings, Hutchings & Boudinot, Attorneys.

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

(Signed) John L. Adair,

Subscribed and sworn to before me this, the 19 day of Sept 1896.

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

(SEAL)

Indorsements:

Nation's No. 1958.
Commission's No.

In re Application of
Martha Smith, et al.

DEMURRER AND ANSWER.

Filed Sept. 25 1896.
A. S. McKennon,
Com'r.

---00000000---

(The following is the record of the Commission to the Five Civilized Tribes as found on page 80 of Docket "B" of applications for Cherokee citizenship made to the said Commission in 1896:)

3450.

Martha J. Smith,

v.

Cherokee Nation.

Vinita, Indian Territory, October 22,
1896. Filed Sept. 9, 1896. Answer
filed. Application denied.
Osage, Arkansas.

---00000000---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly copied the records in the matter of the application of Martha J. Smith in 1896, by the Commission to the Five Civilized Tribes, for citizenship of the Cherokee Nation; and that the above and foregoing is a true and complete copy of all the papers and record on file with this Commission.



Subscribed and sworn to before me this February 24, 1903.



Commissioner.



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

Muskogee, Indian Territory, March 12, 1902.

In the matter of the application of Annie L. Smith, et.al. for enrollment as Cherokee citizens.

Order of Transfer.

-----oDo-----

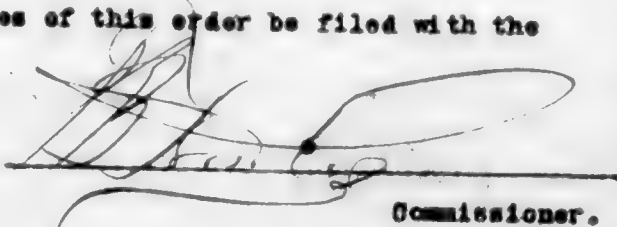
On the sixth day of August, 1900, William H. Smith made application for his wife Martha and for his minor children Annie L., Elizabeth, Minnie, Rufus, and John Smith to be enrolled as citizens by blood of the Cherokee Nation. His wife was placed upon "Doubtful" card No. 81, and the children were placed in memorandum class.

On the eighth day of May, 1901, the said children were transferred from Cherokee Memorandum case No. 17 to "Doubtful" card No. 1189.

Upon a review of the proceedings it is deemed expedient to consolidate the case of the children with that of their mother as their rights appear to be identical.

This case is therefore ordered consolidated with and transferred to Cherokee "Doubtful" case No. 81, and the card and jacket herein are hereby canceled.

It is directed that copies of this order be filed with the testimony in the case.



Commissioner.

Amos W. Smith et al

- A. Original ... Aug 10, 1900.
- B. Memo. of application, Aug 6, 1900.
- C. Memorandum of transfer.
- D. Notice of final dissolution
- E. Copy of ... in 1896 in support of application at that time

CANCELLED

See ... and ...

Cher D 1190

Cher D 1190

~~W. C. C.~~

CL.

SON.

[Handwritten signature]

[Faint handwritten text]

Department of the Interior,
Commission to the Five Civilized Tribes,
Salisaw, I. T., August 6th, 1900.

In the matter of the application of Caledonia Owen for enrollment as a Cherokee citizen; being sworn and examined by Commissioner Brookbridge, testifies as follows:

- Q What is your name? A Caledonia Owen.
Q How old are you? A 18.
Q What is your post-office? A Campbell, I.T.
Q What district do you live in? A Illinois.
Q How long have you lived in this district? A 18 years.
Q All your life? A Yes sir.
Q Do you apply as a Cherokee by blood? A I don't know, my father's a Cherokee.
Q And your mother? A She's a white woman.
Q Do you just apply for yourself? A Yes sir; I am married.
Q When did you marry? A The 25th of May, ~~1898~~ 1899.
Q In this year? A Yes sir.
Q What was your name before you married? A Tynor.
Q Caledonia Tynor? A Yes sir.
Q Are you on any of the rolls of the Cherokee Nation? A No sir.
Q Is your mother on any of the rolls of the Cherokee Nation? A No sir.
Q Was your mother ever admitted to citizenship by action of the United States Court? A No sir.
Q Was she ever admitted to citizenship by any authority? A I don't know.
Q Was she ever recognized by the tribal authorities of the Cherokee Nation? A I don't think she was.
Q Have you ever been recognized by the tribal authorities of the Cherokee Nation in any way as a Cherokee citizen? A Yes sir, I think I am.
Q Are you on any rolls? A No sir.
Q You have never yourself been admitted by the United States Court? A No sir.
Q Nor by the Dawes Commission? A Yes sir, my father I think.
Q You think your father applied for you all, do you? A Yes sir.
Q What is your father's name? A John W. Tynor.
Q Have you that certificate of the action of the United States Court that your father had? A No sir, I have not.

Mrs. Owen, here is a certificate from the Clerk of the United States Court, Northern District, Ind. Ter., showing that on the 15th day of December, 1897, one John W. Tynor was admitted to citizenship by Honorable Wm. M. Springer, Judge of the Court, but your name is not enumerated as having been included in the decision of the Court at that time; therefore, there is no evidence at present before the Commission that you have either been recognized by the tribal authorities of the Cherokee Nation as a citizen, or that your mother has ever been so recognized or either you or your mother have ever been admitted by any other authority to Cherokee citizenship. Therefore under the law, this Commission has no jurisdiction over your application and cannot report upon it. We make a memorandum of the fact of your having applied, but we cannot take any substantial action in regard to it. This paper is handed to you.

Edward G. Rothenshager, being duly sworn by Commissioner
Investigation as Stenographer to the ~~PROSECUTOR GENERAL~~ commis-
sion to the five civilized tribes, he reported in full the testimony
of the above named witness, Calochin Lee, and that the foregoing
is a full, true and correct transcript of his words.

Edward G. Rothenshager

Sworn to and subscribed before me this 7th day of August, 1906.

Commissioner.

21190

"R"

Cherokee D 1190

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 1, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS IN THE MATTER OF THE
application of Caledonia Owen for enrollment as a Cherokee citizen.

Appearances:

Applicant in person and by N.A.Gibson, Muskogee, I. T.,
her attorney;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant and her attorney were
notified by registered letter February 14, 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 office in Muskogee, Indian Territory, on the
first day of March, 1902; receipt has been acknowledged of the
Commission's letter and the applicant this day, to-wit the first
day of March, 1902, appears in person and by her attorney, N.A.
Gibson, Muskogee, I. T.

CALEDONIA OWEN, being first duly sworn and being examined
testified as follows:

BY MR. GIBSON:

- Q Your name is Caledonia Owen? A Yes sir.
Q How old are you? A I am twenty years old.
Q What year were you born? A In 1881.
Q Who was your father? A John W. Tyner.
Q This gentleman who was just here? A Yes sir.
Q What is your mother's name? A Louisa Tyner.
Q Is your mother an Indian? A No sir.
Q State whether your father, John W. Tyner, is the person who has
been enrolled by this Commission as a citizen of the Cherokee Na-
tion; do you mean that John W. Tyner, your father, is the man
who has been enrolled as a citizen of the Cherokee Nation by this
Commission? A Yes sir.
Q Where were you living in 1896? A At Illinois Station.
Q With whom? A My father.
Q Had your father married at that time? A No sir.
Q How old were you then? A I was 15 years old.
Q Were you living as a member of your father's family? At that time?
A Yes sir.
Q State whether or not he was supporting you at that time? A
Yes sir.

BY MR. HASTINGS:

- Q What was your mother's name? A Louisa Tyner.
Q Did you have an older sister, Martha E.? A Yes sir.
Q One by the name of Mary B.? A Yes sir.
Q One named Cibansadia? A Yes sir.
Q Did you have a nother one named Minnie E.? A Yes sir.
Q And John W.? A Yes sir.
Q That's all that was alive of your father's family in 1896? A
Yes sir.
Q When did you marry? A 1900.

JOHN W. TYNER, being first duly sworn and being examined
testified as follows:

BY MR. GIBSON:

- Q Your name is John W. Tyner? A Yes sir.
Q What relation are you to Mrs. Caledonia Owen? A I claim her
for my daughter.
Q How old is she, Mr. Tyner? A Why she is about 21 I reckon.
Q Where was she living in 1896? A She was living with me close to
Illinois Station, Cherokee Nation.

Q As a member of your family? A Yes sir.
 Q State whether or not she was born in lawful wedlock, you were married to her mother? A Yes sir, I was married to her mother.
 Q Where were you married? A I was married in the State of Missouri
 Q Her mother is a white woman is she? A Yes sir.
 Q Have you a copy of your marriage license? A No sir, didn't get no license.
 Q Didn't have license then in Missouri? A No sir.

BY MR. HASTINGS:

Q You made application to the Commission in 1896 for the enrollment of yourself and your wife and children, did you not? A Yes sir.
 Q Case seems to be number 1411; this case has your name John W. Tyner, and some children, Martha E. Tyner, Mary B. Tyner, Cibansadia Tyner, Caldonia Tyner, Minnie E. Tyner and John W. Tyner? A Yes sir.
 Q That your application? A I suppose it was.
 Q That is the members of your family? A Yes sir.
 Q This Caldonia Tyner whose name I have just called, is this the same Caldonia Owen who has just left the stand, and the applicant in this case? A The same one yes sir.

BY MR. GIBSON:

Q State who was your attorney in that case before the Commission? A Watts and others, I don't know, Watts & Garland he claimed to be the firm.
 Q You didn't know Garland? A No sir.
 Q State whether or not you appealed from the decision of the Commission to the United States Court? A Why I suppose the case was appealed, yes sir.

BY MR. HASTINGS:

Q Did you sign any application for an appeal and swear to it before a notary public or anyone? A If I did I don't remember it.

BY MR. HASTINGS: The Cherokee Nation asks that all of the 1896 record in the case of the Dawes Commission No. 1411, same being that of John W. Tyner, and family, be submitted and made part of the record in this case; it is not desired that all of the records be copied; that the application, consisting of two pages of J.W. Tyner, for himself and family be copied and made part of the record in this case.

BY COMMISSION: As follows:

*APPLICATION FOR ENROLLMENT.

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

Gentlemen:

The undersigned, your petitioner, J.W. Tyner, for and on behalf of himself, his 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 the Cherokee Nation by virtue of their Cherokee blood, and I herewith submit the affidavits of Jesse L. Tyner, Exhibit A, in support of said claim, and respectfully await the time when his application will be heard and tried.

Respectfully submitted,

John W. Tyner,
 Campbell, I. T. y*

*Enrollment of family, with relationship, as follows:

Names	Age	Relationship
John W. Tyner,	49	John W. Tyner is a son of Hiram Tyner, grandson of Lewis Tyner, great grandson of Dempsey Tyner, who was Cherokee Indian by blood.

Louisa Tyner,

His wife

Children of John W.
Tyner.

Martha E. Tyner,	26
Mary B. Tyner,	24
Cibansadia Tyner,	16
Caldonia Tyner,	13
Minnie E. Tyner,	10
John W. Tyner,	6

In witness of which I hereunto set my hand on this 22nd day of July, 1896.

John W. Tyner."

To the Honorable Henry L. Dawes and others, composing the Commission to the Five Civilized Tribes:

Your petitioner, John W. Tyner, would state and show from the proof submitted to the Commission that he is a Cherokee by descent and blood, having been born in Hamilton County, State of Tennessee, on the 21st day of May, 1847; my father's name was Hiram Tyner; my mother's name was Martha Tyner; and I now reside in Cherokee Nation and have resided there for 21 years.

And he avers these facts can be established by proof to the satisfaction of the Commission under such rules and regulations as it may prescribe.

And he further avers that these facts can prove he is entitled to be acknowledged 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, he herewith respectfully submit to the consideration of the Honorable Commission such proof, and on hearing he be adjudged entitled to such citizenship, and his name be subscribed upon the proper roll of citizens of such nation. Indian Terr'y. Signature: John W. Tyner. Northern Judicial Division, SS.

Now on this 22nd day of October 1896, personally appeared before me W.J.Watts, Notary Public, for said Territory John W. Tyner, and 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 22nd day of July, 1896.

(Seal)

W.J.Watts, Notary Public."

The following entry appears upon the Dawes Commission docket of citizenship cases heard under the provisions of the act of Congress approved June 10, 1896:

"John W. Tyner vs Cherokee Nation;

Filed September 8, 1896; answer filed, application denied Vinita, Indian Territory, October 24, 1896, 10/7/98. Papers in this case forwarded to complete case of Jesse L. Tyner, appealed." (Page 222, Cherokee No. 14111)

The following paper is filed in the jacket which originally contained the papers filed with the Commission under the provisions of the act of Congress approved June 10, 1896, in the matter of the application of John W. Tyner, et al, for ~~admission~~ admission to citizenship in the Cherokee Nation, ~~1896~~

" #1411

John W. Tyner,
vs
Cherokee Nation.

Muskogee, Indian Territory,
October 7, 1898.

All ~~the~~ papers in this case forwarded this day to the Clerk of the United States Court, for the Northern District, Indian Territory, on order issued by Honorable William M. Springer, Judge; order filed in case number 1414.

A.L.Aylesworth, Secretary."

The following paper is filed in the jacket containing court papers at present on file in the office of the Commission number 191:

"In the United States Court, Northern Judicial District, of the Indian Territory, at Muskogee.

Muskogee, I. T., October 7th, 1898.

Received of A.L.Aylesworth, Secretary of the Commission to the Five Civilized Tribes, in compliance with an order issued by Honorable William M. Springer, Judge, all the original papers in the citizenship case of John W. Tyner, No. 1411, being an application for citizenship with supporting evidence, filed before said Commission under act of June 10, 1896, to complete the case of Jesse L. Tyner' appealed.

James A. Winsten,

(Seal)

Clerk United States Court, Northern District

Endorsed on back as follows:

"No. 1411, Court No. 191.

John W. Tyner,

vs

Cherokee Nation."

The following order is filed in jacket No. 1414, which formerly contained the original papers filed with the Commission under the provisions of the act of Congress approved June 10, 1896, in the matter of the application of James B. Tyner, and others:

"#1414

James B. Tyner,

vs

Cherokee Nation.

Muskogee, I. T., October 7, 1898,

In the United States Court for the Northern District of the Indian Territory in Muskogee.

Hon. Dawes Commission:

You will please forward all the papers filed in your office in the case of James B. Tyner and John W. Tyner, Susan Dunham and John H. Tyner versus Cherokee Nation, to the Clerk of this Court to complete the case of Jesse L. Tyner, whose case for citizenship was regularly appealed from the Commission to this Court.

William M. Springer, Judge."

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

It is directed that copies of this testimony be filed with and made part of the record in the matter of the application of John W. Tyner, for enrollment as a citizen of the Cherokee Nation, Cherokee number straight 970.

D 1190 5

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 3, 1902.



Commissioner.

Cherokee D 1190.

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

In the matter of the application of Caledonia Owen 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 August 6, 1900, Caledonia Owen appeared before the Commission at Sallisaw, Indian Territory, 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, on March 1, 1902. On December 1, 1902, the Commission rendered a decision in the matter of said application and forwarded the same to the Department of the Interior for approval. The Department did not approve said decision, but under date of May 8, 1903, returned the record in said case to the Commission for readjudication.

From the records now in the possession of the Commission, it appears that on September 8, 1896, one John W. Tyner, father of the applicant herein, made application under the act of June 10, 1896, to the Commission to the Five Civilized Tribes for the admission, among others, of himself and this applicant, by the name of Caledonia Tyner, as citizens by blood of the Cherokee Nation, which application was denied by the Commission; that the papers in said case of John W. Tyner, et al. were transmitted to the United States Court for the Northern District, Indian Territory, upon its request, to complete the case of Jesse L. Tyner, et al. and thereupon judgment was rendered by the court reversing the decision of the Commission and admitting the said John W. Tyner, among others, to citizenship in the Cherokee Nation. The name of the said Caledonia Owen, however, was not included in the judgment of said court.

The evidence further shows that the said Caledonia Owen was a miner at the time of the admission of her father, John W. Tyner, to citizenship, as above mentioned; and that she has resided in the Cherokee Nation all her life.

-3-

It is, therefore, the opinion of this Commission, following the decision of the Department in the matter of the application for the enrollment of Pruce L. Rowland, et al., as citizens of the Cherokee Nation (I.T.D. 7989--1908), that Galedonia Owen should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED),

Tame Dixby.

Chairman.

(SIGNED),

T. B. Needles.

Commissioner.

(SIGNED),

C. L. Breckinridge.

Commissioner.

(SIGNED),

W. E. Stanley.

Commissioner.

Muskogee, Indian Territory,

this SEP 18 1907

2878

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

In the matter of the application of Galedonia Owen for enrollment as a citizen by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on August 6, 1900, Galedonia Owen appeared before the Commission at Sallisaw, 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 Muskogee, Indian Territory, on March 1, 1902. It appears from the records of the Commission that on September 8, 1896, an application was filed with the Commission for the admission of the applicant here as a citizen by blood of the Cherokee Nation, under the Act of June 10, 1896 (29 Stats., 321); that the application was denied by the Commission, and that no appeal was taken.

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

The Act of Congress of May 31, 1900, (31 Stats., 221) provides: "That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of this Commission that Galedonia Owen is not a citizen of the Cherokee Nation, and duly and lawfully enrolled or admitted as such; and that, pursuant to the provision of law above quoted it is without authority to receive, consider, or make any record of her application for enrollment as a citizen of the Cherokee Nation.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Dixby.

Acting Chairman.

T. B. Needles.

Commissioner.

C. H. Brockinridge.

Commissioner.

Muskogee, Indian Territory,

this DEC - 1 1902

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

ALLISON L. AYLESWORTH.
SECRETARY.

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1190.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 3, 1902.

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

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 1, 1902, rejecting the application of Caledonia Owen for the enrollment of herself 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.

End. H-38.

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

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1190.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 22, 1903.

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

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting the application of Caledonia Owen 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 such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Enc. D-26


Chairman.

mdy

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

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

REFER IN REPLY TO THE FOLLOWING
Cherokee D-1190.

WM O BEALL
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 16, 1904.

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

Dear Sir:

You are hereby advised that the Commission's decision dated September 18, 1903, granting the application for the enrollment of Caledonia Owen as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on April 1, 1904.

Respectfully,



Commissioner in Charge.

Paladoma Owen

IN THE MATTER OF AN

Application for Letters

A. *Owen* ... 1900

B. *...* ... 1900

C. *...*

D. Notice of final consideration, 3/1/02

E. Supplemental testimony and order closing testimony, March 1, 1902

... cancelled and

... filed

"

...

Cher D 1191

Cher D 1191

ENROLLMENT REQUIRED.

Department of the Interior,
Commission to the Five Civilized Tribes,
Sallisaw, I. T., August 6, 1900.

In the matter of the application of Joseph F. Tynor for enrollment as a Cherokee citizen; being sworn and examined by Commissioner Needles his testimony as follows:

- Q What is your name? A Joseph F. Tynor.
Q What is your age? A Twenty-nine.
Q What is your post-office? A Campbell.
Q Have you ever been recognized by the Tribal authorities of the Cherokee Nation as a citizen? A No sir.
Q Have you ever been enrolled by the Cherokee Tribal authorities?
A No sir.
Q Does your name appear upon any of the rolls? A No sir.
Q Were you admitted by the commission to the Five Civilized Tribes as a citizen of the Cherokee Nation under the Act of Congress approved June 19th, 1896? A No sir.
Q Were you admitted by the United States Court in the Indian Territory upon appeal from the decision of the Tribal authorities of the Cherokee Nation, or from the decision of the Commission to the Five Civilized Tribes as a citizen of the Cherokee Nation under the act of Congress approved June 19th, 1896? A We ~~made~~ appeal to that court, but it seems like my name was left off, I never ~~got~~ could find out anything about it; I don't know whether it appears in the Chancery Court or not.

Com'r Needles: Your application for enrollment as a citizen of the Cherokee Nation is refused, for the reason that under the Act of Congress approved July 1st, 1900; in the Indian Appropriation Bill this Commission has no authority to receive, consider or make any record of any application of any person for enrollment in any tribe in the Indian Territory who has never been enrolled or admitted as such. Said law further provides that the refusal of this Commission to entertain your application shall be final when approved by the Secretary of the Interior. The Commission will transmit its decision denying your application to the honorable Secretary of the Interior for his approval when the final rolls of the Cherokee Nation are sent to him for consideration and approval.

J. B. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing and that the above and foregoing is a full true and complete transcript of his stenographic notes in said case.

M. D. Green

Subscribed and sworn to before me this 6th day of August 1900.

J. B. Green

Commissioner.

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E 1191



DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED 1
AUG 7 1900



ACTING CHAIRMAN

"R"

Cherokee D 1191

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 1, 1902.

In the matter of the application of Joseph F. Tyner for the enrollment of himself as a citizen of the Cherokee Nation,
SUPPLEMENTAL:

Appearances:

N.A.Gibson, Muskogee, I. T., attorney for the applicants;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant and his attorney were notified by registered letter February 14, 1902, that the application of Joseph F. Tyner for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, the first day of March, 1902. Receipt has been acknowledged of the Commission's letter and the applicant this day to-wit: the first day of March, 1902, appears in person and by his attorney, N.A.Gibson.

JOSEPH F. TYNER, being first duly sworn and being examined testified as follows:

BY MR. GIBSON:

- Q What is your name? A Joseph F. Tyner.
Q How old are you? A 31.
Q Where do you live in the year 1896? A In the Cherokee Nation.
Q Who was your father? A John H. Tyner.
Q What relation was he to Jesse L. Tyner? A Brother.
Q When did your father die? A I don't know exactly, about three years ago though.
Q What relation are you to John W. Tyner? A Cousin.
Q The records show that you made an application to the Commission for enrollment as a Cherokee citizen in 1896; who was your attorney at that time? A Watts.
Q State whether or not you ever instructed your attorney to appeal from the decision of the Commission to the Five Civilized Tribes refusing to enroll you? A My attorney?
Q State whether you instructed your attorney to take an appeal from that decision? A Why no, Jesse L. Tyner come ~~had~~ up there ~~time~~ to him and he had ~~taken~~ to have an appeal taken on all of the cases and that's how come us left off.
Q Where have you lived since 1896? A Cherokee Nation, Campbell.
Q Are you married? A No sir.
MR. HASTINGS waives cross-examination.

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

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

Subscribed and sworn to before me this March 4, 1902.


Commissioner.

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MAR 3

ALFRED CRANFORD

Cherokee D-1191.

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

In the matter of the application of Joseph F. Tynor for enrollment as a citizen by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on August 6, 1900, Joseph F. Tynor appeared before the Commission at Sallisaw, Indian Territory, and made personal application for the enrollment of himself as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 1, 1902.

It appears from the records of the Commission that on September 8, 1896, an application was filed with the Commission to the Five Civilized Tribes for the admission of said Joseph F. Tynor as a citizen by blood of the Cherokee Nation, under the Act of June 10, 1896, (29 Stats., 321); that the application was denied by the Commission, and that no appeal was taken.

It does not appear from the evidence in this case that the applicant has ever been enrolled by the tribal authorities of the Cherokee Nation; neither does it appear that he has ever been admitted to citizenship in the Cherokee Nation by the legally constituted authorities of said Nation; nor does it appear that he has ever been admitted to citizenship in the said Nation by the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory in accordance with the provisions of the Act of Congress, approved June 10, 1896, (29 Stats., 321).

The Act of Congress of May 31, 1902, (32 Stats., 221) provides: "That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final and unreviewable." The Secretary of the Interior.

It is, therefore, the opinion of the Commission that Joseph F. Tynor is not a citizen of the Cherokee Nation, and that, pursuant to the provision of law above cited it is without authority to receive, consider, or make any record of his application for enrollment as a citizen of the Cherokee Nation.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tamo Dixon

Acting Chairman.

J. D. Needles

Commissioner.

J. D. Brookbridge

Commissioner.

Muskogee, Indian Territory,

DEC 10 1902

this _____

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

ALLISON L. AYLESWORTH
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1191.

Muskogee, Indian Territory, December 19, 1902.

V. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, rejecting the application of Joseph F. Tyner 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.

Enclosure H. No. 342.

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-1191

Muskogee, Indian Territory, February 20, 1903.

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

Dear Sir:

You are hereby advised that the Commission's decision, dated December 10, 1902, rejecting the application of Joseph F. Tyner for the enrollment of himself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior, on February 9, 1903.

Respectfully,

Acting Chairman.

Joseph B. Byrnes

- A. Memo of application, Aug 6, 1900.
- B. Original testimony, Aug 6, 1900.
- C. Memo of ...
- D. Notice of final consideration, 3/1/02
- E. Supplemental testimony and order closing testimony, March 1, 1902

Cher D 1192

Cher D 1192

ENROLLMENT REFUSED.

Department of the Interior,
Commission to the Five Civilized Tribes
Sallisaw, I. T., August 6, 1900.

RECEIVED
DEPARTMENT OF THE INTERIOR
AUG 11 1900

In the matter of the application of Savage T. Ward for enrollment as a Cherokee citizen; being sworn and examined by Commissioner Needles who testifies as follows:

- Q What is your name? A Savage T. Ward.
- Q What is your age? A Forty-seven.
- Q What is your post-office address? A Okonaha.
- Q Have you ever been recognized by the Tribal authorities of the Cherokee Nation as a citizen? A Yes sir.
- Q Have you ever been enrolled by the Cherokee Tribal authorities? A I don't know whether I have or not; if I have I don't remember.
- Q Does your name appear upon any of the Tribal rolls? A I don't know whether it does or not; I don't think it does though.
- Q How long has your name been Ward? A About twenty years.
- Q Do you claim citizenship as intermarried? A No sir, I am a Cherokee by blood.
- Q What district did you live in in 1880? A I lived in the Choctaw Nation, Skullyville County.
- Q Did you ever draw any money? A No sir.
- Q You know whether your name is on any of the rolls or not don't you? A No sir I don't.
- Q Were you admitted by the Commission to the Five Civilized Tribes as a citizen of the Cherokee Nation in 1896 under the Act of Congress? A No sir, I was denied on the ground of living in the Choctaw Nation.
- Q Were you admitted by the United States Court in the Indian Territory upon appeal from the decision of the Tribal authorities of the Cherokee Nation? A No sir, I was left out on the grounds of living in the Choctaw Nation.

Commissioner Needles: Your application for enrollment as a citizen of the Cherokee Nation is refused, for the reason that under the Act of Congress approved May 21st, 1900, in Indian Appropriation Bill, this Commission has no authority to receive, consider or make any record of the application of any person for enrollment as a citizen in any tribe in the Indian Territory who has never been enrolled or admitted as such. Said law further provides that the refusal of this Commission to entertain your application shall be final when approved by the Secretary of the Interior. This decision copying your application for enrollment will be sent to the honorable Secretary of the Interior for final approval when the final rolls of the citizen of the Cherokee Nation are sent to him for consideration and approval.

D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reports the foregoing case and that the above and foregoing is a full true and complete transcript of his statements to him in said Ward.

Subscribed and sworn to before me this 7th day of August, 1900.

Commissioner

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 7 1900

Handwritten signature
ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T. March 12, 1901.

In the matter of the application for enrollment as citizens of the Choctaw Nation of Sarah F. Ward and her three minor children. Sarah F. Ward being duly sworn by Acting Chairman Bixby testified as follows:

Examination by the Commission.

- Q What is your name? A Sarah F. Ward.
Q What is your age? A 47-going on 48.
Q What is your post-office address? A Bekoshe.
Q How long have you lived in the Choctaw Nation? A About 21 years.
Q 21 or 22.
Q Have you lived there continuously for that length of time?
Q Yes sir, I have lived right there on one place.
Q Where did you come from to the Choctaw Nation?
A Cherokee Nation, from Sequoyah District.
Q Were you born in the Cherokee Nation? A Yes sir.
Q Had you ever enrolled as a citizen of the Cherokee Nation?
A Yes sir. The first time I married, I married a white man and he had to get a license from the Cherokees.
Q You left the Cherokee Nation before 1880? A Yes sir.
Q Have you ever been enrolled in the Choctaw Nation? A Not that I know of.
Q Did you ever draw any money for yourself and your children from the Choctaw Nation? A Mr. Ward drew after we was married but I didn't draw any.
Q What was your father's name? A Charles Fleetwood.
Q What nationality was he? A I don't remember now. I think he was from South Carolina. I think he was born and raised in South Carolina as well as I can remember.
Q He was a white man? A Yes sir.
Q He is dead now? A Yes sir.
Q What was your mother's name? A Lucinda Fleetwood.
Q Did she belong to any tribe of Indians. A Cherokees, she always told me. She was born and raised with them.
Q You are applying now for the enrollment of yourself and your three children Henry B., Grever Cleveland and Frances T. Ward as citizens of the Choctaw Nation? A Yes sir.
Q These are your three boys that are living now are they?
Q The youngest one is a girl, Frances.
Q Who was the father of these three children? A Jeremiah Ward.
Q Is he living? A No sir.
Q Was he a member of any tribe of Indians in the Indian Territory? A Choctaw by blood is what he always told me.
Q To what tribe did he belong? A Choctaw.
Q Always been recognized by the Choctaw authorities as a member of the tribe? A Yes sir.

On October 9th, 1899, at Tushkahomma, Indian Territory, Sarah F. Ward applied for the enrollment of herself and her three minor children as citizens of the Choctaw Nation. Upon an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission the names of these persons were not found thereon.

Sarah F. Ward 2--

On August 6th, 1900, at Sallisaw, Indian Territory, Sarah F. Ward appeared before the Commission as an applicant for enrollment as a citizen of the Cherokee Nation. Her application was refused under the provisions of the act of Congress approved May 31st, 1900 for the reason that her name was not found upon any of the tribal rolls in the possession of the Commission nor had she ever been admitted to citizenship in the Cherokee Nation by the tribal authorities thereof or by the properly constituted authorities of the United States.

Q Mrs. Ward, did you ever make application to the Commission to the Five Civilized Tribes under the act of Congress of June 10th, 1896, for citizenship in the Choctaw Nation? A Mr. Ward made it in his application.

Q Your name was included in that application? A Yes sir, mine and the three children.

Under the act of Congress of June 10th, 1896, an original application for citizenship in the Choctaw Nation was filed by Jeremiah Ward and the same appear upon the 1896 citizenship docket C, Choctaw case No. 32. The original application in this case was filed September 9th, 1896 and prayed that Jeremiah Ward, Sarah F. Ward, Henry B. Ward, Grover C. Ward and Frances F. Ward be admitted to citizenship in the Choctaw Nation and duly enrolled as such citizens. On October 7th, 1896, the answer of the Choctaw Nation was filed thereto. The original petition in this case alleges that the applicant, Jeremiah Ward was born in 1822 in the state of Mississippi and that in the year 1844 he married a Chickasaw Indian and after her death in 1849 married a Choctaw Indian woman by whom he had a number of children. In 1878 for various reasons a divorce was granted him from his Choctaw wife and he then in the year 1879 married his present wife, Sarah F. Ward, nee Palmore, a Cherokee woman by whom he has three children. It appears that the applicant, Jeremiah Ward claims his right by reason of his marriage to his second wife and makes claim on behalf of his Cherokee wife by reason of her marriage to him.

The original entry on the 1896 citizenship docket of Choctaw cases is as follows: "Application granted as an intermarried citizen." and on the face of the original papers filed in this case the following notation: "Jeremiah Ward is admitted as an intermarried citizen."

There is no record of any appeal having been taken from the decision of the Commission nor does it appear that there has ever been any action taken by the Commission on the application filed by Jeremiah Ward in 1896 for his wife, Sarah F. Ward and their three children, Henry B. Ward, Grover C. Ward and Frances F. Ward.

Q Did you ever make application to the Commission to the Five Civilized Tribes in 1896 for citizenship in the Cherokee nation?

A Yes sir, I had no proof though and Mr. Ward was down sick and I couldn't get out to get it and made it to the best of my knowledge and was rejected.

Q Do you know the title of the case in which your application was included? A Yes sir.

Q What is it? A I just asked them to enroll me over there as a Cherokee and stated that I was a Cherokee by blood.

Sarah F. Ward 3

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Q I mean in 1896 at the time Mr. Ward made the application for citizenship in the Choctaw Nation didn't you make an application for citizenship in the Cherokee Nation? A Yes sir, and was rejected.

Q Do you know the title of that case? A No sir, I don't remember now. I have got a notice of it though at home where it was rejected.

The records of the Commission of original applications for citizenship in the Cherokee Nation heard under the act of Congress of June 10th, 1896 examined and on page 443 of citizenship docket B in Cherokee case 5572, Eljerry Fleetwood et al versus the Cherokee Nation, original application filed September 7th, 1896. The answer of the Cherokee Nation was filed and on November 24th, 1896 the Commission admitted to citizenship in the Cherokee Nations the applicants whose names were included in the original application filed with the Commission on September 7th, 1896. Included in such original application were the names of Sarah Fleetwood Ward, Geover C. Ward, Jerry Ward and Henry Ward. From the decision of the Commission the Cherokee Nation prayed an appeal to the United States Court for the Northern District of the Indian Territory and that court on November 10th, 1899 in court case No. 252 rendered a decision admitting to citizenship in the Cherokee nation 24 of the applicants named in the original petition. By the same judgment citizenship in the Cherokee Nation was denied the following persons: Sarah Ward, Samuel Meeks, Susan Palmore, _____ Ward, Johnnie Fleetwood, Andrew Palmore, Grover Cleveland Ward, _____ Ward, Roxie Fleetwood, Arizona Fleetwood and Minnie Fleetwood.

The persons to this application apply for enrollment as citizens of the Choctaw Nation but their names are not found upon any of the tribal rolls of the Choctaw Nation now does it appear from an examination of the Choctaw records in the possession of the Commission and the records of the Commission, that they have ever been admitted to citizenship in the Choctaw nation by the tribal authorities thereof or by this Commission acting under the law of June 10th, 1896 or by the United States Court in Indian Territory on appeal.

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Myra Young having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 12th day of March, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young,

Subscribed and sworn to before me this 13th day of March, 1901.

Wm. L. O'Connell
Notary Public

Supl.-C.D.#1192.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 21, 1902.

SUPPLEMENTAL in the matter of the enrollment of SARAH F. WARD
as a citizen of the Cherokee Nation,

The applicant was notified by registered letter March 1, 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 21st day of March, 1902. The applicant this day, to-wit: the 21st day of March, 1902, appears in person.

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

SARAH F. WARD, being duly sworn, testified as follows in her own behalf.

BY COMMISSION:

- Q What is your name? A Sarah F. Ward.
Q How old are you? A 49.
Q What is your post office address? A Bokosha, I. T.
Q You have heretofore applied to the Commission for enrollment as a citizen of the Cherokee Nation? A Yes, sir.
Q You have also made application to the Commission for enrollment as a citizen of the Choctaw Nation? A Yes.
Q Is there any statement that you desire to make at this time relative to your enrollment as a citizen of the Cherokee Nation?
A Nothing only to identify me that I am the person.
Q There is no additional evidence that you desire to introduce?
A No, sir.
Q Do you submit the case to the Commission for final consideration?
A Yes, sir.

Commission: 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.

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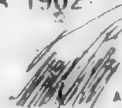
I, J. O. Rowson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rowson

CD 119

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAR 28 1902



ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE NEW CIVIL RIGHTS TRIBES.

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

REPORT.

The record in this case shows that on August 6, 1900,
Sarah P. Ward appeared before the Commission at Salisaw, Indian
Territory, and made personal application for the enrollment of
herself as a citizen by blood of the Cherokee Nation. Further pro-
ceedings in the matter of said application were had at Muskogee,
Indian Territory, on March 21, 1902.

The records of the Court of Appeals for the Eastern District
of Oklahoma, at Muskogee, Oklahoma, in the case of Sarah P. Ward
vs. the Cherokee Nation, No. 10, 1900 (29 Okla., 211),
show that on November 17, 1900, the Court rendered a judgment
in favor of the Cherokee Nation. The Court held that Sarah P.
Ward was not a citizen of the Cherokee Nation, and that her
application for enrollment as a citizen thereof was null and void.
The Court further held that the Cherokee Nation was entitled to
its citizenship, and that Sarah P. Ward was not entitled to
citizenship in the Cherokee Nation, either as a citizen by blood
or as a citizen by adoption. The Court also held that Sarah P.
Ward was not entitled to citizenship in the Cherokee Nation,
and that her application for enrollment as a citizen thereof
was null and void. The Court's decision was affirmed on appeal,
and the Cherokee Nation was awarded costs of \$100.00.

The Commission is authorized to exercise all
the powers heretofore exercised by the law, and it shall
not receive, consider or take any record of any application of
any person for enrollment, as a member of any tribe of Indian
Territory, who has not been lawfully enrolled or admitted as such,
and its refusal of such applications shall be final when approved by the
Secretary of the Interior.

It is, therefore, the opinion of this Commission that
Sarah P. Ward is not a citizen of the Cherokee Nation, and that, pursuant to the
provisions of law above quoted, it is without authority to receive,
consider or take any record of her application for enrollment as a
citizen of the Cherokee Nation.

[Signature]
Secretary Chairman.
[Signature]
Commissioner.
[Signature]
Commissioner.

Muskogee, Indian Territory,
this _____

COMMISSIONERS
HENRY L. DAVIS
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRIDGEMAN

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 1198.

ALLISON A. DENWORTH
SECRETARY

ADDRESSES ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 29, 1902.

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

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Sarah F. Ward for the enrollment of herself as a citizen by blood of the Cherokee Nation.

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

Yours truly,


Commissioner in Charge.

Enc. C. No. 2.

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

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

SEEK IN REPLY TO THE FOLLOWING

Cherokee D 1192.

ALLISON I. AYERSWORTH
SECRETARY

Muskogee, Indian Territory, September 17, 1902.

W. W. Hastings,

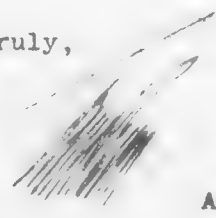
Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Sarah F. Ward for the enrollment of herself 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.

D 1192

Page 4 OF

2/1/50

Sarah G. Ward

D-1192

- A. Original Pet. Aug. 1, 1900
- B. Memo of appointment, Aug. 1, 1900
- C. Exh. an. testimony, Oct. 9, 1899.
- D. Exh. an. testimony, March 12, 1901.
- E. Memo of appointment of the court.

Notice of final consideration, 2/21/02

Transferred to 4-721

Cher D 1193

Cher D 1193

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Department of the Interior.
Commissioner to the Five Civilized Tribes.
Sallisaw, I. T., August 7th, 1900.

In the matter of the application of Edward Fleetwood of the
Sequoyah District for citizenship; heard, sworn and examined by
Commissioner James H. Hodge, testifies as follows:

- Q What is your own name? A Edward Fleetwood.
- Q What is your age? A 34.
- Q What is your post-office? A Hanson, I. T.
- Q How often do you apply for enrollments? A I apply for myself and my family.
- Q Wife and children? A Yes sir.
- Q Are you on any of the rolls of the Cherokee Nation? A I suppose I am; I don't suppose I am on the roll of 1880, I was in Muskogee.
- Q Do you apply as a Cherokee by blood? A Yes sir.
- Q Do you apply for your wife as a Cherokee by blood? A Yes sir.
- Q In what district do you live? A Sequoyah.
- Q How long have you lived in Sequoyah? A 19 years.
- Q Have you lived continuously for 19 years in Sequoyah? A Yes sir, no other place.
- Q What is your wife's name? A Malinda Jane.
- Q How old is your wife? A She's about 45 years old.
- Q How long was her name when you married her? A Her maiden name was Ross, but she had been married before I married her; Morris was her name.
- Q When did you marry her? A About '83, I reckon.
- Q Is she on the roll of 1880 as a Morris? A Yes sir, it will either be Morris or Ross; I don't know which one reaches it.
- Q How long she lived together ever since your marriage? A Yes sir; we have never separated.
- Q Names and ages of your children, all under age? A Theodore.
- Q How old is he? A 16 going on 17, I think.
- Q Next child? A Thomas.
- Q How old is he? A 14.
- Q Next child? A Cleveland.
- Q How old is he? A 12.
- Q How many more children have your next door neighbor in Red Cloud? A Yes sir.
- Q How many? A 10 years.
- Q How long the next child on this list is Lee Roy; 7 years then? A Yes sir.
- Q What's the name of the next child? A Jewel May.
- Q How old is she? A Yes, that's her age.
- Q Pearl, the next one? A Yes sir.
- Q How old is she? A Born March 11, this last March.
- Q How many more children? A Yes sir.
- Q How many children are all living at this time? A Yes sir, all alive.

1880 roll; page 710,	2487,	Malinda Morris,	Sequoyah Dist.
1884 roll; page 834,	2487,	Malixia Fleetwood,	"
1887 roll; page 854,	2488,	Theodore,	"
1887 roll; page 854,	2488,	Thomas Fleetwood,	"
1887 roll; page 854,	2488,	Cleveland Fleetwood,	"
1887 roll; page 854,	2509,	Red Cloud	"
1887 roll; page 854,	2509,	Lee Roy	"
1887 roll; page 1067,	2511,	Jewel	"
1887 roll; page 1067,	2513,	Theodore	"
1887 roll; page 1067,	2513,	Thomas	"
1887 roll; page 1067,	2515,	Cleveland	"
1887 roll; page 1067,	2516,	Red Cloud	"

- Q Have you a certificate of your marriage to your wife, Malinda Jane? A I have one at home, not in my pocket.
- Q Have you personal evidence that you can introduce showing that you and she have lived together as husband and wife? A Yes sir, my wife is here.

Witness, Malinda Jane Fleetwood, being sworn and examined by
Conf. Rees-Budige, testimony as follows:

Q Are you the wife of the applicant here, Edward Fleetwood? A Yes sir.

Q How long have you been married? A I could not tell you what year I was married.

Q How old is your eldest child? A 16 going on 17.

Q How old is that child's name? A Theodor.

Q How long did you live with that child's home? A A year or more.

Q How long have you resided some 17 years on such a matter? A Yes sir.

Q How long have you been married since that time? A Is that what? I don't know.

Q How long have you been married since that time? A Yes sir.

Q How long have you been married since that time? A Yes sir.

Q How long have you been married since that time? A Yes sir.

Q How long have you been married since that time? A Yes sir.

Q How long have you been married since that time? A Yes sir.

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Q How long have you been married since that time? A Yes sir.

Q How long have you been married since that time? A Yes sir.

Q How long have you been married since that time? A Yes sir.

Q How long have you been married since that time? A Yes sir.

Shelton, President, and Thomas Carline, Secretary of the Board of Education.

Dear Mr. Carline:

For I am ready to present to the Board of your application Mr. Pleasants. As regards your application for citizenship, you are not found upon any of the rolls of the Cherokee Nation accessible to this Commission, nor do you present any other evidence at this time showing that you have ever been recognized or admitted as a Cherokee citizen, and the authority of the Nation authorized to determine and fix your status in that respect. Therefore, you come under the provisions of the Act of Congress, approved May 31st, 1900, Page 18; the same being the Indian Appropriation Act for the fiscal year ending June 30th, 1901, and for other purposes, which act states in part in effect to the effect "that it shall not receive, consider or take into account any application of any person for enrollment as a citizen of any tribe in Indian Territory, who has not been a recognized citizen thereof, nor duly or lawfully enrolled or admitted as such; and its refusal of such application shall be final when approved by the Secretary of the Interior." This is so much of said Act as applies to your case. Now under that provision of law, such a refusal will be kept of your application showing that you were a Cherokee citizen at this time for want of jurisdiction. If you can produce satisfactory evidence to this Commission before final action is taken on your case, it will be taken into consideration and if the evidence is satisfactory, your case will be given favorable attention.

Now, your wife, Malinda Jones, is duly identified on the rolls of 1880-1882 as being a Cherokee citizen. The fact of her residence to her and of your and her living together and residing continuously for many years in the Cherokee Nation is established by a satisfactory witness, and your children, Theodore, Thomas, Cleveland, Joe Cloud and Lee Roy, are readily identified on the rolls of 1894 and 1896, and your wife and four children are duly identified at this time as Cherokee citizens; and you can produce proper certificates of the birth of your children, born May 21st, 1881, and of their citizenship, and you are prepared to be identified on the rolls will also be given favorable attention.

Very truly yours,
Edward C. Patterson, Chairman of the Commission to the Five Civilized Tribes, and that the foregoing is a true and correct transcript of the same.

Edward C. Patterson

Approved and forwarded for the Board of Education, May 10th, 1900.

~~Mem 27~~ L.

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

FILED

AUG 15 1900

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Department of the Interior.
Commission to the Five Civilized Tribes.
Wichita, I. T., August 15th, 1900.

In the matter of the application of Edward Fleetwood et al for enrollment as Cherokee citizens, re-appearing in his own behalf, having been provisionally sworn, testified as follows:

Q Give me your full name? A Edward Fleetwood.

Q Give your post-office? A Hanson.

Q What is it you want to bring out at this time? A I want to identify myself in the list of those who have been admitted by the United States Court.

Q Under what name do you appear in the Court record? A Its name is Eddie Fleetwood.

Q Are you frequently called Eddie? A Yes sir.

Q Who is J. C. Johnson Fleetwood? A That must be a sister's child.

Q Who is Martin Brown? A A sister of mine who lives at Southwest City.

W. T. Hutchings, representative of the Cherokee Nation:

Q You were before the Court at Salisaw and applied for your name did you not? A Yes sir.

Q At that time you made no claim to being admitted by the Dawes Commission on the United States Court? A I know 'I didn't have any papers to present and it wasn't necessary.

Q You did not know that there was any paper in existence purporting to admit you to citizenship, did you? A Yes, I knew there was a paper but I didn't have it.

Q Your attention in that evidence was called to the fact that you were a brother of Eljerry Fleetwood, was it not; and asked about his being admitted, and you made no claim to being admitted with him, did you? A I don't remember; I have no recollection of it.

Q Did you ever make any application to the Dawes Commission to be admitted? A The Clerk made the whole applicants together.

Q Did you authorize anybody to put your name in? A Yes sir, I had authorized a fellow by the name of Stephen Edwards to put all the names in.

Q Didn't you swear positively before the Commission last week that you never made any application to the Dawes Commission? A No sir, I don't think I did.

Q Now the case was reported from the Dawes Commission to the United States Court, didn't you employ attorneys to follow the case there? A Jerry Edwards of an 'St. Paul Edwards looked after it.

Q Now the lawyers that represented Eljerry Fleetwood and Edwards as counsel of the case to the United States Court also represented you before the United States Court and had authority to appear for you in that Court? A Yes sir.

Q And they were appearing for you in the United States Court? A A They did, it seems so.

We want to call attention to the fact that in the original application before the Dawes Commission in his name did not appear, nor does it appear in the Master's report, nor among the names of the admitted or rejected in that case filed on the minutes of Judge Springer's Court Booklet, and all these correspond exactly with the original application before the Dawes Commission.

re-direct.

Witness, Eljerry Fleetwood, having been duly sworn by Com'r. Brockbridge, testified as follows:

- Q What is your postoffice? A Long, I.T.
Q Are you a brother to Edmond Fleetwood? A Yes sir.
Q Did you have anything to do with making up the application that was made to the Daves Commission and subsequently carried to the United States Court for the admission of yourself and your brother, Edmond, to Cherokee citizenship? A Yes sir, I gave his name in.
Q To whom did you give it in? A Gave it in to the lawyers.
Q What lawyers? A Don Carlos & Stanfield.
Q How did you give in your brother's name, as Edmond? A Couldn't say. I gave it in Edmond or Eddie, don't know which.
Q Did you sometimes call him Eddie and sometimes Edmond? A We called him Edmond; lawyers must have misunderstood me, they gave it in that way I guess.
Q In he ever called Eddie? A No sir.
Q You know through that you gave his name in with the balance of the family? A Yes sir.
Q Is there anyone named Eddie in your family? A No sir.
Q Was there anyone who should have been called Eddie in that application that was made? A No sir; not that I know of.
Q Do you know all the members of the Fleetwood family whose names were given in? A No sir; I don't know them all.
Q And don't know whether there was an Eddie given in or not? A No sir, I don't.
Q So far as you know there might be an Eddie Fleetwood in that family? A There might be.

Edward G. Reichenberger, being duly sworn by Commissioner Brockbridge as stenographer to the Commission to the Five Civilized Tribes, he reported in full and substantially of the above named witness, Edmond Fleetwood, and that the foregoing is a full, true and correct transcript of his notes.

Edward G. Reichenberger

Sworn to and subscribed before me this 14th day of August, 1900.

[Signature]
Commissioner.

~~Missouri~~
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DEPARTMENT OF
COMMISSION TO THE
F I I.
SEP 12 1901

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Cherokee D-1193

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., January 23, 1902.

SUPPLEMENTAL TESTIMONY, in the matter of the application
of Edmond Fleetwood for enrollment as a citizen by blood of the
Cherokee Nation.

TESTIMONY INTRODUCED ON BEHALF OF THE APPLICANT.

Appearances:

W.S. Stanfield, attorney for the applicant;
Caleb Starr, as representative for Cherokee Nation.

SARAH F. WARD, being sworn by Commissioner Needles, testified
as follows:

BY W.S. STANFIELD:

- Q What is your name? A Sarah F. Ward.
Q Are you acquainted with one Edmond Fleetwood? A Yes sir.
Q What relation are you to him? A He is a brother of mine.
Q What relation are you to L. J. Fleetwood? A That is a brother
of mine.
Q How old are you? A I will be 50 if I live to see the 20th of
next April.
Q Are you acquainted with all of the Fleetwoods? A Yes sir,
all of them in the Territory.
Q What is your brother's correct name, Edmond or Edward? A Well
he goes by Edmond since we children has been grown, but we used to
call him Ed and Eddie for short; he goes by Edmond I suppose now.
Q Have you ever lived very far from him since you were children
together? A No sir.
Q How far is the farthest you have lived from him? A About
thirty miles.
Q Did you know him all the time- have you? A Yes sir.
Q Is the gentleman sitting there your brother? (Pointing to man.)
A Yes sir.
Q Is he the only Ed or Edmond in your family that lives in the
Cherokee Nation? A The only one I ever heard of, I think I know
all the family.

No cross examination.

EDMOND FLEETWOOD, being sworn by Commissioner Needles, tes-
tified as follows:

BY MR. STANFIELD:

- Q What is your name? A Edmond Fleetwood.
Q What are you, are you the Eljerry Fleetwood? A We are brothers.
Q Where were you born? A I was born in the Cherokee Nation, known
as Pryor Creek to-day.
Q About how old are you? A I haven't got any, I haven't any re-
cord, and I was counting my age to about 56, but my sister she
thinks me 58, and somewhere betwixt 56 and 58 is my age.
Q Were you ever recognized by the Cherokee Nation as a citizen?
A Yes sir, I drew money a number of years with them.
Q Before 1880 did you draw money? A Before '80? I have got to
study; I drew one time a little bread money that was paid out,
ten dollars ahead, at Vinita I think. And just after '80 then we
drew two small payments, one the '83 and in '86.
Q Did all of your family draw? A My entire family was recognized.
Always; I drew, my wife Malinda drew.
Q Give the names of all of your children? A Clara was the oldest
girl at that time, and Caroline was the next and then Sallie was
next and then came in Theodore, my second' wife's children, and

Thomas followed up, Cleveland, Redcloud, and any way, it-

Q Well the ones you drew for were? A Well that is about the amount of them draws, and in the last big draw I drew down to one we called Leroy, Leroy drew and none since that didn't draw; the other two little babies I never put on the roll.

Q What payment do you have reference to when you speak of the Big Draw? A It was the 265 dollars and something.

Q Did you draw at that payment? A Nosir, I didn't, but all the balance of the time I did except then.

Q Dare you on the 1880 roll? A No sir, I don't think I am.

Q Where were you in 1880? A I was here in Muskogee, I was in the town of Muskogee.

Q During the time that you were in Muskogee did you have property in the Cherokee Nation? A Yes sir, I had three farms, and went back to one of them and am on it yet, been there 21 years, same farm.

Q What proportion of Cherokee are you? A Well just about a half-breed, my mammie was a full blood and my father was a white man.

Q Who was your mother? A Lucinda Morgan was her maiden name.

Q She married Fleetwood? A Yes sir, Charles Fleetwood.

Q What relation was Lucinda Morgan to Hosea Morgan? A He was her father.

Q Do you have reference to Hosea Morgan Jr. or Hosea Morgan Sr.?

A There was two Hosea Morgan's, I had an uncle Hosea and then I had a grandfather named Hosea, there was two of them, I had an uncle named Jerry too.

Q Were you ever called anything besides Edmond when you were aboy?

A Yes sir, I was called Edmond until after I was big boy, and the town of Sallisaw where I live calls me Ed, Quessenbury and all of them people speaking to me says Howdy Ed, they don't put the Edmond to it at all; very few people call me Edmond only in relating to business, but Edmond is my right name, that is the full name.

Q Your first wife was a Cherokee by blood was she? A She was a full blood, didn't talk any English whatever.

Q What was your second wife? A She was a white woman.

Q What children have you by your second wife? A I haven't but one.

Q Is that child recognized as a citizen or not? A She drew money twice before she left me; drew money as a Cherokee by blood twice.

BY COM'RNEDDLES:

Mr. Fleetwood, on page 443, of Docket "B" of the records of the Dawes Commission is found docketed the case of Eljerry Fleetwood and others against the Cherokee Nation, application for admission to citizenship. Among the parties then applying is found the name of Eddie Fleetwood, are you the identical Eddie Fleetwood? A Yes sir, I am the man; I investigated the thing and found no other man.

Com'r, continuing: Hold on, whose name appears upon said docket as having been an applicant at that time; you are the identical man that is on that docket as Eddie Fleetwood? A Yes sir, I am, there is no other man belongs to the connection of that name.

Q Do you know a man named Johnson Fleetwood, or J.C. Johnson Fleetwood? A That must be one of brother's children.

Q Do you know Minnie Fleetwood? A Yes sie, she is my niece.

Q Do you know Roxy Fleetwood? A Yes sir, they are Aquillar's children, live here in the Creek Nation.

Q Are they related to you? A They are nephews and nieces of mine, their father was my brother.

Q Where were you born? A Born at Pryor Creek.

Q Cherokee Nation? A Yes sir.

Q Been in the Cherokee Nation all of your life? A All my life, kept a home, sir.

Q Ever voted in the Cherokee Nation? A Yes sir, all my life,

sat on the last jury that was set in the Cherokee Nation.

Q Why did you ever apply to be admitted? A I was always recognized until the big payment they knocked me out about.

Q Was that the Strip payment? A Yes sir, that was my reasons for applying, because I didn't get that.

BY CALFB STARR:"

Q Do you know any one by the name of Eddie Fleetwood who was living in 1896? A Not none of my knofolks.

Q Do you know any such man? A No sir, I don't; I don't know anybody but just myself, and this brother Jerry of mine I had a talk with him and he told me that he made the mistake in the way he speaks, he has got his teeth out in front and he don't speak plain, and there's two of his own children that he hasn't got down right, he don't pronounce the names like they do at home.

Q Where is Eljerry Fleetwood? A He is living about 15 miles from where I am in Sequoyah District.

Q Has he ever appeared before the Commission as a witness? A He did one time, yes, at Muldrow, you have a written statement, copy of his statement; that is where you taken him on the roll, at Muldrow.

NORA ANN WEBSTER being sworn by Commissioner Needles testified as follows:

BY STANFIRD:

Q What is your name? A Nora Ann Webster.

Q What was your name before you were married? A Fleetwood.

Q How old are you? A I am 19, I will be 20 the 15th of this coming September.

Q What relation to you is this applicant, Edmond Fleetwood? A Daughter.

Q This Edmond here your father? A Yes sir.

Q Do you know of any person by the name of Eddie or Edmond other than your father? A No sir.

Q Name of Fleetwood, Eddie Fleetwood? A No sir.

Q Where does your father live? A In the Cherokee Nation, at Sallisaw.

Q How long has he lived there to your knowledge? A Lived there ever since I was born, to my knowledge ever since I can remember.

Q Are you acquainted with Eljerry Fleetwood, do you know him? A No sir.

Q Do you know what relation he bears ~~is~~ from the family history do you know what relationship he bears to your father? A Yes sir.

Q What relationship? A A brother.

Q To your father? A Yes sir.

BY CALFB STARR:

Q By what name was your father generally known in 1896? A Edmond Fleetwood.

Q Did anybody call him Eddie Fleetwood in 1896? A Yes sir.

BY COMMISSIONER NEEDLES: This testimony will be made a part of the record in the original case.

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

Subscribed and sworn to before me this 28th January 28, 1902.

M. D. Green
C. R. Needles

Supl. C. D. #1193.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 10, 1902.

The case of EDMOND FLEETWOOD for enrollment as a citizen by blood of the Cherokee Nation having been set for hearing on this day, the following proceedings were had before Hon. Thomas B. Needles, Commissioner:

Appearances:

Mr. W. S. Stanfield, Attorney for Applicant;
Mr. W. W. Hastings, Cherokee Representative.

Com'r Needles: Anything you desire to offer, Mr. Stanfield?

Mr. Stanfield: Nothing but the Dawes Commission records admitting Eddie Fleetwood.

Com'r Needles: Applicant presents the records of this Commission for the year 1896 as to the application of Eddie Fleetwood. A copy of said record will be made part of the record in this case.

Mr. Hastings: This includes all of the record in the matter of the application of Eljerry Fleetwood, et al., for citizenship, not only before the Commission but on appeal to United States Court and the record of that Court in that case.

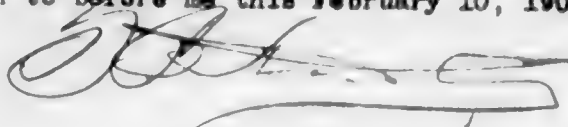
Com'r Needles: Attorneys signify that they have no further testimony to offer in this case, consequently the same is closed for final decision.

---ooo000ooo---

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



Subscribed and sworn to before me this February 10, 1902.



Commissioner.

File with C. D. #1193.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 10, 1902.

The following statements made by Mr. W. S. Stanfield and Mr. W. W. Hastings in the matter of the enrollment of Samuel Holmes, et al., for enrollment as Cherokee citizens, are ordered by the Commission to be filed in the matter of the application for the enrollment of Edmond Fleetwood as a citizen by blood of the Cherokee Nation:

Com'r Needles to Mr. Stanfield: If you desire to make any statement of the case the stenographer will take it down.

Mr. Stanfield: Well, just a short statement.

Com'r Needles: Attorney for applicant desires to make the following argument as to the rights of parties:

Mr. Stanfield: In the matter of the application of Edmond Fleetwood for enrollment attorney for Fleetwood desires to call attention to the fact that Fleetwood was admitted to citizenship by the Dawes Commission in '96, as shown by their records, being a brother of the principal applicant, Eljerry Fleetwood; that he was admitted at that time under the name of Eddie Fleetwood; that from the decision of the Dawes Commission admitting Eddie Fleetwood to citizenship no appeal has been taken; the Cherokee Nation having set out in its application for appeal the names of the parties whose cases it desired to appeal from the decision of the Dawes Commission; that by the records in the case it appears that the application of Eddie Fleetwood for citizenship has never been reconsidered since his admission to citizenship by the Dawes Commission.

The United States Court in passing upon the case, neither rejecting nor admitting him to citizenship, but declaring the other applicants in the case appealed from the decision of the Dawes Commission to be citizens and having been citizens all the time; expressly refusing to admit them to citizenship, but declaring them to be citizens.

The proof on file shows that Eddie Fleetwood and Edmond Fleetwood, the party who now applies to be placed upon the roll, are one and the same party, and consequently the Edmond Fleetwood who now applies stands admitted by the decision of the Dawes Commission, without any further action upon his case.

Attorney for applicant request a thorough examination of the records in this case before the Dawes Commission in 1896 and before the United States Court, and especially the application for appeal ~~admitted~~ by the Cherokee Nation from the decision of the Dawes Commission admitting the parties to citizenship. The same request is made in the case of Samuel Holmes, et al., and Nora Webster et al., kindred cases to this case.

Mr. Hastings: The representatives of the Cherokee Nation contend that the applicant, Edmond Fleetwood, is not a citizen of the

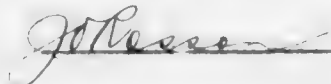
Cherokee Nation either by blood or adoption; that his name does not appear upon any of the rolls of the Cherokee Nation, and therefore comes under the Act of May 31, 1900, unless admitted by the Dawes Commission or the Court on appeal under the Act of June 10, 1896, and contends that he was not admitted either by the Dawes Commission or by the Court on appeal, and points to the record on file in this case to show that this contention is true.

The Cherokee Nation contends that the name of this applicant does not appear in the original application, was not admitted by the Commission, and was not admitted by the Court on appeal.

Com'r needles: This case will be considered closed as to any further testimony, and the parties will be notified of the final decision of the Commission in the matter.

---ooo000ooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing statements from the original statements made in the matter of the enrollment of Samuel Holmes, et al., as citizens of the Cherokee Nation; said original statements having been recorded and reduced to writing by me as stenographer to above named Commission.



Subscribed and sworn to before me this February 10, 1902.



Commissioner.

CO.

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U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C.

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

In the matter of the application for the enrollment of Edmund Fleetwood, et al., as citizens by blood of the Cherokee Nation consolidating the applications of,

Edmund Fleetwood, et al.Cherokee D 1193

Nora A. Webster, et al.Cherokee D 1269

D E C I S I O N.

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The record in these cases shows that the following named persons appeared before the Commission at the places hereinafter designated and made application for the enrollment of the following named applicants as Cherokee citizens.

On August 7, 1900, Edmund Fleetwood appeared before the Commission at Sallisaw, Indian Territory, and made personal application for the enrollment, among others, of himself as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muldrow, Indian Territory, on August 13, 1900, and at Muskogee, Indian Territory, on January 23, 1902, and February 10, 1902. The other parties to the application are differently classified and are not embraced in this decision.

On December 11, 1900, Harris B. Webster appeared before the Commission at Tahlequah, Indian Territory, and made application for the enrollment of his wife, Nora A. Webster, and his minor child, Sallie J. Webster, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on January 14, 1902, January 23, 1902, February 10, 1902, and July 16, 1902.

The evidence shows that on September 7, 1896, Eljerry Fleetwood, et al., filed their application before the Commission to the Five Civilized Tribes for admission to citizenship in the Cherokee Nation, under the Act of Congress, June 10, 1896 (29 Stats., 321). The applicant, Edmund Fleetwood, does not appear to have been embraced in that application. The Docket entry of the Commission disposing of the case of Eljerry Fleetwood, et al., admitted all those for whom application was made, and included the name of Eddie Fleetwood. The applicant, Edmund Fleetwood, claims that the Eddie Fleetwood mentioned in said Docket entry was intended for him; that he was embraced in the application of Eljerry Fleetwood, et al., and that he was admitted to citizenship in the Cherokee Nation by the Commission on November 24, 1896, under the name of Eddie Fleetwood. It further appears that an appeal was taken from the decision of the Commission in the case of Eljerry Fleetwood, et al., to the United States Court in Indian Territory, Northern District, but it does not appear that Eddie Fleetwood or Edmund Fleetwood was included in that appeal or in any proceedings in the said Court concerning the said case. It is not clearly shown that the Eddie Fleetwood, who appears by the Docket entry of the Commission to have been admitted to citizenship on November 24, 1896, is the applicant herein. It is not shown how Eddie Fleetwood became a party to the said case

before the Commission, of Eljerry Fleetwood et al.


The evidence further shows that the said Edmund Fleetwood is a Cherokee by blood, his mother being a full blood Cherokee; that the said Nora A. Webster is the child of the said Edmund Fleetwood, and upon an examination of the Pay rolls of the Cherokee Nation of the year 1888, it appears that the said Edmund Fleetwood and Nora A. Webster are identified on that roll as native Cherokees, the latter under the name of Nora Fleetwood, and the said Edmund Fleetwood is also identified on the 1890 Pay roll of the Cherokee Nation as a native Cherokee.


Sallie J. Webster is shown, by the evidence, to be the minor child of the said Nora A. Webster.

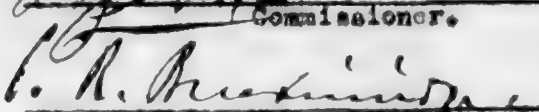
The evidence further shows that the said Edmund Fleetwood has resided in the Cherokee Nation all his life; that he was a resident of said Nation at the date of the application herein; that the said Nora A. Webster resided in the Cherokee Nation all her life up to about three years next before the application for her enrollment, and that during said three years she has resided in the Chickasaw Nation. It is considered that the residence of the minor child, Sallie J. Webster, since her birth, has been that of her mother.

It is, therefore, the opinion of this Commission that Edmund Fleetwood, Nora A. Webster and Sallie J. Webster 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., 498), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.


Commissioner.


Commissioner.

Dated at 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 Edmund Fleetwood et al for enrollment as citizens of the Cherokee nation by blood, consolidating the cases of

Edmund Fleetwood et al Cherokee D----- 1193

Nora A Webster et al Cherokee D 1269.

Protest of the Cherokee nation.

Comes now the Cherokee nation and protests against the decision of the Commission rendered in these cases and respectfully asks that they be forwarded to the Honorable Secretary of the Interior for review.

The record in this case shows that on August 3th 1900 Edmund Fleetwood the principal applicant in this case appeared before the Commission at Ballisaw Indian Territory and applied for the enrollment of himself and family; his last wife being a Cherokee by blood she and her minor children are differently classified and were enrolled upon a straight card. At that time Edmund Fleetwood claimed that he had always been a recognized citizen of the Cherokee nation and he made no claim whatever of having been admitted by the Commission to the Five Civilized Tribes in 1896; Upon the other hand the record shows that he was asked the question: "Is there any evidence that you can produce that you have ever been admitted and recognized by the Cherokee authorities as a citizen of the Cherokee nation?" His answer was "I drew money with them." At this time he made no claim to have been enrolled by the Commission. About a week later on August 15th 1900 while the Commission was in session at Muldrow, Indian Territory, after his brother Eljerry Fleetwood had applied there, who lives at Long, Indian Territory, a short distance from Muldrow and after it was discovered that by some means the name of "Eddie Fleetwood" was included among those admitted upon the Dawes Commission 1896 docket then for the first time the applicant Edmund Fleetwood appeared before the Commission and

claimed that he was the identical person who was admitted as "Eddie Fleetwood". He does not claim to have made the application in person but says that his relatives made it for him; he knew nothing about it at the time; although born long prior to the war he gave no testimony at that time and neither was the name of his daughter Nora A. Webster, nee Fleetwood, found upon this docket of the Dawes Commission along with his own although the names of all other minor children of his brother and other relatives are found thereon.

A careful examination of all of these records shows that no application whatever was made for Edmund Fleetwood, the applicant, and the Cherokee Nation having been served with a copy of the original application when the appeal was taken from the decision of the Dawes Commission referred to the copy of the petition among the files and prepared their appeal from it and this appeal does not include the name of Eddie Fleetwood or Edmund Fleetwood. Neither does the commissions report; in fact the name of "Eddie Fleetwood" or Edmund Fleetwood is not found on any of the papers except in the testimony of some of the witnesses as to who were the descendants of the mother of Eljerri Fleetwood. Just how the name of "Eddie Fleetwood" ever got upon the Docket of the Dawes Commission will perhaps forever remain a mystery although it is quite clear that the applicant Edmund Fleetwood in no wise participated in making this application to the Commission in 1896 because if he had he would have known of it at Sallisaw I. T. on August 7th 1900; some notice would have been given to him and the name of his daughter Nora would have been included in the application with him.

Our contention is that Edmund Fleetwood was never recognized as a citizen of the Cherokee Nation; that he was not admitted by the Commission in 1896; that the name of "Eddie Fleetwood" was a clerical error made by the Clerk who in haste wrote a great many names upon the docket from the papers before him and that no application was made for Edmund Fleetwood as provided by the Act of Congress of June 10th 1896, the Commission acquired no jurisdiction whatever over his case.

Under the act of June 10th 1896 all applications must have been made within ninety days from the approval of this act and this time expired on September 8th 1896; Now the name of Eddie or Edmund Fleetwood is no

where found among the records of this case until it is found upon the Docket book of the Commission page 443 Docket B on November 24th 1896 or five and a half months after June 10th 1894 and two and a half months after the time had expired in which applications could be made and filed before the Commission under this act of Congress which gave jurisdiction.

But it is argued by the Commission that this man is a Cherokee by blood any way that his name appears upon two or three unauthenticated rolls. True his name appears upon the 1883 and 1886 rolls but they were unimportant rolls upon which very small payments were made and the attention of the Honorable Secretary of the Interior is called to the fact that the evidence taken before the Commission discloses the fact that the applicant Edmund Fleetwood had married a Cherokee wife before 1883 and that it was subsequent to this marriage to this Cherokee wife that his name by error appears upon these rolls. Why do we say by error? For the reason that the testimony further discloses that ~~whilaxhaxfamily~~ the whole family of Fleetwoods was rejected by what is known as the "Adair" court in 1888 where witness after witness was called and examined as to the rights of this Fleetwood family and after a most exhaustive hearing the Commission rendered a very lengthy decision rejecting all the members of this family who applied for citizenship including the mother of the present applicant whom the Commission in this decision very strangely finds to be a full blood Cherokee. We say that this shows conclusively that the appearance of the name of Edmund Fleetwood on the rolls of 1883 and 1886 is an error; that these rolls were unauthenticated; that the Cherokee Nation was not bound by them and that they ought not to be taken as evidence of the recognition of this man to citizenship in the Cherokee Nation. The testimony on file in this case shows all of the testimony taken before the Commission in 1887 and 1888 and it shows most conclusively that these people were not ~~recognized~~ recognized citizens of the Cherokee nation.

The truth of the matter is Edmund Fleetwood left the vicinity of Muskogee and moved to the vicinity of where he now lives in a different District or country among strangers, married into a Cherokee family, told the Census takers that he was a Cherokee by blood and represented that he had been so recognized and they enrolled him; but it must be borne in

mind that these rolls were never authenticated by the Cherokee Nation and never came up before the Cherokee National Council as a body for any action where the representatives of the Different districts where the applicant formerly lived would have a chance of protesting against his enrollment or of calling attention to the fact that it was an error to place his name upon any Cherokee roll. He was not enrolled in 1894; neither was he enrolled in 1896 neither does the name of his daughter Nora appear upon either of said rolls and while his name appears upon some of these other rolls that can be easily accounted for from the fact that her step mother was a Cherokee by blood that she bore her fathers name and it was perhaps not known that she was a step child of Edmund Fleetwood's wife in 1883 and 1886.

The Cherokee nation contends that the Commission has no authority now to admit or readmit persons to citizenship in the Cherokee Nation; that jurisdiction was conferred upon them by the acts of June 10th 1896 but under the act of June 28th 1898 and subsequent legislation it is the duty of the Commission now to enroll only recognized citizens of the Cherokee nation. Have the applicants Edmund Fleetwood and his daughter been recognized citizens of the Cherokee nation? We say that the most exhaustive trial before the Cherokee Citizenship court in 1888 clearly refutes the idea that this family was ever recognized because their names appear upon the rolls of 1883 and 1886, which were not authenticated, and is no evidence of their recognition because Congress by the act of June 10th 7th 1897 defined the rolls of citizens of the Cherokee nation to mean the last authenticated roll of the Cherokee nation, being that of 1880; and let us suggest right here that it is our humble opinion that it was never intended by Congress that the Commission should take into consideration any of the other rolls of the Cherokee nation except the authenticated roll only for the purposes of identification and residence and not for the purpose of proving recognition of citizenship.

This man Edmund Fleetwood at first claims that he was always a recognized citizen of the Cherokee Nation and that therefore when he married it was unnecessary for him to get a Cherokee Marriage license and later on when he finds an "Eddie Fleetwood" in the Commissions docket book he finds it convenient to cling tenaciously to that record.

We contend that the records show that he never applied to the Commission

sion under the act of June 10th 1896 and that the name of "Eddie Fleetwood found upon the Commission's docket book is a clerical error and has no reference whatever to the applicant for the three reasons:

- 1st That he never applied.
- 2nd That his daughters name is not along with his.
- 3rd That he never took any part in the trial before the newes Commission in 1896 or in the case upon appeal before the United States Court and that the application was not made for him before september 6th 1896, being the date of the expiration of the ninety days limit given applicants for filing their claims before the Commission; that the Commission had no jurisdiction over and could not consider it any more than they could now consider the application of a full blood Indian the time having expired under the recent act of Congress ratified by the Cherokee people on August 7th 1902 and we futher contend that he was never a recognized citizen of the Cherokee nation; that his name appears upon some of the less important rolls of the Cherokee nation by error because all of the other members of his family were rejected by the Adair Court in 1888 and we contend that he should not be enrolled as a citizen of the Cherokee Nation neither should his daughter Nora A Webster.

Respectfully submitted,

W. V. Hastings
Attorney for the Cherokee Nation.

Attest:

J. Starr
Stenographer for the Cherokee Nation.

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

ALISON L. AYLESWORTH
SECRETARY

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

Cherokee D 1269.
Cherokee D 1193.

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 Edmund Fleetwood for the enrollment of himself, and the application of Harris B. Webster for the enrollment of his wife, Nora A. Webster, and his minor child, Sallie J. Webster, 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 these cases, copies of which protest you will be required to serve upon the applicants. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enclosure H. No. 4.

COMMISSIONERS
HENRY L. DAWES,
TANS 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-1193 & D-1269

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 20, 1903.

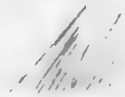
W. W. Hastings,

Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated December 1, 1902, granting the application for the enrollment of Edmund Fleetwood and Nora A. and Sallie J. Webster, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior, on February 10, 1903.

Respectfully,



Acting Chairman.

D1193

THE MATTER OF THE APPLICATION OF

Edmond Fleethood

FOR ENROLLMENT

HERNIMEE CITIZENS.

A Original testimony, Aug 7-1900.

B Memo. of application, Aug 7 1900.

C Supplemental testimony, Aug 13, 1900.

D Memorandum of transfer.

E Supp. oral testimony, Jan. 23, 1902.

F Sup. test from case of J. J. Holmes, 2/10/02.

G Sup. test and oral hearing test. 2/10/02.

See jacket No. 1036.

Cher D 1194

Cher D 1194

Department of the Interior,
Commission to the Five Civilized Tribes,
Ballisaw, I.P., August 7, 1900.

In the matter of the application of Lewis Tynor for the enrollment of himself, wife and children as Cherokee citizens; being sworn and examined by Commissioner Bruckneridge, he testified as follows:

- Q What is your full name? A Lewis Tynor.
- Q What is your age? A 24.
- Q What is your post office? A Wagon.
- Q What is your district? A Illinois Cherokee land.
- Q For whom do you make application for enrollment? A Myself and family.
- Q Wife and children? A Yes, sir, wife and 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 About 1/8.
- Q Do you apply for your wife as a Cherokee by blood? A No, sir, I didn't, my father in law did.
- Q Are you applying now for your wife? A Yes, sir.
- Q Is your wife a Cherokee by blood? A Yes, sir.
- Q What proportion of Cherokee blood do you claim for her? A She is about 1/8.
- Q Has she not already been applied for? A Not here, we were admitted under Springer's decision.
- Q I am talking about now; you are making application now for enrollment, you are representing your wife? A Yes, sir.
- Q Is anybody else representing your wife? A No, sir.
- Q Are you on any of the rolls of the Cherokee Nation? A No, sir, none whatever.
- Q Have you ever been admitted by the Cherokee authorities as a citizen of the Cherokee Nation? A No, sir.
- Q You are applying now as a Cherokee by blood? A Yes, sir.
- Q What is your wife's name? A Martha Elizabeth.
- Q Have you ever applied to the Dawes Commission for admission? A Yes, sir.
- Q Were you accepted or refused? A Refused before then.
- Q Did you appeal to the United States Court? A Yes, sir.
- Q What did the Court do? A They admitted me.
- Q Have you got a copy of the decree? A No, sir, the boys had a copy here yesterday, but they take it off with them and I couldn't get it back.
- Q What is your middle name? A I haven't got any middle name, it is Lewis Tynor.
- Q What was your father's name? A Lewis Tynor, brother to Jesse L. Tynor. My father's name is not on that book I don't suppose; my grandfather's name was Lewis Tynor too.
- Q Mr. Tynor, you say you were admitted by Justice Springer of the United States Court? A Yes, sir.
- Q I find in referring to the records here that as shown in what is indicated as Texas No. 3596, a decision of Justice Springer admitted among others, one Lewis C. Tynor; you think that is intended for you? A That is intended for me, I am satisfied, there is no other Lewis in the bunch.
- Q How long have you lived continuously in the Cherokee Nation? A 22 years or a little over.
- Q Now your wife, is she enrolled in the decree of the United States court? A She ought to have been.
- Q Is that the way you claim citizenship for her? A Yes, sir, all the names went up when mine did.
- Q Her name is Martha E.? A Yes, sir.
- Q She is not on any of the rolls of the Cherokee Nation? A No, sir.

Louis Tynor - 2.

Q Your wife's name is not found in the data we have of the decrees; you have no copy of any decrees that you can exhibit? A No, sir, that just to the head of the family is all they ask to see.

Q How your children, do you claim any of them are on the rolls of the Cherokee Nation? A No, sir.

Q Do you claim any of them are in the decrees of the United States Court? A They should be, we sent the names in with ours.

Q If they are not in the decrees which you mention, can you suggest any other decrees? A No, sir.

Q What are the names of your children, Mr. Tynor? A Robert Lee is the oldest one.

Q What is his age? A 12 years old now.

Q What is the next child? A The next two is twins, Grial, Sarah Deillah and Mary Louisa.

Q How old are the twins? A They are 10 years old.

Q What is your next child? A The next one is a girl, 6 years old, Mattie, Baseline.

Q Your next child? A The next one is a boy, William Dempsey, 4 years old.

Q Your next child? A John Lewis, 3 years old.

Q Is that the last child? A Yes, sir.

Mr. Tynor, according to your testimony neither you nor any of your family are upon any of the rolls of the Cherokee Nation, nor do you claim that any of you have ever been admitted to citizenship in any other way than by the action of the United States Court. Now upon consulting the records of the United States Court it is found that one Lewis G. Tynor was admitted by Judge Springer, as recorded in what is known as Daves No. 5590, but it will need to be established by further investigation of the records and inquiry other than can be made at this time whether you are the Lewis G. Tynor mentioned, so at present your application will be placed upon a doubtful card.

Now as regards your wife, Martha B., and the six children whose names you have enumerated, their names are not found on any record of the Court, or at least they are not enumerated in any favorably decision of the Court. That fact, in view of the other facts which have been cited, gives this Commission no authority to admit them to enrollment at this time, nor even under the law to consider the application. A memorandum will be made of the action of the Commission and its action will be reported to the Secretary of the Interior for his final approval.

Ernest C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Ernest C. Jones

Sworn to and subscribed before me this the 9th day of August, 1900.

*Alfred A. ...
Commissioner*

D 1094

Cherokee D 1094.

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

In the matter of the application for the enrollment of Ephraim Thorne and his three minor children, William R., Louella and James W. Thorne, as citizens by blood of the Cherokee Nation.

D E C I S I O N .

The record in this case shows that on February 12, 1901, Ephraim Thorne appeared before the Commission at Muskogee, Indian Territory, and made personal application for the enrollment of himself and his three minor children, William R., Louella and James W. Thorne, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 19, 1902.


The evidence shows that the said Ephraim Thorne is a Cherokee by blood; that he was lawfully married on December 10, 1883, to Carrie Manly, a white woman; that the two minor children, William R., and Louella Thorne, are the issue of that marriage, and that the said Ephraim, William R., and Louella Thorne were recognized as citizens of the Cherokee Nation in an Act of the National Council, approved November 27, 1894. The said Ephraim, William R. and Louella Thorne are identified on the Cherokee census roll of 1896 as Cherokees by blood.

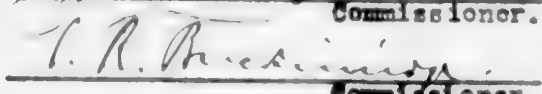
It further appears that the said Carrie Thorne died about the year 1895; that on August 22, 1897, the said Ephraim Thorne was lawfully married to Sallie McPherson, a white woman, and that the child, James W. Thorne, is the issue of that marriage. The said James W. Thorne is too young to be upon any tribal roll of the Cherokee Nation, but he is identified by a birth affidavit on file with this Commission.

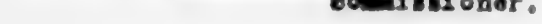
It further appears that the said Ephraim Thorne was born in the Cherokee Nation, and resided therein until 1880; that from 1880 to 1890, he was engaged in railroading from Muskogee, Indian Territory to Denison, Texas; that since 1890 he and the children herein applied for have resided continuously in the Cherokee Nation, and that they were residents of said nation at the date of the application herein.

It is, therefore, the opinion of this Commission that Ephraim Thorne, William R. Thorne, Louella Thorne and James W. Thorne 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.



Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

this SEP 20 1902

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

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN FULL TO THE FOLLOWING

Cherokee D 1094.

ALLISON L. AYLESWORTH
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

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 Ephraim Thorne for the enrollment of himself and his three minor children, William R., Louella and James W. Thorne, 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. 112.

D 1194

IN THE MATTER OF THE APPLICATION OF

John E. Smith

FOR RECOGNITION AS

CHEROKEE CITIZENS.

11-11-11

Dir

Montana E. byer et al

CANCELLED

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12/17/02

Office of the Commissioner,

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Cher D 1195

Cher D 1195

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 10, 1901.

In the matter of the application of Martha Carey for the enrollment of herself as a Cherokee by intermarriage, and for the enrollment of her four children as Cherokees by blood.

Martha Carey, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Martha Carey.
Q How old are you? A 44.
Q What is your post office? A Southwest City (Mo.)
Q What district do you live in? A I don't know about the district, what it is, we live close to Southwest City.
Q You live close to Southwest City? A Yes, sir, eight miles west.
Q You apply to be enrolled as a Cherokee; who do you want to enroll
A Just for my children, they are Cherokees.
Q You want to enroll for your children? A Yes, sir.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Mike Carey.
Q How old is he? A He was 74.
Q Is he living? A No, sir, he died the 4th of March.
Q When were you married to him? A 1885 I think.
Q How many children have you? A Four boys, I have six, but only four of his.
Q Give me their names please? A George Carey.
Q How old is he? A He is 15.
Q What is the next one? A Walter.
Q How old is Walter? A He is 13.
Q What is the next one? A Thomas.
Q How old is Thomas? A He is 11.
Q The next one? A Rhoda, 8 years old.
Q The next one? A That is all, just four; I have six, but they are not Cherokees, the other two.
Q They were your children before you married Carey? A Yes, sir.
Q You are a white woman? A Yes, sir.
Q Was Carey's first wife named Nancy? A Yes, sir, his first wife.

The 1880 authenticated roll of Cherokee citizens examined, and the name of Mike Carey found thereon, page 749, No. 468, Tahlequah district.

- Q Is Nancy Carey dead? A Yes, sir, she has been dead a good many years.
Q Have you married since Michael Carey's death? A No, sir.
Q Is Michael Carey your first husband? A Second.
Q Was your first husband living when you married Michael Carey?
A I don't know, I don't know whether he was living or dead.
Q Didn't have any divorce from him? A No, sir, he just went off on business and I never heard tell of him any more.
Q You only apply then for your children; you don't apply for yourself? A I don't know how that will be.
Q Have you any certificate of marriage between you and Mike Carey?
A Yes, sir, I have it here.

Commissioner: Applicant presents a certificate of marriage certifying that she was married to Michael Carey on the 17th of September, 1885.

- Q What was your name before you were married? A Lewis.
Q You don't know whether your first husband is dead or alive?
A No, sir, I can't tell, he never could be found; I don't know what became of him.

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

- Mike Carey on page 452, No. 662, Delaware district;
George Carey on page 452, No. 663, Delaware district;
Walter Carey on page 452, No. 664, Delaware district;
Thomas Carey on page 452, No. 665, Delaware district, as

Martha Carey - 2.

Tommy Carey:

Rhoda Carey on page 452, No. 666, Delaware district;

Martha Carey on page 567, No. 78, Delaware district.

Q Are these children all alive at this time? A Yes, sir.

Q Did you live with Michael Carey until the time of his death?

A Yes, sir.

Q You haven't been married since? A No, sir.

By W.W. Hastings, Cherokee attorney: You married him in Tahlequah?

A Yes, sir, in Tahlequah.

Q Where did you live with him? A At Tahlequah till the last seven years we lived here in Delaware district, close to the Court house.

Q Where did Mike Carey die? A He died right here where I am living, on the head of Branch Creek.

Q About how long ago? A The 4th day of March he died.

Q He was an old man and very nearly blind, wasn't he? A Yes, sir, he was blind in one eye and couldn't see very well.

Q Where did you live with him while you lived in Tahlequah district, in what part of the district, how far from town? A We lived 15 miles southwest of Tahlequah and about half the time we lived right in town, just left the farm with someone else.

Q Where were you when your first husband went off from you?

A We were coming from Texas.

Q Were you along on the road or did you stop at some place? A We had stopped at a place.

Q And he gave some excuse to leave you? A Yes, sir.

Q How long did you live with him prior to the time he left you?

A Four years.

Q You had two children by him? A Yes, sir.

Q About how long was it before you married? A As near as I can recollect, two years.

Q You don't know what became of him? A No, sir, I don't know what became of him.

Q Never heard of him since? A No, sir, they followed him and they couldn't get any track of him, or nothing.

Q Where did he say he was going when he left you? A We had stopped for a while, it turned cold, and he said he was going out six miles to buy a bedstead to put up where we were stopped.

Q Mrs. Carey, with whom do you live; do you live with your family or live with someone? A I just live with my family.

Q Who are your neighbors over in Delaware? A Mr. Shell Pierce is one.

Q Who else? A Mr. Brewster.

Q They are not citizens are they? A No, sir, they are just renters.

Q Who has got any farm near you in that country? A There are no Cherokees at all, just the renters around where we live.

Q There is no citizens at all over in your neighborhood anywhere?

Q They may be farther in the west, I never have been around, we have only been there a year.

Q You moved from the old Court House up to the point where you live now? A Yes, sir.

Q Do you live west of Southwest? A Yes, sir, and there is a neighborhood of Cherokees still farther west of that, and I don't know them.

Commissioner: These children are all living are they? A Yes, sir.

Q Have you lived continuously in the Cherokee Nation since you married Michael Carey? A Yes, sir.

Commissioner: Martha Carey applies for the enrollment of herself and her four children, to-wit, George, Walter, Thomas, and Rhoda. She avers that she was married to one Michael Carey, and presents satisfactory proof of said marriage to said Carey a Cherokee by blood. The name of said Michael Carey is

Martha Carey et al. -3.

found upon the authenticated roll of 1880 and the census roll of 1896. The names of her children, George, Walter, Thomas and Rhoda are found upon the census roll of 1896. They are all duly identified and make satisfactory proof as to their residence. Said Martha Carey avers that she was formerly married to one —

Q What was your first husband's name? A B. M. Lewis.
(continuing) B. M. Lewis, that said B. M. Lewis abandoned her and she has not heard from him in the last 23 or 24 years, but she avers that she has never procured a divorce from him, and does not know whether he is alive or dead.

They are all duly identified and make satisfactory proof as to residence, consequently Martha Carey's name will be placed upon a doubtful card, awaiting further consideration of the Commission, and the children, George, Walter, Thomas, and Rhoda will be listed for enrollment as Cherokee citizens by blood.

It might be well in this connection to investigate the rights of said children because of the fact that the mother was not divorced from her former husband before she married said Michael Carey.

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

Bruce G. Jones

Sworn to and subscribed before me this the 10th day of May, 1901.

Chas. H. ...

Commissioner.

CHEROKEE-D-1195

Sept. 17th 1885.

Mike Carry and Martha Lewis a citizen of the U. S. was
joined in marriage by me the day above written.

Wilson Hair
Judge Tahlequah Dist I.T.

A true copy from Record in Clerk's office of Tahlequah District, C.N.
I.T.

I, the undersigned stenographer to the Commission to the
Five Civilized Tribes do hereby certify that the above and foregoing
is a true and correct copy of the original offered in evidence in
the matter of the application for enrollment of Martha Carey as a
citizen of the Cherokee Nation.

Muskogee, Indian Territory,

June 10, 1902.

W. S. Kaufman

File with Cherokee case No. 7469.

Supl.-C.D.#1195.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 21, 1902.

SUPPLEMENTAL in the matter of the enrollment of MARTHA CAREY
as a citizen of the Cherokee Nation:

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Mr. Hastings, Cherokee Representative: The Cherokee Nation desires to call attention to the fact that the children of this woman, who is a white woman, was erroneously enrolled on Cherokee straight card No. 7469, because it is shown in this testimony that this woman, who is a white woman, was not divorce from her former husband and, therefore, not free to contract a marriage with the father of these children.

Commission: It is directed that a copy of this statement be filed with and made a part of the record in Cherokee straight case No. 7469.

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I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly copied the above portion of the supplemental proceedings had in the case of Martha Carey, and that the above is a true and correct copy of the same.

J. O. Rosson

7469 CD1195

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 31 1902



ACTING CHAIRMAN

Supl.-C.D.#1195.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 21, 1902.

SUPPLEMENTAL in the matter of the enrollment of MARTHA CAREY
as a citizen of the Cherokee Nation:

The applicant was notified by registered letter March 1, 1902, that the application for her enrollement as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at the offices of the Commission in Muskogee, Indian Territory, on the 21st day of March, 1902, and that on said date she could appear before the Commission either in person or by attorney. The applicant has this day, to-wit: the 21st day of March, 1902, been called and failed to respond either in person or by attorney.

Mr. Hastings, Cherokee Representative: The Cherokee Nation desires to call attention to the fact that the children of this woman, who is a white woman, was erroneously enrolled on Cherokee straight card No. 7469, because it is shown in this testimony that this woman, who is a white woman, was not divorced from her former husband, and therefore, not free to contract a marriage with the father of these children.

Commission: It is directed that a copy of this statement be filed with and made a part of the record in Cherokee straight case No. 7469.

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.

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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 above proceedings and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

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

In the matter of the application for the enrollment of Martha Carey 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 May 10, 1901, Martha Carey appeared before the Commission at Vinita, Indian Territory, and made personal application for the enrollment, among others, of herself 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 21, 1902. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that the said Martha Carey was lawfully married on September 17, 1885, to Mike Carey, a citizen by blood of the Cherokee Nation. The said Martha Carey is identified on the 1896 census roll of the Cherokee Nation.

The evidence further shows that the said Martha Carey had been previously married to one B. M. Lewis who abandoned her about two years prior to her marriage to Mike Carey, and that she has not heard anything of him since his said abandonment.

If a married partner has been absent and not heard of less than the statutory period and the other marries within that time, the law favors the presumption of innocence, making the second marriage good, and the burden of proof is on the party objecting. (1 Bishop on Marriage, Divorce and Separation, 953-956).

The evidence further shows that the said Martha Carey lived with her husband, Mike Carey, in the Cherokee Nation until his death; that she continued to reside therein; that she was a resident of said Nation at the date of the application herein, and that she has not remarried since the death of her husband, Mike Carey.

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

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this _____

COPY.

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. Vieter	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	263	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	1140	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 Pideock	1517	John A. Madden	2261
Silas A. Saterfield	1529	Henry C. Pennel	2271
Laura J. Jeremiah	1530	Matilda S. Cleland	2302
Etta Hicks	1540	Dona A. Frazier	2312
Mary A. B. McKinney	1550	Laura B. Cordrey	2320

Lafayette 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 Baldrige	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. Eggleston	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 Dittthrower	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	Roxie J. Ketchum	4623
Sydney E. Bell	4232	Lizzie Love	4626
Isaac H. Jordan	4235	Robert K. Wann	4632
Charles Parks	4244	Frederick Metzner	4633
Dora Frenchman	4262	John C. Bratcher	4634
James R. Fugate	4275	Pigrow L. Jones	4641
Maud Adams	4277	Ada Bertholf	4642
Elizabeth Black	4281	Alice Robbins	4644
Anna Thornton	4291	Jane Dougherty	4649
Robert T. Morrison	4294	Samuel Francis	4650
Perley Israel	4295	Clemon C. Peek	4652
William A. Long	4304	Mont C. Frazier	4653
Mollie Swannock	4319	Frank J. Mayberry	4656
Frances Guess	4324	Charles W. Moore	4660
Allen H. Gibson	4327	Jefferson D. Edmondson	4661
John McFall Jr.	4343	Alonzo H. Boone	4662
Albert W. Fitzsimmons	4360	Thomas C. Mock	4668
George S. Ford	4386	Sallie Allison	4669
Quinn Carr	4387	Elizabeth E. Burgess	4671
William A. Powell	4390	LaFayette Breeden	4673
Austin Hasley	4400	James M. Boling	4676
Anna Bible	4414	Francis A. Neilson	4681
Elizabeth Riley	4428	John F. Smith	4689
John P. Sudderth	4449	Rufus S. Steward	4691
Anderson Keen	4450	John I. Haddock	4694
Ida M. Adams	4451	Maggie O. Walkley	4695
Martha J. Randall	4457	George W. Talbert	4698
Mollie Conner	4477	Mary Miller	4700
Jane McGhee	4491	Henry C. White	4707
Jennie Riley	4525	Mattie E. Hill	4760
Hannah Randall	4528	Alice A. Bible	4772
Charles W. Childers	4542	Katie Coker	4785
Nannie B. Riley	4543	John Creek	4801
John W. McDaniel	4544	Ruby R. Bean	4804
Minnie Armstrong	4548	William J. Dodson	4836
Ada Chouteau	4549	Blackburn Reed	4882
Mary Thompson	4571	Viola Lowther	4891
Ota Armstrong	4593	William B. Ritchson	4910
Mary Spencer	4594	Henry D. McDonald	4950
Clarkson F. Woody	4603	Della McDaniel	4956
James M. McConnell	4604	Dorothy Rattlingourd	4991
Annie E. Coker	4605	Ida McCay	5093
Jennie Long	4606	Henry M. Lyon	5100
Julia Gilstrap	4607	Alice J. Wofford	5101
Laura E. Smith	4608	Nancy Morris	5137
Annie Nicholas	4609	Ella Sullivan	5140
Minnie R. Taylor	4611	Winfield Williams	5144
Mary E. Rogers	4614	Bessie M. Smith	5145
Emma Downing	4615	May Humphrey	5207
William Steere	4619	Donnie Burgess	5235

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

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. Bueckner	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 Baldrige	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	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	9590	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	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 Paece	10060	Everett M. Lawrence	10148
Wiley B. McElhanev	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 Baldrige	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. Fields	10214	Adolphus J. Hallum	D 483
Susie Henderson	10216	Alexander Walker	D 490
Charles H. Rienhardt	10218	Albert J. High	D 491
William H. Watkins	10221	America Matoy	D 501
Frank M. Rucker	10222	Moses L. Grazier	D 503
Henry C. Reed	10224	Myrtle Hall	D 509
Laura B. Timberlake	10226	Wallace Thursday	D 544
George A. Brown	10228	Thomas W. Baker	D 546
Drucilla Lowrey	10232	Mattie E. Keys	D 550
Almira Mouse	D 9	William S. Edwards	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. Hawkins	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
Leviak 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 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. Collier	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 Blakency	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	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 Tauuneacie	D 2831
William R. Lipsey	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
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	Enrma 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

Lue Fish	D	3081	Della Baldrige	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

Tamo Blaxby

Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

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

ALLISON L. AYLESWORTH.
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1195

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 1,

1902.

Mrs. Martha Garoy,

Southwest City, Missouri.

Madam:-

You are hereby notified that the application of **yourself**

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

March 21, 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 **as you may deem necessary.**

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

Yours truly,

Register.

Attest:
Commissioner in Charge.

Cherokee B-1186.

Muskogee, Indian Territory, October 11, 1902.

Martha Carey,
Southwest City, Missouri.

Dear Madam:

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 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 an intermarried citizen of the Cherokee Nation on September 1, 1902. It will also be necessary that you introduce further testimony as to your separation from your former husband or showing that he died prior to the date of your marriage to Michel Carey.

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.

Martha Carey-E.

as an intermarried citizen of the Cherokee Nation.

Please present this letter when you appear before the
Commission.

Respectfully,

Commissioner in Charge.

Cherokee D-1195

Muskogee, Indian Territory, December 3, 1902.

Martha A. Carey,
Maysville, Arkansas.

Dear Madam:-

The Commission is in receipt of your letter of November 26, relative to your application for enrollment as a citizen by intermarriage of the Cherokee Nation.

In reply, you are advised that, before determining the right of any person to citizenship by intermarriage in the Cherokee Nation, the Commission requires such applicant to appear in person and testify relative to his or her right to enrollment on September 1, 1902.

This testimony you have not yet introduced and until same is presented to the Commission, your application for enrollment will not be complete. You will be allowed until December 22, 1902, in which to appear before the Commission at its offices at Muskogee, Indian Territory, and give this testimony.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, December 20, 1902.

Martha A. Cary,
Maysville, Arkansas.

Dear Madam:-

The Commission is in receipt of your letter of December 13, relative to the application heretofore made for the enrollment of yourself and your children as citizens of the Cherokee Nation.

In reply, you are advised that your children are regularly listed for enrollment as citizens of the Cherokee Nation. You are listed upon a doubtful card and no decision has yet been rendered as to your right to enrollment.

In this connection, you are advised that, before determining the rights of any person claiming citizenship by intermarriage in the Cherokee Nation, the Commission requires such person to appear in person and testify as to his or her rights to enrollment on September 1, 1902. A notice to this effect has heretofore been mailed you.

You are advised that, until this testimony is given, your application for enrollment will not be complete. Such testimony can be given before the Cherokee Land Office at Vinita, Indian Territory, any time after January 5, 1903.

Respectfully,

Commissioner in Charge.

REFER IN REPLY TO THE FOLLOWING

Char. D 1195

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

Muskegee, Indian Territory, January 10, 1907.

Martha Carey,
Maysville, Arkansas.

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,

Commissioner.

Incl. Decn. D

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

073

REFER IN REPLY TO THE FOLLOWING:

Cherokee 11195

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

Muskogee, Indian Territory, March 14, 1907.

Martha Carey,
Maysville, Arkansas.

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.

EPI

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 improvement on land tentatively selected by a

ried 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.

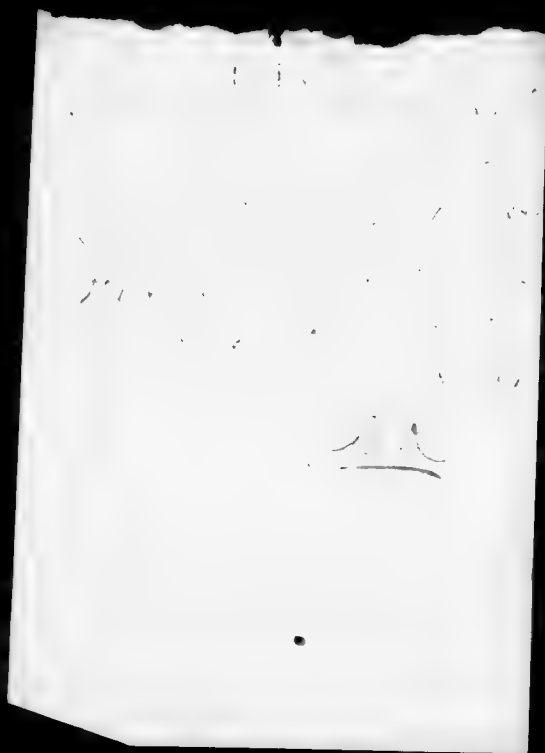
Designations must be made in person by the intermarried white claimant, or in case proper proof is made that he is physically unable to appear, by some adult member of his immediate family, or in case proper proof is made of the fact that the intermarried white claimant is physically unable to appear 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.

Commissioner to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

44
43

Mrs. Martha Carey,

Southwest City, Mo.

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



10 1195
Return to

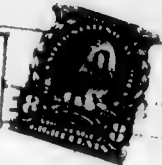
~~Martha Carey,
Wayville, Arkansas.~~

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

MUSKOGEE,
IND. T.



Martha Carey,

Maysville, Arkansas.

*Returned to
writer by express
with...*

3030

CHEROKEE D 1195

Martha Corey

A. Original testimony
May 10, 1901.

B. Memo of application
May 10, 1901

C. Marriage Certificate.

D. Notice of Juvenile
Court, 3 p/02.

11.5

See Cherokee Jacket

No. 7469.

Division E

Cher D 1196

Cher D 1196

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MULDROW, I.T., AUGUST 14, 1900.

In the matter of the application of Rachel Edwards for enrollment as a citizen of the Cherokee nation, said Edwards being sworn by Commissioner Breckinridge, testified as follows:

- Q What is your name? A Rachel Edwards.
Q How old are you? A 72.
Q What is your postoffice? A Muldrow.
Q In what district do you live? A Sequoyah.
Q Who is it you want to have enrolled at this time? A Myself only.
Q Do you apply as a Cherokee citizen by blood? A Yes.
Q How much Cherokee blood do you claim? A One-quarter.
Q Are you on the roll of '80? A Yes.
Q Are you on that roll as an Edwards? A A yes.
Q How long have you lived in the Cherokee Nation? A Since I was 12 or 13 years old, as well as I can recollect.
Q Did you ever apply to the Dawes Commission for ~~enrollment~~ admission?
A I don't know.
Q Have you ever moved out of the Cherokee Nation? A Not since the close of the war.
Q It appears that you applied to the Dawes Commission and that your application was filed September 8, 1896, and that you were denied enrollment by the Commission and that no appeal was taken from that decision. Your case, madam, has already been adjudicated, you having been denied enrollment by the Dawes Commission in your application filed September 8, 1896, Dawes No. 5414, and the Record showing that a no appeal was taken therefrom, that the decision stands and your application is denied at this time. We have no jurisdiction over your case and a memorandum will be made of it under case rejected for want of jurisdiction.

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

Brown McQuinn

Subscribed and sworn to before me this 14th day of September, 1900.

J. H. Kinley
Commissioner.

~~March 29~~

1196 DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 18 1900

[Handwritten signature]

W. L. GIBSON

[Vertical handwritten text]

[Large handwritten signature]

Supl.-C.D.#1196.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 24, 1902.

SUPPLEMENTAL in the matter of the enrollment of RACHEL EDWARDS
as a citizen of the Cherokee Nation:

The applicant was notified by registered letter March 1, 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 21st day of March, 1902. On said day the applicant appeared by her attorney Willis C. Bruton, Muldrow, Indian Territory, and by agreement the case was continued until the 24th day of March, 1902. The same being this day, the 24th day of March, 1902, called and the applicant failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

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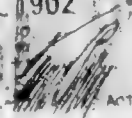
I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings had this day in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

21196

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FULLY CIVILIZED TRIBES

FILED
APR 2 1902



ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Tuskegee, I. T., April 11, 1902.

In the matter of the application of Rachel Edwards for the enrollment of herself as a citizen of the Cherokee Nation.

BY THE COMMISSION: It appears from an examination of the authenticated roll of 1890, that the name of one Rachel Edwards, aged at that time 43 years, is found on Page 934, No. 482 in Sequoyah District.

It is directed that copies of this statement be filed with the testimony in the above case.



Commissioner.

201196

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 11 1902

ACTING CHAIRMAN

Commissioner

is directed that copies of this

is found on page 204, No. 425 in Bureau of
the name of the Bureau of
from an examination of the
of the
of the

Washington, D. C., April 11, 1902.
COMMISSION TO THE FIVE CIVILIZED TRIBES,
DEPARTMENT OF THE INTERIOR.

Cherokee D 1196.

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

In the matter of the application for the enrollment of
Rachel Edwards 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 August 14, 1900, Rachel Edwards appeared before the Commission at Muldrow, Indian Territory, and made application for the enrollment of herself as a citizen by blood of the Cherokee Nation.

The evidence in this case shows that Rachel Edwards at the time of the application herein was 72 years old and is identified on the Cherokee authenticated tribal roll of 1880. The evidence further shows that said Rachel Edwards has lived in the Cherokee Nation continuously since her said enrollment in 1880.

From the records in this office it appears that the applicant herein filed with this Commission her original petition for admission to citizenship in the Cherokee Nation under the Act of Congress, June 10, 1896 (29 Stats., 321), and the same was denied by the Commission and no appeal was taken therefrom.

It is the opinion of the Commission that its action upon the petition of said Rachel Edwards, under the said Act of June 10, 1896 (29 Stats., 321), was without authority of law, and that, following the decision of the Department in the case of Wiley Adams (I.T.D. 4398-1903), Rachel Edwards 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 therefore so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

James Birney

Chairman.

(SIGNED)

F. B. Needles

Commissioner.

(SIGNED)

C. R. Breckinridge

Commissioner.

(SIGNED)

W. E. Stanicy

Commissioner.

Muskogee, Indian Territory,

this MAR - 3 1904

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

In the matter of the application for the enrollment of Rachel Edwards
et al as citizens of the Cherokee Nation.

Cherokee D 1196.

The Cherokee Nation respectfully protests against the decision of the
Commission in this case and requests that the record of proceedings be
forwarded to the Honorable Secretary of the Interior for Review.

Respectfully,

Attorney for the Cherokee Nation.

RECEIVED
DEPT. OF THE INTERIOR
JAN 10 1886

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COMMISSIONER
TAM. BIXBY
THOMAS H. NEEDLES
H. BRECKINRIDGE
WM. L. TAA.
SECRET

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

CHEROKEE D 1196

Cherokee D 1196

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 8, 1904.

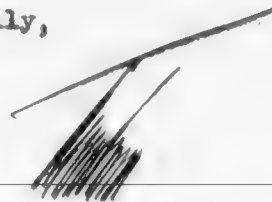
W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting the application for the enrollment of Rachel Edwards 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 protest you will be required to furnish the applicant. If you fail to file such protest within the time allowed this decision will be considered final.

Respectfully,



Encl. V20

Chairman.

COMMISSIONERS:

TAMM BEESY,

THOMAS B. WHEELER,

C. R. BRACKENRIDGE,

WM. O. BEALL,

Secretary.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER TO ONLY TO THE FOLLOWING:

Cherokee

D-1196.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 25, 1904.

W. W. Hastings,

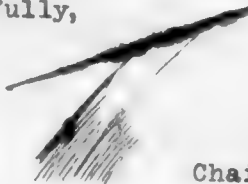
Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated March 5, 1904, granting the application for the enrollment of Rachel Edwards as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 3, 1904.

Respectfully,



Chairman.

Rachel Edwards

~~1. Circular to Board, Aug 14, 1900.~~

~~2. Memo to Board, Aug 14, 1900.~~

~~3. Memo to Board, Aug 14, 1900.~~

4. ~~1. at meeting of the board.~~

collaboration of final consideration, 3/21/02

Cher D 1197

Cher D 1197

Com'r Brockbridge: The records of the Commission, docket B pages 443 and 444, Dawes #5372 and case #259 show that proceedings were had in regard to the application of sundry persons, whose application was filed before the Commission September 7th 1896; an appeal was taken from the action of the Commission to the United States Court; the record shows that by the judgment of the court rendered November 10 1899 sundry persons were admitted to citizenship, among them La Fayette Teel.

Q What is your name, sir? A Yes sir.
Q I see in the record of William La Fayette Teel, that the name of your ~~youngest~~ oldest child is? A No sir, it is the oldest one that is at home now with me.

Q I want to know whether this William La Fayette Teel whose name appears in the court record, in the name of your oldest child, for you are making application now? A Yes sir.

Com'r Brockbridge: The name of the applicant and of these three children, William La Fayette, John Hurst and Marie Teel, all a year duly of record as just indicated as having been admitted to citizenship as Charles by blood, by the Dawes Commission, and subsequently, it stated, an appeal having been taken by the Charles Nation, that admission was confirmed by the United States Court; now the name of the applicant's wife does not appear in the list of names in the record of those for whom application was made for admission to citizenship; nor does it appear in any record in connection with these proceedings.

Q Your wife is not on any roll in the Dawes action? A No sir.

Q And as far as the record discloses at this time she has never been admitted, nor has she ever applied for admission through the proper authorities? A It must have been a mistake of the attorneys, because as we all right there present.

Q You intended to apply for her? A Yes sir, supposed it was in a former time.

Q For five years? A I have not seen the application and do not know if it is there or not? A I have ~~never~~ not seen it but of the military file there years ago the age six months.

Q And that was just for a temporary purpose? A It was listed at that time for that.

Q You will be glad to see if you can find any other documents that would show that she had applied to the Dawes Commission? A Yes sir.

Q And your wife's name is not on the application? A Yes sir, this is my recollection.

The applicant applies for the enrollment of himself, himself, five children; the record of the Commission shows that the application was filed September 7th 1896; the Dawes Commission for admission to citizenship; the name of the applicant's wife was omitted by the Commission, and it is noted that the court's favorable action of the Court is now confirmed; the applicant to reside in the Charles Nation; the application was made and signed by the applicant and his wife, and he is now residing in the Charles Nation.

The applicant's name is La Fayette Teel, and his wife and children are now residing in the Charles Nation; the two youngest children are now residing in the Charles Nation; the applicant's name is listed for enrollment as Charles by blood. As regards the application now made for the enrollment of the applicant's wife, a white woman, he states that application was made for her before the Dawes Commission

Madryette Teel et al 3

at the same time that it was a person, but the record does not disclose in any of the proceedings, nor is she upon any roll of the Cherokee Nation, as shown by the applicant herself, nor has she ever been admitted by any authority to Cherokee citizenship; therefore, her case is considered under the provisions of the act of Congress of this year, the Appropriation Bill, which provides that "no persons" shall be upon any roll of the Cherokee Nation, or have now been admitted to citizenship. This Commission has no jurisdiction over their applications; therefore the application of this wife is rejected for lack of jurisdiction and this application will be, if the applicant desires and requests it in writing, referred to the Secretary of the Interior.

From, being first del. ... was the ... to the Commission to the ... Division ... correctly ... the testimony and ... in ... at the ... is a true and complete transcript of ...

M. D. ...

Subscribed and sworn to before me this 14th day of ... 1900.

[Signature]

Commissioner.

10 1199

~~10 1199~~
A

SEP 17 1900

ACTING CHAIRMAN

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~~Hand #6~~

73

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

SEP 19 1988

[Handwritten mark]

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.

Make doubtful, as she was married to husband
at time he was admitted by Commission; judgment stated.

Case No. 1197

471127

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE ORGANIZED TRIBES
RECEIVED
MAY 20 1901

[Faint handwritten signature]

Supl.-C.D.#1197.

Department of the Interior,
Commission to the wife civilized Tribes,
Muskogee, I. T., March 21, 1902.

SUPPLEMENTAL in the matter of the enrollment of ARTIE M. TEEL
as a citizen of the Cherokee Nation:

The applicant was notified by registered letter March 1, 1902, that his application for the enrollment of himself as a citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 21st day of March, 1902. The applicant this day, to-wit: the 21st day of March, 1902, appears in person and by his Agent, J. R. Sequichie.

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

LAFAYETTE TEEL, the applicant, re-called; being duly sworn, testified as follows:

MR. SEQUICHIE:

- Q What is your name? A Lafayette Teel.
Q What is your age? A 42.
Q What is your post office? A Claremore now.
Q What relation are you to the applicant in this case, Artie M. Teel? A I am her husband.
Q Is she a citizen of the Cherokee Nation,
Mr. Hastings: That is a legal question, I object to that.
Q How long have you been married to Mrs. Teel? A Married April 5, '95.
Q Were you re-admitted to citizenship yourself? A Well, I could not say I was re admitted, I was admitted by this Commission, Court of appeals.
Q In the filing of the petition before this Commission for the consideration of your case was your wife the applicant, Artie M. Teel left off the petition.
Mr. Hastings: I object to that because here is the entire record in that application, it is here now, and can be gotten, and that is the best testimony; I don't think this man ought to know six years ago, as against these records.
Q Did you make any application? A My father and brother and Fleetwood was the petitioners. My family was sick and I didn't know.
Q Who was the petitioners? A S. D. C. Edwards and Jerry Fleetwood they filed our names, all whole family and I never knew any better but what my wife was on it, through their neglect or their attorneys I could not tell.
MR. HASTINGS:
Q She is a white woman? A Yes, sir.
Q She is your first wife? A No, sir.
Q You were married before? A Yes, sir.
Q What became of your first wife? A She died.
Q Did you live with her until she died? A Yes, sir.
Q Was this woman ever married before you married her?
A Yes, sir.
Q What became of him? A He was killed.
Q Did they live together until his death? A They were separated; that is my understanding.
Q You don't know then that he is dead? A No, sir.
Q When did you hear that? A I heard that ~~was~~ about the time I first got acquainted with that family.

Q They separated anyhow? A Yes, they separated several years before that, I don't know how long.

Q You was not admitted until about '98? A '96.

Q You applied in '96? A Yes.

Q You were admitted on decision of the United States Court on Appeal? A Yes, sir, about '99 I think.

MR. SEQUICHIE:

Q When you married this present wife did she tell you that her former husband was dead? A Yes, sir.

Q When did you marry that woman, she told you he was dead?

A Yes, sir; her father and mother and whole family told me that he was dead.

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.

---000000000---

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

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 28 1902



ACTING CHAIRMAN

Cherokee D-1197.

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

In the matter of the application of Artie M. Teel for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

Lafayette Teel, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Lafayette Teel.
- Q Are you a citizen by blood of the Cherokee Nation? A Yes sir.
- Q What is your wife's name? A Artie M. Teel.
- Q What is her age at this time? A About twenty-eight.
- Q Is she an applicant before this Commission for enrollment as a citizen by intermarriage? A Yes sir.
- Q What is your postoffice? A Claremore now; I enrolled at Pryor-creek.
- Q When were you and your wife, Artie M. married? A In '95 in May.
- Q Were you ever married prior to your marriage to this wife? A Yes sir.
- Q How many times had you been married before you married this wife? A Once.
- Q Was that wife living or dead when you married this one? A Dead.
- Q Was she a white woman or Cherokee? A White woman.
- Q Was your wife, Artie M., ever married prior to her marriage to you? A I understood so, I don't know it to be a fact; she was a widow when she come to the territory.
- Q Do you ~~understand~~ whether her husband was living or dead? A I understood he was killed on the railroad, I don't know.
- Q She is your second wife and you are her second husband? A Yes sir, that is what I understand I am her second husband.
- Q Has your wife, Artie M., lived with you ~~all~~ from the time of your marriage as your wife up to the present time? A Yes sir.
- Q Never been separated? A No sir.
- Q She never has married any other man since you married her? A Not that I know of.
- Q You were living together as husband and wife on the first day of September, 1902? A Yes sir.
- Q How long have you lived in the Cherokee Nation yourself? A Forty-two years in May.
- Q Have you lived here all the time in the nation for the last forty-two years? A It has been my home, I have worked out in the mines in Joplin.
- Q Were you admitted to citizenship yourself? A I was admitted by this Dawes Commission.
- Q In 1896? A Yes sir, I believe so.
- Q Under the act of 1896? A Yes sir.
- Q Was your wife admitted the same time you were? A No sir, she was put on the doubtful list.
- Q I am talking about '96, you were married to her in '96 were you? A I was married in '95.
- Q She was your wife then when you made application in '96; did you make application for your wife also? A The intention was, and in the transfer of the papers, I had sickness in my family and my brother was a petitioner, they neglected to do it.
- Q So she wasn't put in that? A It wasn't fixed until May. It is in the Fleetwood case; through some neglect of the attorneys she was left off.

B-Artis M. Teel.

Q Has your wife lived with you in the Cherokee Nation ever since her marriage to you? A Yes sir.

Q All the time? A There was three months we went to Oklahoma on account of sickness; we didn't locate there.

Q Simply traveling on account of your health? A Yes sir, had three children in bad health.

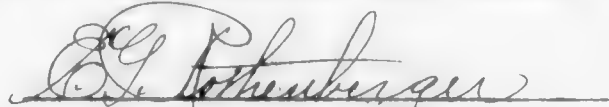
Q With that exception she has lived all the time in the Cherokee Nation? A Yes sir, we have lived here all the time.

Q Your children have lived with you ever since their birth have they?

A Yes sir.

Q Wherever you lived they have? A Yes sr.

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



Subscribed and sworn to before me this 30th day of October, 1902.


Notary Public.

COMM. 13

211 11 1902

1197

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MARRIAGE LICENSE.

State of Arkansas. FORT SMITH-DISTRICT. County of Sebastian.

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. Lafayette Teel of the county of Cherokee Nat. and State of Indian Territory aged 36 years; and Miss Artemis Taylor, of the county of Cherokee Nat. and State of Indian Territory 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 3rd day of May 1895
((Seal)) C. H. Howe
Clerk of the County Court.

By Claude Hoffman D. C.

CERTIFICATE OF MARRIAGE.

State of Arkansas,)
County of Sebastian:)

I R. B. Cole do hereby certify that on the 3rd day of May A.D., 1895, 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.

R. B. Cole M. G.
My credentials are recorded in Sebastian County, Arkansas.

CERTIFICATE OF RECORD.

State of Arkansas,)
County of Sebastian,)
Fort Smith District.)

I, C. H. Howe, Clerk of the County Court of said County, hereby certify that the above License for and Certificate of Marriage of Mr. Lafayette Teel and Miss Artemis Taylor were on the 3 day of May 1895 filed in my office, and the same are now duly recorded on page 567 of Book "K" of Marriage Records.

Witness my hand and the seal of said Court, this 3 day of May 1895.

((SEAL))

C. H. Howe
Clerk of the County Court.
By Claude Hoffman D. C.

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

MUSKOGEE, I. T., NOVEMBER 3, 1902.

I, the undersigned, ^{act} Chief Clerk of the Cherokee Enrollment
Division of the Commission to the Five Civilized Tribes and custodian
of the records of said Division, do hereby certify that the above and
foregoing is a true and correct copy of the original on file in the
office of the said Division.

B. C. Jones
Asst Chief Clerk, Cherokee Division.

Sworn to and subscribed before me this 3rd day of November, 1902.

Charles H. Sawyer
Notary Public.

10/24

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

In the matter of the application for the enrollment of Artie M. Teel as a citizen by intermarriage of the Cherokee Nation.

DECISION.

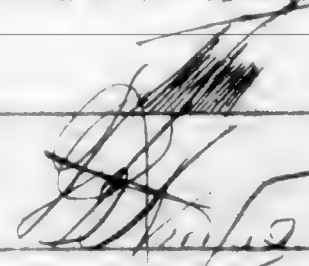
The record in this case shows that on September 18, 1900, LaFayette Teel appeared before the Commission at Pryor Creek, Indian Territory, and made application for the enrollment, among others, of Artie M. Teel as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 21, and October 7, 1902. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that the said Artie M. Teel was lawfully married on May 3, 1898, to LaFayette Teel, who was admitted to citizenship in the Cherokee Nation by the United States Court in Indian Territory, on November 10, 1898, on appeal from the decision of the Commission under the Act of Congress approved June 10, 1896, (30 Stats., 321). The Cherokee Supreme Court in the cases of the Cherokee Nation vs. Henry Rogers and Melissa Benson vs. S. 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.

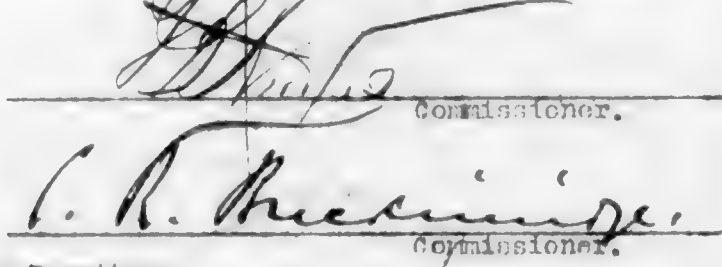
The evidence further shows that the said Artie M. Teel has lived with her said husband in the Cherokee Nation, with the exception of a temporary absence of three months, since her marriage to him, up to and including September 2, 1902.

It is, therefore, the opinion of this Commission that Artie M. Teel 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, 1896 (30 Stats., 427), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



 Acting Chairman.



 Commissioner.

Dated at Muskogee, Indian Territory,

this FEB -1 1903

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Vinita, I.T., February 10th, 1903.

IN THE MATTER OF THE APPLICATION FOR THE ENROLL-
MENT OF ARTIE M. TEEL AS A CITIZEN OF THE CHEROKEE
NATION BY INTER-MARRIAGE.

Cherokee D-1197

PROTEST OF THE CHEROKEE NATION

Comes now the Cherokee Nation and protests against the decision of the Commission rendered in this case on February 2nd., 1903, and asks that the same be forwarded to the Secretary of the Interior for review.

The evidence in this case shows that Artie M. Teel is the wife of La Fayette Teel, who was admitted to citizenship in the Cherokee Nation by the United States Court for the Indian Territory in 1899 upon appeal from the decision of the Commission rejecting him under the Act of June 10th., 1896, and the evidence further shows that the name of the said Artie M. Teel was not included in said application made by her husband, and that her husband was not a citizen of the Cherokee Nation prior to his admission by the United States Court upon appeal in 1899; and the Cherokee Nation contends that if her husband was not a recognized citizen before December 16th., 1895, when the Cherokee Nation passed an Act specifying that no white person should be entitled to citizenship in the Cherokee Nation who inter-married with a Cherokee citizen after the 16th. day of December, 1895, and referred to in Section 26 of the Cherokee Agreement (See Public Document No. 241) This agreement recognized the validity of the Act of December 16th., 1895, and our contention is that the husband of the applicant must have been a recognized citizen of the Cherokee Nation prior to December 16th., 1895, and she must have been his recognized wife, because, suppose the applicant had married her husband on the day he was admitted by the United States Court in 1899, and that was the earliest time he was a recognized citizen of the Cherokee Nation, she, under the law, would not have been entitled to enrollment in the Cherokee Nation. In case her husband was a full blood at that time, she could not have become a citizen by inter-marriage of the Cherokee Nation. We

Cherokee---D---1197---Sheet No. 2.

contend that the Rogers case does not apply to this case, and neither does the Dawson case apply, because both of these cases refer to the times when the marriage of a white woman to a Cherokee citizen entitled her to citizenship in the Cherokee Nation; or, in other words, her marriage prior to December 16th., 1895. Certainly a white woman marrying a Cherokee man can have no more rights than a white man marrying a Cherokee woman, and neither could have acquired any rights if they married after December 16th., 1895; in other words, we contend that the distinction between this case and the cases cited by the Commission is that in those cited by the Commission both were recognized citizens of the Cherokee Nation by blood long before December 16th., 1895, whereas in the present case, the applicant was not the recognized wife of a recognized citizen until after his admission in 1899, or about three or four years after the passage of the Act of December 16th., 1895, and therefore too late to acquire citizenship in the Cherokee Nation by inter-marriage.

Respectfully submitted,

W. W. Hasbun

Attorney for the Cherokee Nation

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

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1187

Muskogee, Indian Territory, **March 1,**

1902.

SECRET
COMMUNICATION TO THE FIVE CIVILIZED TRIBES

Mr. Lafayette Teel,

Pryor Creek, Indian Territory.

Sir:

You are hereby notified that the application of **Artie M. Teel**

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

March 21, 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, **as you may deem necessary.**

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

Yours truly,

Registrar.

James C. Callahan.

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COMMISSION
HENRY L. DAWES
TAMM BIRBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON A. AVESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

RECORDS RELAY UNIT FILE NUMBER

Cherokee D-1197

Muskogee, Indian Territory, February 7, 1903.

W. W. Hastings,

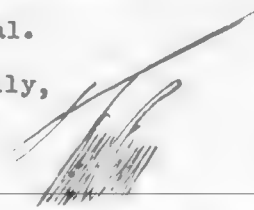
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting the application of LaFayette Teel for the enrollment of his wife, Artie M. Teel, as a citizen by intermarriage of the Cherokee Nation.

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

Respectfully,



Acting Chairman.

Enc. M-1323

COMMISSIONERS
HENRY L. DAVIS
TAMM BIXBY
THOMAS D. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AVILA SMITH
CREDITAL

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFERENCE TO FOLLOW

Cherokee D-1197

Muskogee, Indian Territory, February 18, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

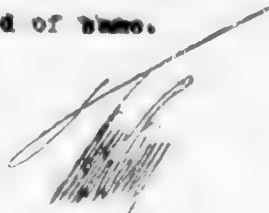
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day transmitted to the Secretary of the Interior, for review, the record of proceedings had in the matter of the application of LaFayette Teel for the enrollment of his wife, Artie M. Teel, as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision, dated February 2, 1903, granting said application, and the protest of the Cherokee Nation against said decision, dated February 12, 1903.

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

Respectfully,



Acting Chairman.

COPY.

Cherokee D-1197

Muskogee, Indian Territory, February 18, 1903.

J. R. Sequichie,

Agent for Artie M. Teel,

Opaltee, Indian Territory.

Dear Sir:

There is herewith enclosed you a copy of the record of supplementary proceedings had in the matter of the application of LaFayette Teel for the enrollment of his wife, Artie M. Teel, 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 have heretofore been furnished with a copy of the proceedings had in the original 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,

Tama Bickel

Enc. M-103

Register

Acting Chairman.

COPY.

Cherokee D-1197

Muskogee, Indian Territory, February 18, 1903.

LaFayette Teel,

Claremore, 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, Artie M. Teel, as a citizen by intermarriage of the Cherokee Nation.

There has heretofore been furnished your agent, J. R. Sequichie, Chelsea, 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.

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

Respectfully,

Tamm D. ...
Acting Chairman.

Enc. M-3102

Register.

COPY.

Cherokee D-1197

Waukegee, Indian Territory, February 18, 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 LaFayette Teel for the enrollment of his wife, Artie M. Teel, as a citizen by inter-marriage 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,

Tame Bixby

Acting Chairman.

Enc. M-2103

Through the

Commissioner of Indian Affairs.

Land
12836-1903

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
WASHINGTON.

(COPY)

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 18, 1903, transmitting record in the matter of the application of La Fayette Teel for the enrollment of his wife Artie M. Teel, 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.

Artie M. Teel, a white woman, claims the right to enrollment as a Cherokee citizen by reason of her marriage on May 3, 1895, to La Fayette Teel, who was duly admitted to citizenship in the Cherokee Nation by the United States Court in Indian Territory on November 10, 1899. The record shows that Artie M. Teel has lived with her husband in the Cherokee Nation, with the exception of a temporary absence of three months, since her marriage to him up to and including September 1, 1902.

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 the application be denied, and the decision of the Commission admitting her to citizenship be reversed.

Very respectfully,

D. F. Larrabee,

Acting Commissioner.

AJW--SC

(COPY)

D.C. 4368-1907
I.T.D. 24858-1906.

KEM

LNS

DEPARTMENT OF THE INTERIOR, ILLB
WASHINGTON.

January 17, 1907.

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

Sir:

December 8, 1906 (Land 12836-1903), the Indian Office transmitted the record in the matter of the application for the enrollment of Artie M. Teal 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, in favor of the applicant, be reversed.

The applicant is a white woman who married a Cherokee citizen on May 3, 1895.

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 1197

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

Muskogee, Indian Territory. January 29, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting the application of La Fayette Teel for the enrollment of his wife, Artie M. Teel, 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,

E.R.C.
Enc.E.C.240

Commissioner.

Cherokee
D 1197

Muskogee, Indian Territory, January 29, 1907.

La Fayette Teel,

Pryor Creek, 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, Artie M. Teel, 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 inclosed herewith a copy of Departmental decision referred to.

Respectfully,

H.R.C.
Enc. H.C. 250

Commissioner.

MAY 21. 1902

Received from the Commission to the Five Civilized Tribes one copy of the testimony in the
matter of the application of *Orlin W. Cook*

for enrollment as *a citizen* of the Cherokee Nation.

Cherokee No. *1147*

W. H. Harrison
1st Lt. U.S. Army

Cher D 1198

Cher D 1198

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., SEPTEMBER 21, 1900.

In the matter of the application of Albert Paschal for enrollment of himself, wife and children, as citizens of the Cherokee Nation, said Paschal being sworn by Commissioner Needles, testified as follows:

- Q What is your name? A Albert Paschall.
Q Your age? A 28.
Q Are you a Shawnee? A Yes.
Q Full-blood? A No sir, half-breed.
Q What is your postoffice? A Vinita.
Q What district do you live in? A Cooweescoowee.
Q Whom do you want to enroll? A Myself, wife and children.
Q What is your father's name? A Paschal, he was a Peoria.
Q What was your mother's name? A Alameda.
Q Was she a white woman? A No sir, Shawnees.
Q What is your wife's name? A Armie Longtail, was her name when I married her-- she was a widow.
Q Is she a Cherokee woman? A No sir, Shawnee.
Q How old is she? A About 48.
Q What are the names of your children? A Moses Squirrel, 18 years old.
Q On '96 roll, page 350, number 339.
Q Next? A Isaac, 14 years old. (Squirrel also)
Q On '96 roll, page 350, number 340.
Q Are these your wife's children? A Yes.
Q Next? A Rebecca Rogers, 9 years old.
Q On '96 roll, page 349, number 311.
Q Are these children alive and living with you? A Yes.
Q Who is the mother of Moses and Isaac Squirrel? A My wife.
Q Who is the mother of Rebecca Rogers? A Same one.
Q These children are the children of your wife, Anna? A Yes.
Q Applicant on '96 roll, page 348, number 296, as Annie Paschal.
Q Applicant's wife on '80 roll, page 171, number 2558, as Anna Squirrel.

By W. W. Hastings, Cherokee Attorney:

- Q What do you say your mother's name was? A Alameda Paschall.
Q What was your father's name? A John Paschall.
Q Did your father and mother both come to this country with you?
A My father did not, I think so my mother did.
Q Was your mother's father dead when you came here? A No sir.
Q Why didn't he come? A I don't know.
Q Did he take a reservation in Kansas? A He took one up there.
Q Your mother took one too? A I don't know, I was a child at that time.
Q Do you know how old you are? A About 32, I guess, I have been here 28 years.
Q You claim that you came with the rest of the Shawnees here? A Yes.
Q Were you ever known by any other name than Albert Paschall?
A No sir.
Q Have you lived in the Cherokee Nation continuously since that time? A I lived here two or three years after we moved down here and when my mother died a fellow took me away from here.
Q Your father? A No sir, a man named Eli Doshane.
Q How old were you at that time? A About 12 years I guess.
Q About what year did you come back? A '86.
Q You were not on the Shawnee pay-roll of '94? A No sir, I think

Q Why did not you try to get on that Shawnee payroll? You did not think you were entitled did you? A No sir.

Q You are not on the '96 roll? A No sir, but when my acquaintances and my friends talk to me and tell me "why don't you try to get in, I believe you can get in just as easy as some others," and I thought I would try.

Q That you would make an effort? A Yes.

By the Commission:

Q When were you married to this woman? A '94.

Q Who married you? A Nobody.

Q Didn't have any marriage ceremony at all? A No sir.

Q No certificate? A No sir, just living together.

Q She is now living? A Yes.

Q Living together yet? A Yes.

Q How long have you been living in the Cherokee Nation? A About 12 years.

Q Where did you live before that? A In the Peoria nation.

Q Where were you born? A In the state of Kansas.

By W. W. Hastings:

Q Did you take your allotment up there about 10 years ago? A Yes, I think I did. I didn't do it on my own hook, they did it.

Q Whom do you call "they.?" A The Peorias. In '72 they sent me to Wyandotte school, and in a few years from that Eli Deshene came after me and took me to the Peoria Reservation and turned me over to the Peoria Chief and drew \$30 on me, and ever since that time the Peorias adopted me, and when they took allotments they did not notify me for me to take my allotment up there, but they just put me on the roll, and I was at school and did not recognize myself to be a Peoria at all.

Q You never took your allotment as a peoria? A A I never took my allotment on my own consent.

Q You took it? A They gave it to me.

Q You were 22 years old? A I don't think I was.

Q You were of age? A yes.

Q What became of the allotment? A It is up there yet.

Q And belongs to you? A I reckon so.

The name of Albert Paschall does not appear upon the rolls of the Cherokee nation, but on the other hand the testimony shows that he has been adopted by the Peorias and has taken an allotment there. Under the provisions of the Act of Congress approved May 31st, 1900, the Indian Appropriation Bill, his application for enrollment as a citizen of the Cherokee nation, is refused for the reason that this Commission has no authority to receive, consider or make any record of the application of any person for enrollment as a citizen of any tribe in the Indian territory who has not been duly enrolled or admitted as such. Said law further provides that the refusal of this Commission to entertain your application shall be final when approved by the Secretary of the Interior. Upon receipt of your request in writing, the Commission will transmit this decision denying your application for enrollment to the Honorable Secretary of the Interior for his approval when the final rolls of citizens of the Cherokee Nation ~~xxxx~~ are sent to him for consideration and approval.

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

Subscribed and sworn to before me this 24th day of Sept. 1900.

Over

Commissioner.

The name of Alameda Paschel, his wife, appears upon the authenticated roll of '80 as Anna Squirrel. She is fully identified as the identical person for whom the applicant applies for enrollment as his wife; and the names of his step-children, Moses Squirrel, Isaac Squirrel and Rebecca Rogers, appear upon the census roll of '96, and they are fully identified as the children of said Anna Squirrel, satisfactory proof being made as to their residence, and being fully identified according to page and number of the rolls as indicated in the testimony, the said Anna Squirrel and her children as enumerated above will be fully listed for enrollment as Cherokee citizens by

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

Wm. Edwards

Subscribed and sworn to before me this 24th day of September, 1900.

Wm. Edwards
Commissioner.

1868

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Cherokee D 1198.

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

896

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

DECISION.

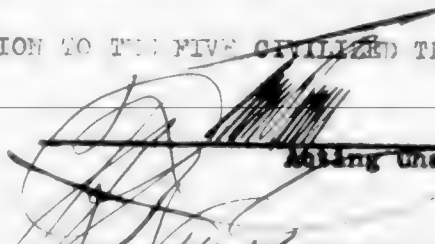
The record in this case shows that on September 21, 1900, Albert Paschal appeared before the Commission at Vinita, Indian Territory, and made personal application for the enrollment, among others, of himself as a citizen by blood of the Cherokee Nation. The other parties to the application are differently classified and are not embraced in this decision.


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


The Act of Congress of May 31, 1900, (31 Stats., 221) provides: "That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior".

It is, therefore, the opinion of this Commission that Albert Paschal is not a citizen of the Cherokee Nation, and duly and lawfully enrolled or admitted as such; and that, pursuant to the provision of law above quoted it is without authority to receive, consider, or make any record of his application for enrollment as a citizen of the Cherokee Nation.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

this, _____

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: C. D. 1198.

Muskogee, I. T., Feb. 19, 1902.

United States Indian Agent,

Syandotte, I. T.

Dear Sir:-

A man by the name of Albert Paschall, who is now about 29 or 30 years old, and who is the son of a man by the name of Pasonall, and his mother was Alaneda Paschall, who was a Shawnee. His wife is a Shawnee, and was before he married her Annie Longtail,- she was a widow, and he does not state what her maiden name was. The names of his children are Moses Squirrel, Isaac Squirrel, these seem to be his wife's children by a former husband, and Rebecca Rogers, 9 years old in 1900, was another child. This man seems to have lived with a man by the name of Eli Deshane. Albert Paschal says the Peorias adopted him. Will you kindly advise is if you find

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 the Number: F. D.

any of the names of these people, that is Albert Paschall or his wife or the three children named, on any of the registers showing that they have received allotments in the Peoria or Shawnee reservations in your jurisdiction, and if any of them are carried on any of the annuity rolls please send us certificates to that effect.

Yours very truly,

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

ALLISON L. AYLESWORTH,
SECRETARY.

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1198.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 24, 1902.

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

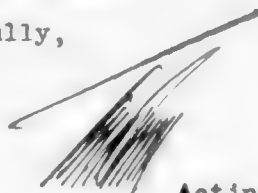
Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 20, 1902, rejecting the application of Albert Paschal for the enrollment of himself as a citizen of the Cherokee Nation by Shawnee blood.

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. 8.

COMMISSIONERS.
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. DRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1198.

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 September 20, 1902, rejecting the application of Albert Paschal for the enrollment of himself as a citizen of the Cherokee Nation of Shawnee blood, was affirmed by the Secretary of the Interior on October 27, 1902.

Respectfully,



Commissioner in Charge.

New Paschal

D-1198

Original testimony, Sept 9
Memo of application, Sept

Notice of final consideration 3/10/08

Cher D1199

Cher D1199

To be filed with Cherokee case D-1199.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Bunch, I. T. July 30th, 1900.

In the matter of the application of James Johnson for enrollment as a Cherokee citizen; being sworn and examined by Commissioner Breckinridge testified as follows:

- Q. What is your name? A. James Johnson.
Q. What is your age? A. Twenty seven years old.
Q. What is your post office address? A. Stilwell.
Q. What is your district? A. Flint.
Q. How long have you lived in Flint? A. All my life.
Q. You are living there now? A. Yes sir.
Q. For whom do you make application now for enrollment? A. For myself.
Q. Are you on the roll of 1890? A. I don't know.
Note 1896 enrollment, page 674, # 1011 James Johnson Flint District.

Mr. Johnson you are duly recognized on the roll of 1896, and you will be enrolled as a Cherokee by blood.

W. J. Hastain, 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 true and complete transcript of his stenographic notes in said case.

Subscribed and sworn to be fore me this 30th day of July, 1900.

Commissioner.

I, Frances S. Botefuhr as stenographer to the Commission to the Five Civilized Tribes do solemnly swear that the above and foregoing is a true and complete copy of the testimony offered in Cherokee case

824.

Frances S. Botefuhr

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

[Signature]
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES'
VIMTA, I.T., SEPT., 29, 1900.

In the matter of the application of Christina Johnson for enrollment of herself, husband and children as citizens of the Cherokee Nation, said Johnson being duly sworn by Commissioner Needles, testified as follows:

- Q What is your name? A Christinia Johnson.
Q How old are you? A 44.
Q What is your postoffice address? A Zena.
Q What district do you live in? A Delaware.
Q Are you a recognized citizen of the Cherokee nation? A Yes, by adoption.
Q What is your husband's name? A James M. Johnson.
Q Whom do you apply for? A Myself, husband and children.
Q How old is your husband? A 48 years old.
Q Is he a Cherokee by blood? A Yes.
Q When were you married? A '80.
Q Have you been living with him ever since? A Yes.
Q Have you any children under 21 years of age? A Yes.
Q What are their names? A Alexander, 18 years old.
Q Next? Amanda, 16 years old.
Q Phillip, 13 years old.
Q Next? A Arkadelphia, 11 years old.
Q Next? A Viola, 8 years old.
Q Next? A Virgie L., 5 years old.
Q Are these children alive and living with you at this time? A Yes.
Q Is your name on the roll of '80? A Yes.
Q You and your husband are living together? A He is in Muskogee jail and I have to attend to this business on account of my children.
Applicant presents certificate issued from the Executive Department of the Cherokee nation under date of November 7, 1895, signed by William H. Mayes, Assistant Executive Secretary of the Cherokee Nation, under seal, ~~apparently~~ certifies that the name of J. M. Johnson appears upon the authenticated census roll of Flint district for the year 1880 as a citizen of the Cherokee Nation by blood.
Q What was your first husband named? A Rudolph Perdue.
Q Was he a Cherokee by blood? A Yes.

Your application for enrollment as a citizen of the Cherokee Nation is refused for the reason that under the act of Congress approved May 31st 1900, The Indian Appropriation Bill, this Commission has no authority to receive, consider or make any record of the application of any person for enrollment as a citizen of any tribe in the Indian territory who has not been duly enrolled or admitted as such. said law further provides that the refusal of this Commission to entertain your application shall be final when approved by the Secretary of the Interior.

Upon receipt of your request in writing the Commission will transmit this decision denying your application for enrollment to the Honorable Secretary of the Interior for his approval when the final rolls of citizens of the Cherokee nation are sent to him for consideration and approval.

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

Subscribed and sworn to before me this 29th day of September, 1900.

Commissioner.

~~Memo~~ a

201199

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 20 1903



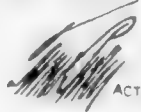
—CHIEF—

Memo ✓ 13

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

101199

FILED
SEP 28 1900



ACTING CHAIRMAN.

Statement of Applicant Taken Under Oath.

" Delaware Dist "

Delaware PR

CHEROKEES BY BLOOD AND ADOPTION.

48

Name

James H. Johnson

Date

SEP 28 1900

1900.

Zena D S

District

Year

1896

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

Christina Johnson

District

Year

18

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children

Alexander Johnson

Dist.

Year

1896

Page

No.

Age

18

Amanda

Dist.

Year

Page

No.

Age

16

Phillip

Dist.

Year

Page

No.

Age

13

Arkelphia

Dist.

Year

Page

No.

Age

11

Viola

Dist.

Year

Page

No.

Age

Virgie S.M.

Dist.

Year

Page

No.

Age

Jurisdiction

No Card

Mem 17

Supl.-C.D.#1199.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 21, 1902.

SUPPLEMENTAL in the matter of the enrollment of JAMES M. JOHNSON for the enrollment of himself as a citizen of the Cherokee Nation:

The applicant was notified by registered letter March 1, 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 21st day of March, 1902, and that he might on said day appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any further testimony affecting his case. The applicant has this day, to-wit: the 21st day of March, 1902, been called and fails to respond either in person or by attorney.

Mr. Hastings, Cherokee Representative: The Cherokee Nation asks that the testimony in Cherokee straight case No. 824 be made part of the record in this case to show that this man had attempted to take the ~~enrollment~~ 1880 enrollment of the person who is enrolled on straight card 824.

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.

---ooo000ooo---

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

0101199

transcript of my... above proceedings... 1919

100-10000-10000

reference now in record... he reported to the Commission...

the person who is entitled... now has attempted to take the...

Mr. [Name]... The Commission... DEPARTMENT OF JUSTICE... COMMISSIONER OF PRISONS

PERSON... in the matter of the...

Commissioner of Prisons... Department of the Interior

100-10000-10000

Cherokee D-1199.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, March 20, 1906.

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

On this, 20th day of March, 1906, this case coming on to
be heard, pursuant to notices, and no appearance being made by or
on behalf of the applicants, the representatives of the Cherokee
Nation, appearing, move that the same be closed, which was granted
by the Commission.

-----0-----

Josie Davies, having been first duly sworn, states that as steno-
grapher to the Commission to the Five Civilized Tribes, she re-
ported all proceedings had in the above entitled cause and that the
above and foregoing is a true and complete transcript of her steno-
graphic notes thereof.

Josie Davies

Subscribed and sworn to before me this March 24, 1906.

Myron White
Notary Public.

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

-oOo-

In the matter of the application for the enrollment of James M. Johnson, et al., as citizens by blood of the Cherokee Nation.

---: D E C I S I O N :---

It appears from the record herein that on September 29, 1900, Christinia Johnson appeared before this Commission, at Vinita, Indian Territory, and made application for the enrollment of her husband, James M. Johnson, and her six minor children, Alexander, Amanda, Phillip, Arkadelphia, Viola and Virgie L. M. Johnson, as citizens by blood of the Cherokee Nation, and for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation. Additional proceedings were had in the matter of said application, at Muskogee, Indian Territory, on March 20, 1905. A copy of the testimony, taken at Bunch, Indian Territory, on July 30, 1900, in the matter of the application of James Johnson, for enrollment as a citizen by blood of the Cherokee Nation, Cherokee 824, is filed with and made a part of the record in this case. The application of Christinia Johnson being differently classified is not passed upon in this decision.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Cherokee tribal authorities as a member of the Cherokee tribe, or admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

Reference is made in the evidence to the presentation of a certificate signed by William H. Mayes, Assistant Executive Secretary of the Cherokee Nation, certifying that the name of J. M. Johnson appears upon the 1880 Authenticated Cherokee Roll, as a resident of Flint District. An examination of said 1880 Roll shows that the said J. M. Johnson referred to was seven years of age in 1880, while the James M. Johnson, the applicant herein, was twenty-eight years of age at that time, and could not, therefore, be the identical J. M. Johnson to whom the certificate refers. The records of the Commission show that James M. Johnson, whose name appears as No. 2244 upon a list prepared by this Commission of persons entitled to enrollment as citizens by blood of the Cherokee Nation, and approved by the Secretary of the Interior on November 5, 1902, has been identified as the identical J. M. Johnson referred to in the certificate above mentioned.

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

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application

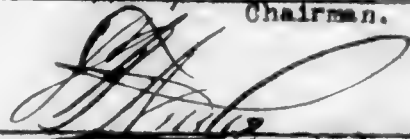
of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is therefore the opinion of this Commission that it is without authority to receive, consider, or make any record of the application for the enrollment of James M. Johnson, Alexander Johnson, Amanda Johnson, Phillip Johnson, Arkadelphia Johnson, Viola Johnson and Virgie L. M. Johnson, as citizens by blood of the Cherokee Nation, and that it should decline to receive the same, and it is so ordered.

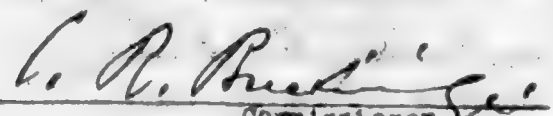
COMMISSION TO THE SEVERAL CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.

Muskogee, Indian Territory,

JUN 16 1905

**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
Luey 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 Eekert	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	Naney 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	Dona 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 Baldrige	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. Eggleston	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 Broadus	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 Dirthrower	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	Roxie J. Ketchum	4623
Sydney E. Bell	4232	Lizzie Love	4626
Isaac H. Jordan	4235	Robert K. Wann	4632
Charles Parks	4244	Frederick Metzner	4633
Dora Frenchman	4262	John C. Bratcher	4634
James R. Fugate	4275	Piqrow L. Jones	4641
Maud Adams	4277	Ada Bertholf	4642
Elizabeth Black	4281	Alice Robbins	4644
Anna Thornton	4291	Jane Dougherty	4649
Robert T. Morrison	4294	Samuel Francis	4650
Perley Israel	4295	Clemon C. Peek	4652
William A. Long	4304	Mont C. Frazier	4653
Mollie Swannock	4319	Frank J. Mayberry	4656
Frances Guess	4324	Charles W. Moore	4660
Allen H. Gibson	4327	Jefferson D. Edmondson	4661
John McFall Jr.	4343	Alonzo H. Boone	4662
Albert W. Fitzsimmons	4360	Thomas C. Mock	4668
George S. Ford	4386	Sallie Allison	4669
Quinn Carr	4387	Elizabeth E. Burgess	4671
William A. Powell	4390	LaFayette Breeden	4673
Austin Hasley	4400	James M. Boling	4676
Anna Bible	4414	Francis A. Neilson	4681
Elizabeth Riley	4428	John F. Smith	4689
John P. Sudderth	4449	Rufus S. Steward	4691
Anderson Keen	4450	John I. Haddock	4694
Ida M. Adams	4451	Maggie O. Walkley	4695
Martha J. Randall	4457	George W. Talbert	4698
Mollie Conner	4477	Mary Miller	4700
Jane McGhee	4491	Henry C. White	4707
Jennie Riley	4525	Mattie E. Hill	4760
Hannah Randall	4528	Alice A. Bible	4772
Charles W. Childers	4542	Katie Coker	4785
Nannie B. Riley	4543	John Creek	4801
John W. McDaniel	4544	Ruby R. Bean	4804
Minnie Armstrong	4548	William J. Dodson	4836
Ada Chouteau	4549	Blackburn Reed	4882
Mary Thompson	4571	Viola Lowther	4891
Ota Armstrong	4593	William B. Ritchson	4910
Mary Spencer	4594	Henry D. McDonald	4950
Clarkson F. Woody	4603	Della McDaniel	4956
James M. McConnell	4604	Dorothy Rattlinggourd	4991
Annie E. Coker	4605	Ida McCay	5093
Jennie Long	4606	Henry M. Lyon	5100
Julia Gilstrap	4607	Alice J. Wofford	5101
Laura E. Smith	4608	Nancy Morris	5137
Annie Nicholas	4609	Ella Sullivan	5140
Minnie R. Taylor	4611	Winfield Williams	5144
Mary E. Rogers	4614	Bessie M. Smith	5145
Emma Downing	4615	May Humphrey	5207
William Steere	4619	Donnie Burgess	5235

Nora B. Burgess	5236	William A. Polson	5613
John E. Etter	5239	Paulina P. Pitcher	5614
Harriette Rogers	5240	Charley Headrick	5615
Amanda Foreman	5244	William N. Stinson	5616
William H. Wells	5261	Lenora A. Henry	5621
John T. Gaylor	5266	Effie M. Adams	5622
Annie Sweeten	5269	John H. Shimp	5624
Rosalee Hendricks	5278	Thomas B. Dickson	5625
Emma Chambers	5328	Minnie Henry	5628
James H. Thomas	5329	Thomas J. Simpson	5629
Melville B. Baird	5332	Cap L. Lane	5630
James R. Goodall	5356	Reuben E. DeLozier	5631
Charles Horton	5390	John Heape	5640
James W. Goddard	5417	Perry G. Brock	5645
Dora Cox	5425	Mary J. Newcomb	5650
Nannie G. Alberty	5438	George W. Seigel	5660
Sallie Ward	5455	Martha A. Parks	5666
William H. Sutherlin	5484	Zelda C. Mills	5674
Lizzie Hall	5487	Lizzie Rogers	5675
Cyrus B. Essex	5489	Emma Pigeon	5676
Eda Taylor	5493	Nellie Bluejacket	5677
Laura Taylor	5494	Lucy Bacon	5679
Electer D. Miller	5496	Thomas B. Wood	5681
Emberson M. Arnold	5498	Asa W. Simerson	5683
Stella Henry	5499	William J. Kuhn	5686
William E. Oneal	5506	Elsie Couch	5688
John M. Sharp	5509	William H. Robinson	5692
John L. Davis	5514	Rachel Washington	5693
Sarah E. Downing	5518	Isaiah B. Blackwood	5700
Samantha C. Glass	5524	John R. Johnson	5701
Harry Jones	5525	Dennis W. Smith	5702
Aggie Paris	5532	William H. Chesnut	5705
James W. Hallford	5535	William H. Durham	5707
Phoebe Coker	5537	Albert B. Buckmaster	5710
Anthony K. Douglas	5538	Maud Crutchfield	5730
Joseph H. Johnson	5541	Joseph S. Layne	5731
Harvey O. Riggs	5547	Lena Bell	5737
Alice Glass	5553	Juan N. Corn	5748
Addison Reeves	5566	Robert N. Crafton	5750
Alice Coats	5572	Benjamin F. Coffee	5756
Julia Kidd	5575	Frank McSpadden	5760
William R. Greer	5576	Charles D. Pendleton	5775
Rosa M. Sixkiller	5581	Harden H. Green	5776
Nancy Inlow	5587	Emma J. Ward	5778
Daisey H. Owen	5599	Robert C. Fuller	5781
Annie R. C. Owen	5600	Henry F. Extine	5796
Jesse McKnight	5602	Ida Wyly	5802
Cicero J. Strange	5610	Richard L. Fite	5815
Henry Westenhover	5611	Edward Lutz	5816
Emma H. Roach	5612	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. Albert	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	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 Sanders	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 Mayes	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	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 Cumption	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. Chapp	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 Baldrige	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	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	9590	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	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. Lawrence	10148
Wiley B. McElhanev	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 Baldrige	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. Seudler	10104	Flora A. Terrill	10204
Henry Odell	10105	Talesphora A. Pardee	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. Fields	10214	Adolphus J. Hallum	D 483
Susie Henderson	10216	Alexander Walker	D 490
Charles H. Rienhardt	10218	Albert J. High	D 491
William H. Watkins	10221	America Matoy	D 501
Frank M. Rucker	10222	Moses L. Grazier	D 503
Henry C. Reed	10224	Myrtle Hall	D 509
Laura B. Timberlake	10226	Wallace Thursday	D 544
George A. Brown	10228	Thomas W. Baker	D 546
Drucilla Lowrey	10232	Mattie E. Keys	D 550
Almira Mouse	D 9	William S. Edwards	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. Hawkins	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 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. Collier	D 1367
Nellie C. Helterbrand	D 1003	Katy Payne	D 1369
Thomas J. Welch, Jr.	D 1006	Joseph H. Warren	D 1375
Lizsie 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	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 Tauuneacie	D 2831
William R. Lipsey	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 Fricke	D 2774	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 Simeo	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

Lue Fish	D 3081	Della Baldrige	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. Miser	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 Haslett	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.
TAMM 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-1199

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 1, 1902.

Mrs. Christina Johnson,

Zona, Indian Territory.

Sir:-

You are hereby notified that the application of your husband, James M. Johnson, yourself, and six minor children for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

March 31, 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, as you may deem necessary.

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

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

Yours truly,

Register.

Acting Chairman.
~~Commissioner~~
Commissioner in Charge.

6

101199

MAN 3 1902

NOTICE!

IN THE MATTER OF the application of
for enrollment as Cherokee citizens:

Case No. D 11

To S. T. 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

.....
.....
Attorneys for the Cherokee Nation.

Zena, I T March 2-102

Thia Dawes Commission,
Muskogee, I T

Gentlemen:

I have your notice of March 1st to appear before the Commission on March 21, at which time the matter of my citizenship, and that of my husband and minor children will be taken up, and requesting me to furnish marriage license.

I am old and have no means with which to either go or employ council. J M Johnson and I were married 22 years ago next May, and Rev. M L Butler witnessed the ceremony pronounced by Rev. Bryant. We have no certificate. Mrs Lizzie E Clark, nee Johnson, daughter of J M Johnson is on the roll, and the names of my husband and myself are on the roll of 1880 as we are advised and believe. Trusting that this will be sufficient, I am,

Very truly,

Mrs. Christina Johnson.

~~I have always drawn money when adopted citizens drawed.~~

INDEXED

X

D 1199

COMMISSION TO PEE TRICES

No.	Received	At	Place
4363	MAR 20 1902		

Johnson, Mrs. Christina,
Zena, S. T.,
March 20, 1902.

CHEROKEE

Has no marriage certificate and cannot afford to come to Muskogee. States that her name and her husband's name is on the 1880 roll.

card D 1199

File with case
which was closed
3/21/02

COMMISSION TO PEE TRICES
1902

[Faint, mostly illegible text from the reverse side of the document, including names and dates.]

Chas. D. Liss.

Waskagee, Indian Territory, June 7, 1902.

Christina Johnson,
Aroka, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 29th
ultimo, asking if you should introduce further testimony as regards
your application for enrollment as a citizen of the Cherokee Nation.

In reply you are advised that the Commission cannot at this time
undertake to advise you what additional evidence, if any, is necessary
in your case. Should any be required you will be duly notified.

Yours truly,

Acting Chairman.

5-1199.

Muskogee, Indian Territory, June 25, 1908.

Mrs. Christina Johnson,
 Same, Indian Territory.

Madam:

In the matter of your applications for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation; for the enrollment of your husband, James H. Johnson, and your six minor children as citizens by blood of said Nation, you are requested to inform the Commission of the name of the district, or districts, of which you and your said husband were residents during the years 1883, 1886, 1890, 1894 and 1896.

It is important that you give this matter prompt attention.
Very respectfully,

Commissioner in Charge.

Register.

Office of

ED. N. WASHBOURNE,

The Oochalata Merchant,

Dealer in General Merchandise and Live Stock.

Eucha, I. T., July 15th 1902

Commission to the Five Civilized Tribes
Mustogee

Ind Terry.

Gentlemen

Your communication of June 28th to hand
and in reply will say that James M. Johnson
myself were living in Flint district during
the years of 1883 and 1886. and were living
in Delaware in years of 1890-94 & 96.

Very Respectfully,
Christina Johnson

676-1020-96

555 1001

1091-17030

INDEXED

INDEXED

21199

COMMISSION TO THE TRIBES		
No.	Received	ASSIGNED
1440		Blank
1902	JUL 15 1902	

Johnson Christina
Eucha. I. T.
July 12. 1902

CHEROKEE.

Gives information
as to case of James
M Johnson and self

JUL 17 1902

RECEIVED
JUL 17 1902

COPY

Cherokee D-1199.

Muskogee, Indian Territory, December 29, 1904.

Christena Johnson,

Euoha, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of December 15, 1904, relative to the enrollment of yourself et al., as citizens of the Cherokee Nation.

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

Respectfully,

(SIGNED).

Tams Bixby.

Chairman.

(Copy)

Cherokee D-1199

Muskogee, Indian Territory, March 3, 1906.

James M. Johnson,

Zona, Indian Territory.

Dear Sir:

You are informed that the Commission is unable to identify you and your minor children upon the tribal rolls of the Cherokee Nation.

For the purpose of showing that your names do appear on said roll, you will be permitted to introduce testimony showing such fact, on March 20, 1905, at the General Office of the Commission, at Muskogee, Indian Territory.

Respectfully,

(Signed) C. H. BRIDGEMAN,

Commissioner in Charge.

Register.

COPY

Cherokee D 1199.

Muskogee, Indian Territory, May 11, 1906.

Monroe Woods,
Grove, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of May 6, 1905, relative to the enrollment of James M. Johnson, et al., as citizens of the Cherokee Nation.

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

Respectfully,

SIGNED,

James Bixby
Chairman.

COPY.

Cherokee D-1199.

Muskogee, Indian Territory, June 16, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of James M. Johnson, et al., as citizens by blood of the Cherokee Nation, including the Commission's decision dated June 16, 1905, rejecting said application.

Respectfully,

D. *James Bixby.*
Chairman.

Incl. 9-20

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee B-1199.

Muskogee, Indian Territory, June 16, 1905.

James M. Johnson,

Zena, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for the enrollment of yourself, et al., as citizens by blood of the Cherokee Nation, together with a copy of the Commission's decision dated June 16, 1905, rejecting said application.

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

Respectfully,

(SIGNED) *James Dixby.*

Chairman.

Incl. 3-18
Register

COMMISSIONERS:
JAMES 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.

866
REFER IN REPLY TO THE FOLLOWING:
Cherokee B-1199.

Muskogee, Indian Territory, June 16, 1905.

W. W. Hastings,

Attorney for the Cherokee nation,

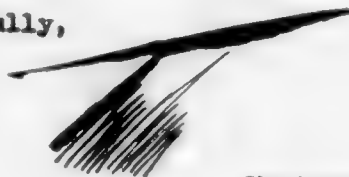
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the application for the enrollment of James M. Johnson, et al., as citizens by blood of the Cherokee Nation.

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

Respectfully,



Chairman.

Incl. 8-19



23

June-20-05

To The ...

This man Johnson was
 sent to the pen accord-
 ing to the report
 here five or six years
 ago and his friends
 abide in ...
 his wife and children
 are here they took out
 a ... his letter on
 3/18. But since then
 I have learned the
 above and so believe
 this. Yours truly
 W. F. Hamilton

(C O P Y)

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

Refer in reply
to the following

Land
47203-1905.

June 23, 1905

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 16, 1905, transmitting the record of the application made September 29, 1900, for enrollment as citizens by blood of the Cherokee Nation by Christina Johnson for her husband, James M. Johnson and her six minor children Alexander, Amanda, Phillip, Arkadelphia, Viola, and Virgie L. M. Johnson.

June 16, 1905, the Commission decided adversely to all the applicants.

The record shows that no prior application has been made and that none of the applicants has ever been enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal.

In view of the record the approval of the Commission's decision adverse to all of the applicants is recommended.

Very respectfully,

C. F. Larrabee
Acting Commissioner

M. M. M.
W.

(C O P Y)

D. C. 35592
I.T.D. 7776-1905
Y.P.

DEPARTMENT OF THE INTERIOR

WASHINGTON

PHE

July 17, 1905.

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

Sir:

June 16, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of James M. Johnson and his six minor children, Alexander, Amanda, Phillip, Arkadelphia, Viola and Virgie L. M. Johnson, as citizens by blood of the Cherokee Nation, including its decision of the same date, rejecting the applicants.

Reporting June 23, 1905, the Indian Office recommends that the Commission's decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and said decision is hereby affirmed.

Respectfully,

(S igned)

F. L. CAMPBELL
Acting Secretary

1 inclosure

REFER IN REPLY TO THE FOLLOWING:
Cherokee D-1199.

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

W
Muskogee, Indian Territory, August 1, 1905.

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

Dear Sir:

In the matter of the application for the enrollment of James M. Johnson, et al., as citizens by blood of the Cherokee Nation, you are advised that this office is in receipt of Departmental letter of July 17, 1905 (I.T.D. 7776-1905), in which the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting said application, is affirmed.

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

Respectfully,

James Bixby
Commissioner.
B.

LS
Incl. S-34

Cherokee D-1199.

COPY.

Muskogee, Indian Territory, August 1, 1905.

James M. Johnson,

Zena, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of yourself, et al., as citizens by blood of the Cherokee Nation, you are advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting your said application, was affirmed by the Secretary of the Interior on July 17, 1905.

Respectfully,

(SIGNED)

James Dixby.

Commissioner.

LS

Cher. D 1199

Muskogee, Indian Territory, January 10, 1907.

Christina A. Johnson,
Zona, 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 D1199

Muskogee, Indian Territory, March 14, 1907.

Christina Johnson,
Zena, 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,

HPI

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,

Commissioner.

Encl. C-100
LMC

COMMISSIONERS

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

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Make doubtful, as husband may be on 1880 roll;
judgment stated.

Cherokee D 1199

6

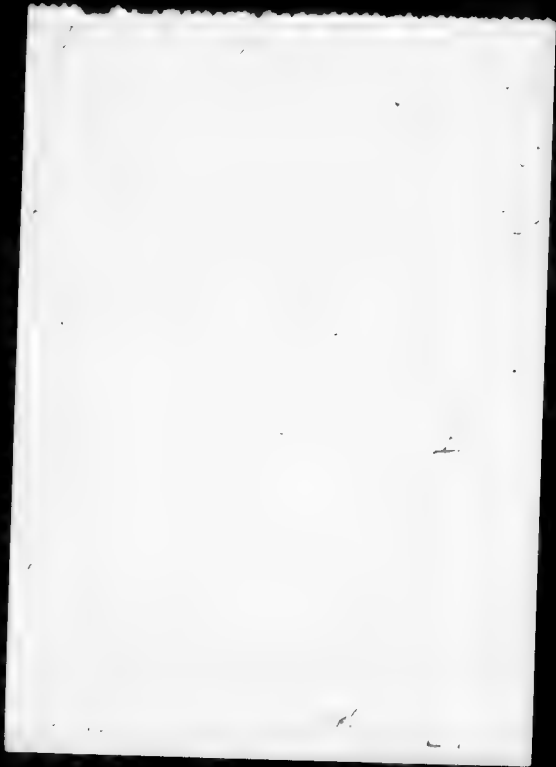
1177

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAY 20 1901

[Handwritten signature]

The applicant presented a certificate from William H. Crook,
Assistant Executive Director of the Cherokee Nation certifying that her
husband, J. M. Johnson's name appeared upon the 1880 roll in Flint
District, but that the 1880 roll discloses that the said J. M.
Johnson mentioned there could not be the husband of the applicant.



THE MASTER OF THE ...

D. 42

James M. Johnson is

Original petition, Sept 19, 1902

Memo of objection, Sept 29, 1902

Memorandum of answer

Memorandum as to applicant presenting certificate, to bring on 1880 roll.

Notice of final consideration, 3/4/02

Letter re to enrollment.

Cher D 1200

Cher D 1200

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., SEP., 29, 1900.

In the matter of the application of Lou Cramp for enrollment as a citizen of the Cherokee Nation, said Cramp being sworn by Commissioner Breckinridge, testified as follows:

- Q What is your name, A Lou Cramp.
Q Your age? A 43.
Q What is your postoffice, A Kelson (Kelson?)
Q In what district do you live? A Delaware.
Q Who do you want to have put on the rolls? A Myself.
Q Are you a Cherokee by blood? A No sir, I am a white woman.
Q How long have you lived in the Cherokee nation? A 21 years.
Q When were you married, A 15 years ago.
Q What was your husband's name? A John Brown Cramp.
Q Cherokee? A yes, half-breed.
Q Is he dead or alive? A Dead.
Q When did he die? A 12 years ago.
Q Is he a native Cherokee? A yes.
Q Have you ever married since he died? A No sir.
Q Did you live with him from the time you married him until he died?
A Yes.
Q Have you certificate of marriage? A I did have one, but my house
got burned and it got burned up-- I have affidavits.
Q What was your father's name, A Thomas Clinkenbeard.
Q Dead or alive? A Dead.
Q Died a long time ago? A Yes.
Q What was your mother's name? A Julie.
Q Is she dead or alive? A Alive.
Q Were you ever married before you married your husband Cramp? A Yes.
Q Who was it you married at that time? A William Renter.
Q Cherokee or white man? A White man.
Q Is he dead or alive? A Dead.
Q When did he die? A 21 years ago.
Q Were you ever married before you married Renter? A No sir.
Q Have been married twice? A That's all.
Q Have you had any divorce proceedings with any of these husbands?
A No sir.
Q Any separations between you and your husbands? A No sir.
Q How long before Renter's death did you marry him? How long had you
been married to him? A 1 year and six months.
Q Lived with him from the time you married him until he died? A Yes.
Applicant's second husband on '80 roll, page 80, number
532, as Brown Cramp.

The applicant is not identified upon the rolls of the Cherokee Nation. She claims to have been married to a Cherokee citizen in '80, but does not present conclusive or satisfactory evidence of the fact. She states that her husband died 12 years ago and that she has not married since, but now being identified on the roll of '96 and there being no good reason shown for the omission, her application for enrollment at this time is rejected, and under the circumstances it is deemed a case where there is a lack of jurisdiction, and a memorandum will be made to that effect.

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

Subscribed and sworn to before me this 1st day of October, 1900.

W. M. Brown
Commissioner.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES. a
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ACTING CHAIRMAN

~~D. M. ... 9/11~~

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 29 1900


ACTING CHAIRMAN.

DELAWARE.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 29 1900 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage.....

License Certificate

Wife's name 43 Lou Cramp, Kelso St,

District DELAWARE. Year 1896 Page No.

Citizen by blood No Mother's citizenship Thomas Gillingham

Intermarried citizen Yes Julia

Married under what law Date of marriage 1893

License Certificate

Names of Children:

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

Mem. 94

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May 22d, 23rd, 1901.

In the matter of the application of Lou Cramp, Cherokee D. Card #1300
SUPPLEMENTAL TESTIMONY. Cherokee Representative and applicant both
present.

LOU CRAMP, called and sworn by Com'r Breckinridge:

Q You made application before this Commission in September last at
Vinita? A Yes sir.

Q Then you could not be found on the census roll of 1896 and
could not establish your marriage? A. Yes sir that is right.

T. J. Moshee, called and sworn as a witness for the applicant,
testified as follows:

Q What is your name? A. T. J. Moshee.

Q How old are you? A. 57

Q What is your post office? A. Hill, I. T.

Q How long have you lived in the Cherokee Nation? A. 57 years I
guess—excepting during the war.

Q Do you know the applicant here, Mrs. Lou Cramp? A I only know of
her, I am not to say acquainted with her.

Q Do you know of her having been married to a man named John Brown
Cramp? A Yes sir I know him.

Q Was he a full blood Indian and recognized as a Cherokee citizen?
A Yes sir a full blood Cherokee.

Q How long did you know him? A. I have known him as far back as I can
recollect.

Q Did you know him from his childhood? A I cannot say that I did,
I have known him since the war.

Q Was he a very old man when he died? A. Somewhere in 50.

Q How long has he been dead? A. He has been dead about 12 years I
guess; I cant give the exact date of his death.

Q Was he ever married before he married this woman? A Not as I know.

Q What do you know of his marrying this woman? A. He presented the
marriage certificate to me at Vinita for record.

Q Do you know whether he and this woman lived together as man and
wife until he died? A. No sir I dont know that part of it.

Q That is all you know of their marriage or married life is it? A.
Yes sir.

By W. W. Hastings, Cherokee representative:

Q You dont know that it was this woman that he gave you a certificate
of do you? A No sir.

By the Commission:

Q Do you remember the name of the woman who was on the certificate?
A Well I cant say positively who it was, but I remember that it
was a white woman.

By W. W. Hastings:

Q Were you intimately acquainted with him prior to this time? A. Yes
sir.

By Commissioner:

Q Who was Sallie Cramp? A I wasn't acquainted with the woman

The 1880 roll of the Cherokee Nation examined and the following
identifications requested to be entered of record by the Com-
missioner:

Page 80 No. 533, Sallie Cramp, Cooweescoowee district.

Lou Cramp 2.

Native Cherokee, 30 years of age.
Page 80 No. 534 Ailale Cramp, Cooweescoowee district.
Native Cherokee, 30 years of age.
Page 80 No. 535, Ahlee Cramp, Cooweescoowee district.
Native Cherokee, 19 years of age.

By Com'r Breckinridge of Roll Clerk:

Q Have any of these people been enrolled or marked "DEAD" ? A No sir none but Brown Cramp the head of the family.

JAMES HORSEFLY, called and sworn as a witness for the applicant by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A. James Horsefly.
Q How old are you? A. About 60.
Q What is your post office? A Vinita.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Are you a full blood Cherokee? A Yes sir.
Q Did you know Brown Cramp/ who is now dead? A Broom Cramp.
Q Do you know the applicant here, Mrs. Lou Cramp? A. I knew her when she lived close to me.
Q Was that before she married Broom Cramp? A No sir I didn't know her before she married him.
Q Was it after she married Broom Cramp? A They lived together as man and wife there, that was when I knew her.
Q How long did you know them as man and wife? A. Until he died.
Q How many years did they live together as man and wife as far as you know? A As far as I know she lived with Cramp three months and then went back to her folks on account of sickness and she never got back until Cramp was dead--to get her share of the estate.
Q How far did she have to go to go to her people when she left Cramp that time ? A. About six miles.
Q How long was it after she left him before he died? A. Maybe a year or so.
Q Did she stay away six miles all that time ? A I think she came back once and went away again.
Q Did they ever live together again after she had lived with him those three months and then went away? A. She staid away I think.
Q Cramp did not go up there to see her while she was away did he? A No sir, he staid there at his place.
Q How far were you living from her after she left him? A. 6 or 7 miles.
Q Did you see her from time to time after she left there and while Cramp was still living? A Yes sir.
Q Was she sick all that time as far as you know? A. I dont know but I think she went back home on account of being sick.
Q That is all that you know of their married life is it? A. Yes sir that is all.
Q Was Cramp ever married before he married this woman? A Yes sir once
Q Was that wife dead when you saw him living with this woman here? A Yes sir.
Q How long had she been dead then? A. I cannot tell you that.
Q Some time though? A Yes sir.
Q What was her name? A Sallie Colston.
Q Did you know anything of this woman Mrs Lou Cramp before she married Broom Cramp? A No sir...

By V. V. Hastings:

Lou Cramp 3.

- Q Do you know if she has married since Cramp died? A. No sir not as I know of.
Q Does she live in your neighborhood? A No sir on Gabbin creek.
Q How far from you? A. 7 miles.

By the Commission

- Q You say you have never heard of her marrying since Broom Cramp died? A No sir.

APPLICANT RECALLED and examined by Com'r Breckinridge:

- Q What about your leaving Broom Cramp and going home after you had lived with him a short time? A. Well I got sick and had to go home and when I got better I went back to Cramp's and he said that he did not want me any more and I had to go back home.
Q He said he didn't want you to stay there any longer? A. Yes sir.
Q Was there any difficulty between you? A. No sir.
Q Did you go back to your own people after he told you that? A. Yes sir.
Q Did you inherit your husband's estate? A Yes sir.
Q What property? A. A horse , a bow and a hog.
Q No land? A No sir.
Q Was there any disput then of your being his lawful wife? A. No sir.
Q Were you always willing and ready to have lived with your husband had he so desired? A. Yes sir.
Q You never left him of your own will then? A No sir.
Q You had no complaint to make of his treatment of you then? A No sir

By Commissioner Breckinridge:

You are desired to write to Tahlequah and get an official certificate of your marriage and send that document to this Commission.

By W. W. Hastings:

- Q Did you know that Cramp had been married before you married him?
A I heard of it.
Q Was his other wife dead when he married you? A. Yes sir.
Q Did he have any children by his first wife? A. One, Mollie.
Q Is she living? A Yes sir.
Q What is her post office address? A. Vinita.
Q What is her name now? A Downing

JAMES HORSEFLY recalled and examined by W. W. Hastings:

- Q What is Mollie Downing's husband's name Mr. Horsefly? A. George

APPLICANT recalled and examined by W. W. Hastings:

- Q You say that you got sick and he took you to your people? A Yes sir
Q And when you got well you returned to him did you? A Yes sir.
Q Was Mollie at home then? A. Yes sir she was small.
Q Did you say you were married to this man in 1880? A In 1885
Q How much older was Cramp than yourself? A. I dont know, several years though.
Q What is your best judgment? A. 10 or 15 years older.
Q You didnt live with him but about three months? A No sir.
Q About how long after he took you back to your folks was it before you returned to his house? A. About a month.
Q And he told you he didnt want you any longer? A. Yes sir.
Q Never gave you any excuse ? A No sir he just got on his horse and

Lou Cramp 4.

rode off.

- Q And you went back to your father and mother then? A Yes sir.
Q Where did you live with him—on Paw-paw? A Yes sir.
Q Near Mr. Horsefly? A Yes sir.
Q In North-west of Vinita? A Yes sir.
Q About five miles from Vinita? A Yes sir.

By the Commission:

- Q In your former testimony you said there was no separation? A Yes sir.
Q Another question was asked you if you had lived with him until he died and you said "Yes sir" A Well I never understood you then.

By Com'r Breckinridge—

This will be filed as additional testimony in Cherokee Doubtful case #1200.

Chas. von Wise, 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 Wise

Subscribed and sworn to before me this the 30th of May, 1901 at
Chelsea, I. T.

[Signature]

Commissioner.

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C. D-1200

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

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of
the application of Lou Cramp for enrollment as a Cherokee citizen.

Appearances:

W.W.Hastings, attorney for the Cherokee Nation.

MARY CLINKENBEARD, being first duly sworn and being examined
testified as follows:

BY COMMISSION:

- Q What is your name? A Mary Clinkenbeard.
Q What is your post-office address? A Vinita.
Q Are you acquainted with the applicant in this case, Lou Cramp?
A Yes sir.
Q How long have you known her? A All her life, about all my life.
Q Are you a relative of hers? A Yes sir.
Q How are you related? A Sister-in-law.
Q Are you ~~marria~~ acquainted with her husband? John B. Cramp, yes sir.
Q How long have you known him? A I knew him about 2 years before
he died.
Q And when did he die? A I guess he died in '88.
Q Were you present when he and Lou Cramp were married? A Yes sir.
Q By whom were they married? A Rev. Chamberlain.
Q Was he a minister of the Gospel? A Yes sir, Presbyterian.
Q Did they continue to live together as husband and wife from
their marriage until he died? A Yes sir.
Q They were generally recognized in the community as man and
wife? A Yes sir.

BY MR. HASTINGS:

- Q Did you live right by them? A No sir, I didn't live right by
them. I lived about ten miles from them.
Q Do you know of your own knowledge that they lived together until
his death? A Yes sir.
Q Continuously, without separation? A Yes sir.
Q Did you state about the time they married? A About 1885, I think.

T. L. CLINKENBEARD, being first duly sworn and being examined
testified as follows:

BY COMMISSION:

- Q What is your name? A T. L. Clinkenbeard.
Q What is your post office address? A Vinita.
Q Are you acquainted with the applicant in this case, Lou Cramp?
A Yes sir.
Q Are you related to her? A Yes sir.
Q How? A Sister.
Q Were you acquainted with her husband, John B. Cramp? A Yes sir.
Q When ~~xxxx xxx~~ was he married to your sister, Lou Cramp? A I
think it was May 1885.
Q How long did they live together? A Well sir, I couldn't say
positive, I think he died in 1888.
Q They lived together continuously as man and wife up until the time
he died? A Yes sir.
Q Were you present at the marriage ceremony? A Yes sir.
Q Who married them? A Mr. Chamberlain, a Presbyterian Minister,
Cherokee.
Q Was your sister ever married before she married Cramp? A Yes sir.
She married a man named Rentle.
Q Was he dead when she married Cramp? A Yes sir.

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

W1300

ST. LOUIS, MO.
MAY 1902

ST. LOUIS, MO.
MAY 1902

ALLEN CHAPMAN

Supl.-C.D.#1200.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 21, 1902.

SUPPLEMENTAL in the matter of the enrollment of LOU CRAMP as a citizen of the Cherokee Nation:

The applicant was notified by registered letter March 1, 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 21st day of March, 1902. The applicant this day, to-wit: the 21st day of March, 1902, appears in person and by her agent, I. P. Bledsoe:

LOU CRAMP, the applicant, being duly sworn, testified as follows:

MR. BLEDSOE:

- Q What is your name? A Lou Cramp.
Q How old are you? A 46.
Q Where do you live? A On Cabin Creek.
Q Are you the Lou Cramp that made application to the Commission in 1900? A Yes, sir.
Q Are you a white woman? A Yes, sir.
Q You claim citizenship then by intermarriage? A Yes, sir.
Q Who did you marry? A John Broom Cramp.
Q Was he a Cherokee Indian? A Yes, sir.
Q About what blood was he? A About half blood.
Q When did you marry him? A Well, I made a mistake here, it is 1886.
Q You married him in 1886? A Yes, sir.
Q Did you marry him in the Cherokee Nation? A Yes, sir.
Q Have you a certificate of your marriage? A No, sir.
Q You have got no certificate? A No, sir.
Q What became of that certificate of marriage?
A It got burned up.
Q Have you any evidence of your marriage then? A Yes, sir.
Q What? A John Barbee.

Mr. Bledsoe: We wish to introduce here the record of marriages as kept by this man's father.

Mr. Hastings: I object to it at this time.

- Q What has become of Cramp. A He is dead.
Q You are now his widow? A Yes, sir.
Q You lived with him up to the time of his death?
A No, sir.
Q How long did you live with him after you married him?
A About three months.
Q Did he leave you or you leave him? A He left me.
Q Was there any cause of that separation? A No, sir.
Q You had no difficulty at all between you? A No, sir.
Q You continued to live in the Cherokee Nation? A Yes, sir.
Q And where is he now? A He is dead.
Q You have never married since? A No, sir.
Q And he never married prior to his death? A No, sir.
Q There is no divorce between you and him? A No, sir.
Q You are still living in the Cherokee Nation? A Yes, sir.

MR. HASTINGS:

- Q What was your maiden name? A Clinkenbeard.

- Q Your first husband's name was Rentals? A Yes, sir.
Q How long did you live with him? A About year and six months.
Q When did you marry him? A It has been a good while ago.
Q Don't you know? A Best of my knowledge it has been about 23 years ago.
Q You have got a son by him that is of age? A Yes, sir.
Q You lived with him about a year and six months?
A Yes, sir.
Q You separated from him? A No, he is dead.
Q Did he die as your husband? Yes, sir.
Q Well, you were living with him as husband and wife?
A Yes, sir.
Q What was your next husband? A John Cramp.
Q Where did you and Broom Cramp live? A Out on Parker Creek.
Q You left his place? A He took me over to Cabin.
Q You went off? A He took me to my mother's.
Q He stayed at the place you went away? A He taken me away.
Q Did you come back there again? A Yes, sir.
Q Did he take you away again? A No, sir.
Q How did you happen to leave? A I left-
Q The old man laid there and died? A I was sick at the time.
Q He had a long lingering illness? A I don't know.
Q You lived right there in the neighborhood? A No, sir, about five or six miles.
Q You never went to the funeral when he was burried? A I didn't know any thing about it.
Q You were in seven miles of him? A Yes, sir.
Q How long had you been separated when he died?
A I don't know just how long, about couple of years, I reckon.
Q He continued to say at the old ~~six~~ home place? A Yes, sir.
Q And you stayed at another place? A Yes.
Q Where do you live now? A I live on Cabin Creek.
Q At whose place? A Why William Barbee's place.
Q Who lives there besides you? A There is a man boarding there.
Q What is his name? A Lawson Awbro.
Q You and him staying there together? A He is staying there, boarding, paying his board.
Q Anybody else boarding there? A No, sir.
Q How long have you been boarding there together? A He has been boarding there about two years.
Q You and him in the same house? A Yes.
Q You and him in the same house? A Yes, ~~six~~.
Q You have got no children? A No, sir.
Q You are a white woman? A Yes, sir.
Q You and him been boarding there in the same house two years?
A He has been payming me borad.
Q I say you and him staying there together in the same house about two years? A Yes, sir.
MR. BLEDSOE:
Q You and him occupy the same room? A No, sir.
Q Don't occupy the same bed? A No, sir.
Q Don't occupy the same bed? A No, sir.
Q Not man and wife at all? A No, sir.
Q You have got a perfect right to hire a man the same as Mr. Hastings has a cook for his wife? A Yes, sir.
MR. HASTINGS:
Q How many rooms has that house? A Two.
Q Sleeping room and cook room? A Two small rooms.
Q Well, you cook in one room and sleep in the other?
A Yes, sir.
Q You have got two beds in that room you slepp in? A No, sir, bed in each room.

- Q Door between them? A Yes, sir.
Q You two people have been there now about two years according to your statement? A I said yes.
Q Didn't you tell this man Tucker that you had here and man that sore here as a witness that you never had been divorced from your first husband and that he was living when you married this next man?
A No, sir, I never did.
Q You are a white woman? A Yes, sir.
Q ~~That~~
Q And this man that boards with you is a white man? A Yes, sir.
MR. BLEDSOE:
Q Haven't you got a right to keep boarders? A Yes, sir.
Q Have you ever been indicted or charged with adultery in living with this man? A No, sir.

JOHN BARBEE, being duly sworn, testified as follows on part of applicant:
MR. BLEDSOE:

- Q What is your name? A John Barbee.
Q How old are you? A About 36.
Q Where do you live? A I live near Vinita.
Q Are you a Cherokee citizen? A Yes, sir.
Q By blood? A By adoption.
Q Do you know Mrs. Lou Cramp? A Yes, sir.
Q How long have you known her? A About 12 or 14 years.
Q Do you know whether she married this man Cramp or not?
A Why I seen her certificate; she had a marriage certificate filled out married to Boom Cramp.
Q Was that before her house was burned? A Yes, sir.
Q Did she live with Boom Cramp, did they live together as husband and wife? A I suppose so, I don't know for certain, I never seen them living together.
Q Has Boom Cramp died? A Yes, sir.
Q She is still single woman living as his wife? A So far as I know.
Q Never married to anybody else? A No, sir.
MR. HASTINGS:
Q You don't know whether they lived together as husband and wife or not? A No, sir.
Q How come you to see her marriage certificate? A She showed it to me, she voluntarily showed it to me.
Q Who signed it? A I don't know, it was signed.
Q What was the date of it? A In May sometime.
Q What year? A '86 as near as I remember.
Q How far did you live from her, now? A About a mile and a half.
Q She is living over there in a house with a man, white man isn't she? A There is a white man staying with her.
Q They stay in the same house don't they? A I suppose so, I have seen him there off and on for ~~about~~ two years.
Q Nobody else stays in there but him and that woman that you know of? A That is all.
Q Do you know whether she was ever married before she married Cramp or not? A She went by the name of Rentals.
Q Do you know whether that man Rentals was dead when she married Cramp? A No, sir, I do not.
Q Did you ever hear her say anything about whether he was dead or alive? A I could not say; I think they were parted.
Q That is your understanding isn't it? A That is my understanding.
Q When did you hear that, since she and Cramp married?
A Yes, before.

Q You understood that her former husband was living off somewhere in the states, didn't you? A I understood it that way, I don't know it to be a fact.

Q How did you get that information? A Through her folks.

Q She went and left poor old man Cramp on his place and went off over there six or seven miles didn't she? A I could not say that.

Q They were separated when he died? A They wasn't living together, I don't know think.

Q She was not there when he was sick a long time previous to his death, was she? A I could not say.

Q She was not at his funeral either was she? A I could not say that.

Q The old man lived on his place until he died? A That is my understanding.

MR. BLEDSOE:

Q Well, Lou Cramp is 21 years old? A I suppose so.

Q She has got a right to hire a man the same as you or any other citizen? A I suppose so.

Q Don't women sometimes hire men to do their work on the outside do their farm work? A I don't know.

Q You never heard of her accused of adultery? A No, sir.

Q You never heard of this man and her living together as man and wife? A No, sir.

MR. HASTINGS:

Q The two have been living there together in that house two years; he is a white man and she is a white woman? A I think so.

ARTHUR F. CHAMBERLAIN, being duly sworn, testified as follows on part of applicant:

MR. BLEDSOE:

Q What is your name? A Arthur F. Chamberlain.

Q How old are you? A 44.

Q Where do you live? A Vinita.

Q Are you a Cherokee citizen? A Yes, sir.

Q By blood? A Yes, sir.

Q Do you know Lou Cramp? A Why, yes, I know her when I see her.

Q How long have you known her, Mr. Chamberlain? A Only a few days.

Q Do you know anything about this record here, Mr. Chamberlain? (Book shown witness) A Why I recognize the book.

Q I see in the record here of 1886, May 20, T. J. Roberson with Louisa T. Roundtree, at Pleasant Valley, Tahlequah District, Cherokee Nation, and Mr. Broom Cramp with Mrs. Lawson Rental at William Bartlett's on Little Cabin, under head of certificates of marriage; do you recognize that as your father's hand-write? A Yes, sir.

Q Was he a minister of the gospel? A Yes, sir.

Q Authorized to perform marriage and so on? A Yes, sir.

Q You recognize that as his own hand-writing? A Yes, sir.

MR. HASTINGS:

Q Do you know where this woman lives now? A No, sir.

Q You have just only known her a few days? A Yes, sir.

Q You never knew her when she lived with this man, Broom?

A No, sir.

Q You never knew when she left him? A No, sir.

Q You don't know that she is living down here with a white man?

A No, sir.

JOHN C. TUCKER, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HASTINGS:

- Q What is your name? A John C. Tucker.
Q What is your age? A 34.
Q What is your post office? A Kelso.
Q Do you know the applicant, Lou Cramp? A Yes, sir.
Q How long have you known Lou Cramp? A About ten years.
Q You don't know when she lived with Broom Cramp? A No, sir.
Q Didn't know when they separated? A No, sir.
Q Did you know Broom Cramp when he died? A No, sir.
Q Your acquaintance has become since? A Yes, sir.
Q Did you ever hear her say whether she had been married before she married Broom Cramp? A Yes, sir.
Q To whom? A To man by the name of Reynolds.
Q Reynolds? A Yes, sir.
Q Did she say they lived together until his death or separated? A Said they separated.
Q Well, did she say anything about her first husband being alive when she married Cramp? A No, sir.
Q She did not? A No, sir.
Q Where did she say he was? A She didn't know where he was.
Q Where did she say he was? A She said she didn't know whether he was dead or not.
Q She said they separated? A Yes, sir.
Q Where is she living now? A In about a half mile from where I live.
Q In a two room house? A Yes, sir.
Q White man living there too? A Yes, sir.
Q How long has that white man been living there? A Something over two years to my knowledge.
Q You live in a half of a mile of them? A Yes, sir.
Q Just the two living there? A Yes, sir.
- MR. BLEDSOR:**
Q Is anything wrong with her and a white man living there in a house? A I don't know anything about that.
Q Has she got my right to hire a man, as you have a cook?
A I ain't got any right to express an opinion on it.
Q I want to know as a United States Citizen if she ain't got a right to hire a man? A I suppose so.
Q You have never heard of them being accused to living in adultery, living in the same bed? A I have heard of them accused of it.
Q You don't know of it? A No, sir.
Q She has never married this man? A I don't know what she has done.
Q You don't know that she has ever married him? A No, I don't know that she has ever married him.

MR. BLEDSOR: Now comes the representatives of the applicant and contends that under the Cherokee law and evidence adduced in this case, that the applicant is the widow of Broom Cramp and is entitled to citizenship in the Cherokee Nation under the Cherokee laws providing for the intermarriage of white women with Indian men, and is entitled to all the rights and privileges of a Cherokee citizen by blood.

MR. HASTINGS: The Cherokee Nation contends that this woman should be rejected for three reasons. In the first place she was married to her first husband from whom the testimony shows she was not divorced and was living at the time that she married her Cherokee husband, Broom Cramp, and therefore not free to contract that marriage, and the same was therefore illegal and void.

Second; the evidence clearly shows that she abandoned her

husband, Broom Cramp; went off from his place and left him where he died and never went back to him.

Third; the evidence shows a common law marriage between this woman and the white man who are living together now and have been for the past two years in a house occupied by themselves alone, and if she ever had any rights, which is denied, she forfeited them by this action under Section 666 of the Compiled laws of the Cherokee Nation.

MR. BLEDSOE: To all of which the attorney for the applicant objects because it is wholly inapplicable and irrelevant in the case.

Commission: The representative of 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.

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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 this day had in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

020120

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


ACTING CHAIRMAN

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

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

LOU CRAMP, called as a witness, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name ? A Lou Cramp.
 Q What is your post office Mrs. Cramp ? A Kelso, I. T.
 Q What is your age at this time ? A Forty seven years.
 Q Are you the same Lou Cramp that applied to the Commission for enrollment as an intermarried citizen of the Cherokee Nation in September, 1900 ? A Yes sir.
 Q What was your Cherokee husband's name ? A John B. Cramp.
 Q When were you married to John B. Cramp ? A In 1886.
 Q Was John B. Cramp a Cherokee by blood ?
 A Yes sir, pretty near a full blood.
 Q Is he living or dead at this time ? A He's dead.
 Q About when did he die, Mrs. Cramp ?
 A It's been fifteen years.
 Q How long did he live with you after you and he were married ?
 A About two years.
 Q Did you and he live together all the time from the date of your marriage up till his death ? A No sir, we separated.
 Q How let's see: had you ever been married before you married Cramp ? A Yes sir.
 Q How many times had you been married before you married Cramp ?
 A Once.
 Q What was your first husband's name ? A William Rentle.
 Q Was that the only time you had been married before ?
 A Yes sir.
 Q He was a white man was he ? A Yes sir.
 Q Was William Rentle living or dead when you married Cramp ?
 A He was dead.
 Q How long had he been dead ? A Four years.
 Q You had been a widow four years before you married Cramp ?
 A Yes sir.
 Q How long had you known Cramp when you married him ?
 A I had known him a couple of years.
 Q Here in the Cherokee Nation ? A Yes sir.
 Q When were you married to Cramp ? A In 1886.
 Q Where were you married to him ? A On Cabin Creek.
 Q In the Cherokee Nation ? A Yes sir.
 Q Who married you ? A Mr. Chamberlain.
 Q How long after you and Cramp married before you separated ?
 A About three months.
 Q Where did you live during that three months ?
 A On Paw Paw.
 Q Cherokee Nation ? A Yes sir.
 Q In town or on a farm ? A On a farm.
 Q Whose farm ? A His.
 Q Mr. Cramp's farm ? A Yes sir.
 Q When you separated where did you go ?
 A He took me back to my mother's on Cabin Creek where we were married.
 Q He took you back ? A Yes sir.

- Q He took you back to your mother's ? A Yes sir.
- Q Where did he go ? A He went back.
- Q Back to the same place ? A Yes sir.
- Q Did he stay on the same place until he died ? A Yes sir.
- Q What made him take you back home to your mother's ?
A I don't know.
- Q Did he force you to go ? A No sir, he asked me if I wanted to go to the Creek, and I told him yes. He took me over there and left me and was going on down to another place, and I thought he would be back the next day to take me home and he didn't come, and I went back to the house in a few days, and he was there, and told me he didn't want me there.
- Q What did you do then ? A I turned around and went back to my step-father's and my mother's.
- Q Did you ever see him any more after that ?
A Yes sir, I seen him several times.
- Q Did you ever talk with him about it ? A No sir, I never ; he never would let me talk to him.
- Q You never had any falling out ? A No sir, I thought he would be back the next morning to take me back home, but he never. I waited a few days, and went back again, and he wasn't at home when I went, and I stayed and waited at home until he come, and I asked him if he wanted me to stay, and he said no.
- Q What property did Mr. Cramp have when he died ?
A He didn't have a great deal, but I got part of it.
- Q Who got the other part ? A His daughter.
- Q Did he have a daughter by another wife ? A Yes sir.
- Q Had he been married before he married you ? A Yes sir.
- Q What was his first wife's name ? A Charlotte Colston.
- Q Was she living when you and he married ?
A No sir, she was dead.
- Q How long had she been dead ? A I don't know.
- Q Did you know her during her life time ?
A Yes sir, I had seen her several times.
- Q When Cramp died you got a portion of his property ? A Yes sir.
- Q What court was the estate settled up by, the Cherokee court ?
A Yes sir.
- Q What year did Mr. Cramp die ? A Sometime about 1887, or 1888, as far as I can remember.
- Q Now Mr. Cramp has been dead twelve or fifteen years hasn't he ?
A Yes sir.
- Q You have never married since his death ? A No sir, I have not.
- Q Where have you lived since he died ?
A I live out on little Cabin Creek.
- Q Who do you live with ? A By myself.
- Q All alone ? A Yes sir.
- Q How long have you been there ?
A Ever since my mother married and went to the State.
- Q How long has that been ? A Two years, no, three years.
- Q Whose place do you live on ? A It goes by the Barbee place. Of course my mother can't buy land here, and after her and Mr. Barbee was married she give him the money and he bought the place.
- Q Whose place was it before; who did she buy it from ?
A A man named Jackson Jones, a Cherokee man.
- Q Your mother aint a Cherokee ? A No sir, she claimed a right but never could get it proved up; she married a Cherokee man and he died, and after he died she married out, and couldn't get the place.
- Q She turned it over to you ? A Yes sir.
- Q How many houses on this place ? A Two.
- Q How much land in cultivation ? A I guess about twenty five acres.

- Q Who cultivates that twenty five acres ?
A A man named Yates cultivated it.
Q Who cultivated it last year ? A A man named Burks.
Q Who cultivated it the year before ?
A I don't believe it was cultivated the year before that.
Q Do you know a man out there by the name of Lawson Awbro ?
A No sir.
Q Never heard of that man ? A No sir.
Q Didn't he cultivate that place there one year ? A No sir.
Q Didn't he have a part of it rented ? A No sir.
Q You say you don't know that man at all ?
A No sir, not by that name, I don't.
Q I will ask you Mrs. Cramp that, at an examination had on March 21, 1900, if you didn't testify as follows:
"Where do you live now ? A I live on Cabin Creek.
"At whose place ? A Why William Barbee's place.
"Who lives there besides you ?
"Ans. There's a man boarding there.
"What is his name ? A Lawson Awbro."
I will ask you if you didn't make these answers to those several questions ? A His name aint spelled right.
Q What is his name ? A Lawson Hanbrow.
Q Do you know Lawson Hanbrow ? A Yes sir.
Q Well did Lawson Hanbrow ever live there on the ~~place~~ place ?
A Yes sir, when he boarded there.
Q Who did he board with ? A He boarded with me.
Q When did he board with you ? A About two years.
Q Where on the place ? A Yes sir.
Q Where did he stay while he was boarding with you ?
A He tended Mr. and Mrs. Green's farm.
Q The adjoining place to where you live ?
A No sir, Jones place is joined on to his.
Q He tended that place for two years ?
A No sir, one year.
Q But he boarded with you for two ?
A Put it altogether about two years.
Q What kind of a house do you live in; you say you have been living there by yourself ? A A two room house.
Q Log house ? A No, a box house.
Q And this man Hanbrow boarded there with you ? A Yes sir.
Q For about two years ? A Well, altogether it would be about two years I guess.
Q Did Hanbrow sleep and eat there all the time ? A No sir.
Q Where did he sleep ? A Sometimes he camped out.
Q He did sleep there part of the time ?
A He slept there part of the time.
Q At your house part of the time ? A Yes sir.
Q All the time he boarded with you Mrs. Cramp didn't he sleep there at the house ? A Yes sir.
Q For about two years he boarded and slept there at your house didn't he ? A Yes sir, about that long.
Q Who else was there besides you and Hanbrow ?
A Just us two.
Q How much board did he pay you ? A A dollar and a half a week.
Q You supplied everything, and boarded him for \$1.50 a week, and worked and did the cooking ? A Yes sir.
Q Where is Hanbrow now ? A He's in Colorado.
Q How long has he lived in Colorado ? A Ever since March.
Q Do you know what he is doing out there ?

- A No, I do not know; he went to Colorado, and that's all I know.
- Q Have you heard from him since he has been out there ?
- A No sir.
- Q How many beds did you have in this house ? A Two beds.
- Q Where were they ? A One in one room and one in the other.
- Q He slept in the one room and you slept in the kitchen ?
- A Yes sir.
- Q Mrs. Cramp, I will ask you if it isn't a fact that you and this man lived there at that place as husband and wife for two years ?
- A No sir, we never did.
- Q Didn't the neighbors all understand that you were man and wife ?
- A No sir.
- Q You never held yourselves out as man and wife at all ?
- A No sir.
- Q Did you have any neighbors out there that visited you during that time ? A Yes sir.
- Q Who were they ? A Pretty near all the neighbors come.
- Q Name some of them that came to see you during the time this man Hanbrow was staying there ? A Mr. Parker is one.
- Q Did his wife ever come to see you ? A Yes sir.
- Q While Hanbrow was boarding there ? A Yes sir.
- Q What Parker was that ? A William Parker.
- Q Who else came to see you while you had Hanbrow there ?
- A Mrs. Tom McClelland's folks.
- Q How far did they live from you ?
- A About a quarter, or not quite so far.
- Q Well, now who else came to see you while Hanbrow was there ?
- A Lucy Rentle.
- Q Who else ? A Eva Yates.
- Q Name another one ? A Nellie Barbee.
- Q Now these people whom you have named all visited with you during the two years that this man Hanbrow boarded there at your house, did they ? A Yes sir.
- Q And you want this Commission to understand that you have never held Hanbrow out as your husband in any way at all ?
- A No sir, I never did.
- Q Hanbrow is a white man isn't he ? A Yes sir.
- Q He don't claim to be a Cherokee at all ? A No sir.
- Q And you just had two rooms in that house ? A Yes sir.
- Q And you slept in one room and he slept in the other ?
- A Yes sir.
- Q And you cooked and ate in the same room that you slept in ?
- A Yes sir.
- Q Who made the fires in the morning ? A I would.
- Q You would get up and make the fires for him ? A Yes sir.
- Q You never married then, Mrs. Cramp, you want to be understood as saying that you never married to any man since the death of your husband John B. Cramp ? A No sir, not since I married Mr. Cramp.
- Q You have never lived with any man as your husband since you married Cramp ? A No sir.
- Q You have never held any man out to the community as your husband ?
- A No sir, I never did.
- Q You still claimed to be a single woman and a widow on September 1, 1902 ? A Yes sir.
- Q Have you resided in the Cherokee Nation all the time since your marriage to Mr. Cramp in 1886, x up to the present time ?
- A Yes sir.
-

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

E. C. Bagwell

Subscribed and sworn to before me this October 20, 1902.

B. C. Jones
Notary Public.

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R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, November 17th, 1902.

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

Supplemental to D-1200.

Appearances:

Applicant appears by her agent I. P. Bledsole
and in person.
Cherokee Nation appears by J. C. Starr.

WILLIAM BOOT, being duly sworn, testified as follows:--

Examination by Mr. Starr.

- Q. What is your name? A. William Boot.
Q. What is your age? A. About 31 or 2; somewhere along there.
Q. What is your post office? A. Vinita.
Q. Are you acquainted with Lou Cramp? A. Yes, sir.
Q. Were you acquainted with her Cherokee husband? A. Yes, sir.
Q. Did you know them at the time they lived together as husband and wife? A. Yes, sir.
Q. Were you acquainted with them at the time they separated?
A. Yes, sir.
Q. Where were they living when that separation took place?
A. About six miles west of Vinita. Kind of west, a little north.
Q. How far did you live from them at that time? A. About a mile and a half or two.
Q. Did Lou Cramp leave her husband? A. Yes, sir.
Q. Where did she go? A. She went back home, I suppose.
Q. Did she ever come back after that? A. No, sir.
Q. Where did Cramp continue to live after the separation?
A. Cramp lived where he lived before.
Q. Same place? A. Same place.
Q. Did you live the same place until Cramp died? A. Yes, sir; live in the same place yet.
Q. How long after this separation was it before Mr. Cramp died?
A. Well, sir; I can't remember that.
Q. Did Lou Cramp go to see him while he was sick? A. No, sir.
Q. Did she go to the funeral? A. No, sir.
Q. Did she go there afterwards? A. Yes, sir.
Q. What did she go there for? A. I suppose after the property.

Examination by Mr. Bledsole.

- Q. You say Lou Cramp and Boone Cramp lived together as husband and wife; you know that, do you? A. Yes, sir.
Q. Were you there when they were married? A. No, sir.
Q. They were recognized in the neighborhood, though, as man and wife? A. Yes, sir; I suppose they were.
Q. Do you know how long they lived together as man and wife?
A. But a short time.
Q. Two or three months? A. I couldn't say. It wasn't very long.
Q. Did you live within a mile and a half of them at that time?
A. Yes, sir.
Q. When they were living together as man and wife? A. Yes, sir.
Q. Do you know how she left Cramp? A. No, sir; I don't know anything about it.
Q. You don't know whether he took her over home to her folks, or not? A. No, sir.

- Q. You don't know why she left Cramp? A. No, sir.
 Q. You don't know she was sick and he took her over there to her mothers? A. No, sir.
 Q. Do you know whose fault it was: You never heard of them having a fuss? A. No, sir.
 Q. You don't know that she come back and tried to get to live with him afterwards? A. No, sir.
 Q. You never heard of them having any falling out? A. No, sir.
 Q. Do you know whether she got part of Cramp's estate after Cramp died? A. I know she got something.

Examination by Mr. Starr.

- Q. You were living within a mile and a half of them when the separation took place? A. Yes, sir.
 Q. You know she left Cramp? A. Yes, sir.
 Q. Didn't go to the funeral? A. No, sir.

Examination by Mr. Bledsole.

- Q. Cramp took her away, didn't he? A. I don't know.
 Q. Do you know how she left, why she left, or anything about that? A. No, sir.
 Q. Don't know who was to blamed in the matter--whether she went off sick or not? A. No, sir.

LOU CRAMP, being duly sworn, testified as follows:

Examination by Mr. Starr.

- Q. What is your name? A. Lou Cramp.
 Q. What is your age? A. 47.
 Q. What is your post office? A. Well, I do sometimes get it at Vinita; but Pelsa and Afton.
 Q. What was the name of your first husband? A. Reynolds.
 Q. Where did you and he live? A. Indiana.
 Q. In what town? A. I didn't live in town at all, I lived in the country.
 Q. What was your post office? A. Portland Mills.
 Q. What county was that in? A. Putnam.
 Q. How long did you live with him as his wife? A. Until he died.
 Q. Were you living near Portland Mills when he died? A. Yes, sir.
 Q. How far from Portland Mills? A. About two miles and a half.
 Q. In what year did he die? A. I couldn't just tell you the year. It will be nearly 20 odd years. Well, we come here in '80 and he died a couple of years before we come here.
 Q. How many years before you come here? A. Two years.
 Q. You never separated from him during his life time? A. No, sir.
 Q. You are sure you lived with him until he died? A. Yes, sir.

+++++

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

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

Jesse O. Carr
B. Jones
 Notary Public.

THE OFFICE OF THE ATTORNEY GENERAL
STATE OF CALIFORNIA
SAN FRANCISCO, CALIFORNIA

IN RE: [Illegible Name]
[Illegible Address]
[Illegible City, State, Zip]

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

8x

In the matter of the application for the enrollment of Lou Cramp as a citizen by intermarriage of the Cherokee Nation.

DECISION.

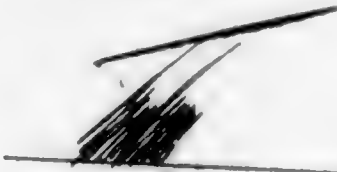
The record herein shows that on September 29, 1900, Lou Cramp appeared before the Commission at Vinita, Indian Territory, and made application for her enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on May 23, 1901, and at Muskogee, Indian Territory, on March 15, March 21, October 20, and November 17, 1902.

The evidence shows that the said Lou Cramp was lawfully married, about the year 1886, to John B. Cramp, a citizen by blood of the Cherokee Nation. It appears that the said Lou Cramp lived with her husband for about three months following their marriage, and that they then separated. The evidence fails to show that said Lou Cramp abandoned her husband, and it appears that upon the death of the latter, about 1888, his personal estate was turned over to the said Lou Cramp as his widow.

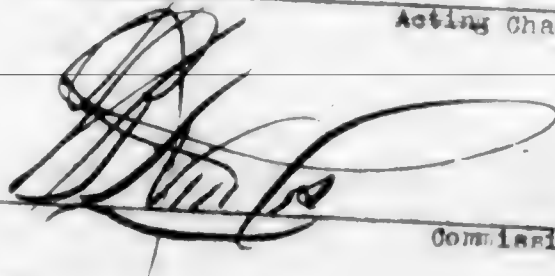
The evidence shows that said Lou Cramp has resided in the Cherokee Nation since the date of her said marriage, and that she has not remarried since the death of her husband.

It is, therefore, the opinion of this Commission that Lou Cramp 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.

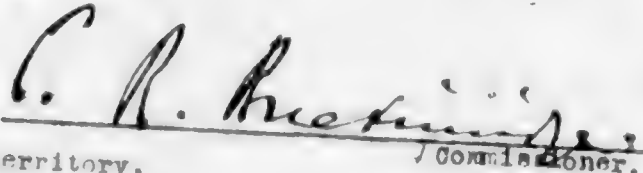
COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.



Commissioner.



Commissioner.

Dated at Muskogee, Indian Territory,

MAR 2 1903

this _____

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,

Muskogee I. T. March 9th 1903.

In the matter of the application of Lou Gramp for enrollment as a
citizen of the Cherokee Nation by intermarriage.

Cherokee D 1200.

Protest of the Cherokee Nation.

Comes now the Cherokee Nation and respectfully protests against the
decision of the Commission rendered in this case on March 2 1903 and asks
that same be forwarded to the Honorable Secretary of the Interior for
review.

The testimony in this case shows that the applicant is a white woman;
that she was first married to one William Rental in the State of Indiana
and the testimony as to whether or not she lived with the said William
Rental until his death is conflicting; she testified that she lived with
him until he died, whereas other witnesses among whom John C. Tucker testified
that there was a separation between she and Rental before his death
and another witness John Barbee also got the information through appli-
cants relatives to the effect that she had a prior husband from whom she
was not divorced and with whom she had not lived until his death.

This woman is not corroborated in her statement with reference to
her first ~~marriage~~ husband's death by her mother or any of her relatives,
she does not place any of them on the stand and inasmuch as all
of this information is peculiarly within her own knowledge and that
of her relatives and not within reach of the Cherokee Nation and the
fact that the matter was raised by both witnesses Barbee and Tucker
and that she did not choose to contradict them is in our opinion
against the applicant.

Again the testimony tends to show that in 1885 or 1886 she lived with
one Broom Gramp as his wife but that they only lived together about
three months when it seems that there was a separation at which time

she left and went to her parents home some six miles distant. The attention of the Honorable Secretary of the Interior is called to applicants testimony given on May 23, 1901 at Vinita I. T. page 3 under the head of "Applicant recalled and examined by Commissioner Breckinridge" When the question was asked her "What about your leaving Broom Cramp and going home after you had lived with him a short time?" She answered "Well I got sick and had to go home and when I got better I went back to Cramps and he said he did not want me any more and I had to go back home." She further stated that there was no difficulty between them and that she never made any effort to live with him after that time. Now compare her statement with that which she gives before the Commission at Muskogee on March 21, 1902 on page 2 she testified as follows:

"Q Where did you and Broom Cramp live?" "A Up on Parker Creek." "Q You left his place?" "A No sir he took me over to Cabin." "Q You went off?" "A He took me to my mothers" "Q He staid at the place, you went away?" "A He took me away."

Again on September 29 1902 the applicant testified in answer to this question "Any Separations between you and your husbands" She answered "No Sir." These comparisons are made to show you how thoroughly unreliable the applicant is. The testimony further shows that since the death of Brom Cramp she lived with one Lawson Harbro or Awbro in a house by themselves, there was unquestionably a common law marriage between them; they were in two rooms of a house, a sleeping room and a ~~xxxxx~~ cook room and it is admitted that they lived there under ~~suspicious circumstances~~ the suspicion of the entire community or neighborhood for two years or more and the testimony of both Barbee and Tucker indicate what the people thought of their relations.

What weight should be given the testimony of a woman who would live in the same house with a man unmarried for a period of two years. The testimony further shows that when she appeared before the Commission on October 20th 1902 on page 3 that she attempted to deny that any one lived in a house with her and when her former testimony was read to her she evaded it because of the misspelling of the name of the man alleged to be living in the house with her. We contend that all of these contradictions together with her open relations with this man Harbro completely discredits her own testimony because as above shown when she first appeared before the Commission and before she was advised of the effect of her

testimony she admitted leaving the place of Cramp and going over to where her parents lived and afterwards she attempts to correct it by saying Cramp took her over there. It is shown however that Cramp lived there for a year or more on this same place; that she never visited him; that after a lingering illness he died and that she never attended him either during his last sickness nor did she attend his funeral. She pretends however that she did not know of his sickness or death but it would be strange indeed had she retained a wife's affection for Broom Cramp for her to not know of his sickness or death because there is no doubt but that inquiry would have been made of him from time to time. The truth is that he was much older than she; that they lived together a very short time; not more than three months; that he was very nearly a full blood and she a white woman; that they were not suited to each other and as shown from her relations with Hanbro subsequent to that time; if we take his age into consideration there were more differences between them than one.

It must be remembered that the testimony shows that Broom Cramp is dead and the Cherokee Nation can not introduce his testimony; but this woman does not introduce a single witness that tends in any wise to corroborate her statement of the separation; she is an applicant for citizenship; much depends upon her enrollment; she lived within a few miles of Broom Cramp and never visited him after their separation; she contradicts herself by first stating that she left him and after seeing the bad effect of this statement she testifies that he took her ~~over~~ over to her mothers; both Horsefly and the other witnesses living in her neighborhood know of her leaving Cramp and of Cramp living there solitary and alone until his death.

Again it is a fact worthy of consideration that although she claims to have been married to Cramp in 1885 or 1886 her name appears upon no Cherokee roll as a citizen of the Cherokee Nation by Intermarriage there is no evidence that she ever made any effort to have herself enrolled which shows that she herself practically confessed to the Cherokee Nation that she was not entitled to be enrolled as a citizen of the Cherokee Nation Under the act of May 31 1900 the Commission is without jurisdiction to receive consider or make any record of the application of any person ~~whose~~ whose name is not upon some roll.

We contend that this ~~provision~~ applies to white people as well as to

Cherokees by blood provided that the marriage took place prior to the making of some of these Cherokee rolls and since the alleged marriage of this applicant and Broom Cramp both the rolls of 1890 and 1896, each containing the names of citizens of the Cherokee Nation by intermarriage, have been made.

The Cherokee Nation is unable to prove by certificate of marriage that this woman was married to Hanbro. In a number of cases similar to this one the parties went over across the line into Arkansas, Missouri, Kansas or Oklahoma and there secured license and got married and it will be seen that it is almost impossible in numerous cases to ascertain where they were married, or whether they were married or not by any other testimony than that they lived together in the same house. But we contend that if this does not prove the marriage, that the testimony of her relations to this man should go to the creditability of the witness and we desire to say very frankly to the Department that we would not believe any woman on oath who would live for a period of two years as the testimony shows that this woman has, with a man in the same house; If her testimony is eliminated or that which she gives against herself is taken to be true by the Department, we say, that it is shown that she herself left Broom Cramp lived separate and apart from him until his death; that he remained at the home place; that there was no cause for the separation (It being presumed that because of their differences in age and difference of temperament that she got tired of him and left him.) And for these reasons we say that the Commission is in error when it says that the evidence fails to show that Lou Cramp abandoned her husband.

The reference made by the Commission that the personal estate was turned over to her cuts no figure whatever with her citizenship; if there had been a separation; if she had openly, wiffully and notoriously abandoned him and if there had been no divorce it is well known to any Lawyer that she would have inherited part of his property hence we see no reason why the Commission should say: "His personal estate was turned over to ~~her~~ the said Lou Cramp as his widow."

This woman lived in the same neighborhood; she permitted this old man to live there and die; she confessedly left his place, while he laid there after a lingering illness and died confessedly without her knowledge or without her attention.

Her name appears upon no Cherokee roll; her testimony is discredited; she does not attempt to corroborate her own testimony in any particular and the Cherokee Nation appeals to the Honorable Secretary of the Interior to reverse this erroneous judgment of the Commission to the Five Civilized Tribes.

Respectfully,

W. W. Hastings, Jr.
Attorney for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes.

Lou Cramp

In the matter of the application of -----

for enrollment as citizens of the Cherokee Nation.

Number C. D. 1200

United States of America,

Indian territory, Affidavit to show service.

Northern District SS

This day personally appeared before me the undersigned a Notary Public within and for the Northern District of the Indian Territory J. C. Starr, who being by me first duly sworn on oath states, that his age is thirty-two years and that his post office is Vinita, Indian Territory and that on the 6th Day of November 1902 he deposited in the United States Post office at Needmore an envelope containing a true copy of the instrument hereto attached and he hereto attaches the receipt of the post master at said post office showing that he received said ~~registered~~ package to be duly registered and mailed to Lou Cramp whose post office is Kelso Indian Territory; and attached to this affidavit is the registry return receipt duly signed by the applicant showing that said envelope containing a true copy of the instrument hereto attached was received by the said applicant.

Subscribed and sworn to before me this _____ Day of _____ 190____

Notary Public.

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRCKINRIDGE

ALLISON I. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1800

Muskogee, Indian Territory, March 1, 1902 1902.

Mrs. Lou Cramp,

Kelso, Indian Territory.

Dear Madam:-

You are hereby notified that the application of yourself

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

March 31, 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, as you may deem necessary.

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

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

Yours truly,

Register.

~~Acting Chairman~~
Commissioner in Charge.

1/1/00

1/1/00

1/1/00

Muskogee, I. T., March 20, 1908.

Mr. John S. Tucker,
Molton, I. T.

Dear Sir:

Enclosed herewith find a subpoena for your attendance
before the Grand Jurisdiction of Muskogee County, I. T., March
31st, 1908. Please appear as directed and do so promptly
without fail, as the law requires you to do so. We received
your letter to Mr. Lester, and so want you to know.

Yours truly,

281506

Amos 3 July

My dear friend
I have been
I think to inform
you that Law's rank
who claims to be
a leading citizen
is and has been living
in open adultery with
a girl who was at
the home of the
Judge's wife.
She is a daughter
and is
Yours, James Tucker

Cherokee D 1200

Muskogee, Indian Territory, October 15, 1902.

Isaac P. Bledsoe,

Agent for Lou Cramp,

Chouteau, Indian Territory.

Dear Sir:

You are hereby advised that Lou Cramp, has this day been 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 her right to enrollment as a citizen by intermarriage of the Cherokee Nation, on September 1, 1902.

Respectfully,

Commissioner in Charge.

Cherokee D 1200.

Muskogee, Indian Territory, October 15, 1902.

Lou Cramp,

Kelso, Indian Territory.

Dear Madam:

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 directed 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 a citizen by inter-marriage of the Cherokee Nation, on September 1, 1902.

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

Respectfully,

Commissioner in Charge.

COMMISSIONERS
TAMM 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-1200

Muskogee, Indian Territory, March 4, 1903.

W. W. Hastings,

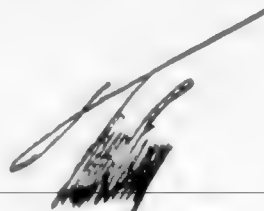
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

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 Lou Cramp for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

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

Respectfully,



Chairman.

Enc. M-6173

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 1200.

Muskogee, Indian Territory, March 14, 1903.

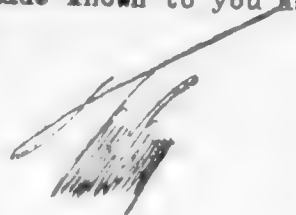
W. W. Hastings,
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

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 Lou Cramp for the enrollment of herself 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 10, 1903.

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

Respectfully,



Chairman.

Cherokee D 1200.

Muskogee, Indian Territory, March 14, 1903.

Lou Cramp,

Kelso, 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, granting 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, Chouteau, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

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

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

Respectfully,

Chairman.

Register.

Enclosure H. No. 1.

Cherokee D1200.

Muskogee, Indian Territory, March 14, 1903.

I. P. Bledsoe,
Agent for Lou Cramp,
Chouteau, 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 Lou Cramp for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings.

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

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

Respectfully,

Register.

Chairman.

Enclosure H. No. 2.

COPY.

Cherokee D 1200.

Muskogee, Indian Territory, March 14, 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 Lou Cramp for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision, dated March 2, 1903, granting said application.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

Chairman.

Through the

Commissioner of Indian Affairs.

Enclosure H. No. 3.

Land
17979-1903.

(COPY)

DEPARTMENT OF THE INTERIOR,
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 14, 1903, transmitting record in the matter of the application of Lou Cramp for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision dated March 3, 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.

The applicant, a white woman, claims the right to enrollment as a Cherokee citizen by reason of her marriage in the year 1886 to John B. Cramp, a citizen by blood of the Cherokee Nation. It appears that Lou Cramp lived with her husband for about three months following their marriage, and that they then separated.

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,

G. F. Larrabee,

Acting Commissioner.

AJW--SD.

(COPY)

J.C.H.

D.C.1024-1907
I.T.D.25094-1906
LRS.

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

January 4, 1907.

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

Sir:

December 10, 1906 (Land 17979-1903), the Indian Office submitted the record in the matter of the application of Lou Cramp for enrollment as a citizen by intermarriage of the Cherokee Nation, and recommended that the decision of the Commission to the Five Civilized Tribes dated March 3, 1903, granting the application, be reversed. A copy of its letter is inclosed.

The evidence in the case shows that applicant was married to a Cherokee citizen by blood in the year 1886.

In accordance with the decision of the United States Supreme Court in the case of Daniel Red Bird et al. vs. the United States, the decision of the Commission, in favor of the applicant, is hereby reversed.

The record has been sent to the Indian Office for its files.

Respectfully,

Thos. Ryan.

Through the Commissioner
of Indian Affairs.

First Assistant Secretary.

1 inc. and 3 to Ind. Of.

REFER IN REPLY TO THE FOLLOWING:

Cherokee
D-1200.

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, granting the application for the enrollment of Lou Cramp as a citizen by intermarriage of the Cherokee Nation, was reversed by the Secretary of the Interior January 4, 1907, and said application denied.

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

Respectfully,

MR
Enc. N 4.

Commissioner.

REFER IN REPLY TO THE FOLLOWING:

Cherokee
D-1200

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 17, 1907.

Lou Cramp,

Kelso, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 2, 1903, granting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was reversed by the Secretary of the Interior January 4, 1907, and your application denied.

Respectfully,



Commissioner.

MH

Cherokee
D-1200

Muskogee, Indian Territory, January 17, 1907.

I. P. Bledsoe,
Agent for Lou Cramp,
Choteau, 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 Lou Cramp as a citizen by intermarriage of the Cherokee Nation, was reversed by the Secretary of the Interior January 4, 1907, and said application denied.

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

Respectfully,

MH
Enc. M 3.

Commissioner.

Received from the Commission to the Five Civilized Tribes a copy of the testimony in the
matter of the application of

for enrollment as

of the Cherokee Nation.

Cherokee No.



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

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Make doubtful; dead husband on 1880 roll; see if
lawful marriage; judgment stated.

Cherokee D 1200

150

DEPARTMENT OF THE INTERIOR

OFFICE

WASHINGTON, D.C.

BFS

FILED

20 1901

[Handwritten signature]

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOCOE, IND. TER.



*Return to Sender
incalled for*

Lou Cramp,

~~Kelso, Indian Territory~~

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Department of Interior,
Bureau of Indian Affairs,
Washington, D.C.

Dear Mr. [Name]:

I am writing to you regarding the [subject] of your letter of [date]. The [subject] is a matter of [subject] and [subject].

[The following text is extremely faint and largely illegible. It appears to be a standard administrative letter with several paragraphs of text, possibly including a reference to a specific act or regulation.]

I am sure that you will find this information helpful. If you have any questions, please do not hesitate to contact me.

Sincerely,
[Signature]

[The following text is also extremely faint and largely illegible. It appears to be a continuation of the letter or a separate section, possibly containing a list or specific instructions.]

[Illegible text]

[Illegible text]

[Illegible text]

George Carroll

... as stenographer to
... that the ...
... roof

MD Green

C. M. Green

Comptroller.

POOR ORIGINAL -
BEST AVAILABLE COPY

~

Mem 95

Mem 95

u

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

SEP 29 1900

[Handwritten signature]

File with George Garrett, Cherokee doubtful 1901.

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

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

Appearances:

J. L. Baugh for the Cherokee Nation
Mellette & Smith for the applicants.

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

- (By Mr. Smith) State your name? A Frederick Garrett.
Q Are you the applicant in this case? A Yes sir.
Q You have testified in the case before? A Yes sir.
Q Before the Commission when you made your application? A Yes sir.
Q Do you remember what year it was that you returned to the Cherokee
Nation after your father took you out when you were a boy? A I think
it was either '85 or '87.
Q To what place did you return? A To the old home place.
Q Did you have any property on that place at that time? A An inter-
est in some cattle.
Q How many cattle? A 145 head.
Q What did you do with these cattle? A I have part of them yet.
Q Did you ever vote anywhere except in the Cherokee Nation? A No sir
Q Ever held office anywhere except in the Cherokee Nation? A No
sir.
Q Ever sit on juries anywhere except in the Cherokee Nation? A No
sir.
Q Have you ever voted in the Cherokee Nation? A Yes sir.
Q Ever have any permits issued to you by the Cherokee Nation? A
Yes sir.
Q Where did you have the permits? A You mean where were they issued
from?
Q Yes sir. A From the Clerk's office.
Q What clerk? A Mr Hastings was clerk when I got some of them.
Q What Hastings? A I dont know his first name.
Q Clerk of what district? A Delaware district.
Q Have you a brother named George Garrett? A Yes sir.
Q When did he come back to the Cherokee Nation after your father
took him out? A I dont remember just when it was, he was here 2 or
3 years before I came.
Q He was here when you came? A Yes sir.
Q Have you a brother named Robert L.? A Yes sir.
Q When did he come back? A Same year I did, just before I did.
Q Have you a sister named Mary? A Yes sir.
Q When did she return? A When Robert did.
Q What you a sister named Elizabeth? A Yes sir.
Q When did she return? A Same time the others did, just before I did.
Q Were your brothers Robert and George recognized in the same way
that you were? A Yes sir, I think so, I never heard anything dif-
ferent.
Q I believe you stated in your original examination here that you
had property here in the Cherokee Nation during the time you were
out? A I had an undivided interest in the cattle was all.
Q Does your name appear on the Shawnee roll of 773 persons which was
made out in accordance with the treaty of 1869? A I think it does.
BY MR. SMITH: If the Court please I would like to have the
Shawnee rolls examined and that part thereof which mentions
the name of this applicant, made a part of this record.

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

have moved to and located in the Cherokee Nation, Indian Territory (prior to the 10th day of June 1871) within two years from the 9th day of June 1869 in accordance with an agreement entered into by and between the Shawnee tribe of Indians and the Cherokee Nation of Indians through their Delegations in Washington D. C., United States of America on the 7th day of June 1869 and approved by the President of the United States on the 9th day of June 1869 in accordance with the Fifteenth Article of the Cherokee treaty of with the United States proclaimed August the 11th 1866, and calls the attention of the Commission to the fact that on said rolls at #381 is found the name of Frederick Garrett. Said rolls being a printed list in the possession of the Cherokee Representatives and the said rolls being certified to by Lewis Downing Principal Chief of the Cherokee Nation and by Graham Rogers, Late Principal Chief of the Shawnee Tribe of Indians and by Charles Tucker, Late Ass't. Principal Chief of the Shawnee Tribe of Indians.

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

(By Smith of applicant)

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

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

(By Mr. Daugh)

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

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

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

(By Smith)

Q What is your name? A J. C. Williamson.

Q Where do you live? A Bluejacket.

Q What is your age? A 53.

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

Q You dont know? A (No answer)

Q How long have you lived in the Cherokee Nation? A Since September 1870.

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

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

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

Q Is he a Shawnee citizen? A Yes sir.

Q Did you come as one? A No sir.

Q Did you marry a Shawnee citizen afterwards? A Yes sir.

Q Do you know this man Frederick Garrett? A Yes sir.

Q Do you know his father? A Yes sir.

Q What is his father's name? A Samuel.

Q Do you know his brothers and sisters? A Yes sir.

Q Can you name them? A Richard, Elizabeth, Fred, Robert, Mary and George.

Q Were they all the children of Samuel Garrett? A I claimed them to be h.s.

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

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

I saw them in '71, I know they were there in '71, and I think I saw them in '70; I stopped there in '71.

Q Did you know Samuel Garrett before he came to the Cherokee Nation?

A Yes sir.

Q What was he? A A farmer.

Q Was he a Shawnee? A Yes sir.

Q An adopted Shawnee? A Yes sir.

Q And he came here when the Shawnees came? A Yes sir.

Q Did you know Frederick Garrett who has just left the stand here?

A Yes sir.

Q Is he the same Frederick Garrett that you knew and who was brought here by his father and whose name is on the Shawnee rolls? A Yes sir.

Q And these brothers and sisters that you have named, do you know them as the brothers and sisters of Frederick? A Yes sir, I knew them when they came here.

Q Do you know anything about where Samuel Garrett lived when he lived here in '70 or '71? A Yes sir.

Q Where? A On the Chetopa and Carrie Ferry road on Fox creek near Neosho river in Delaware district Cherokee Nation.

Q With his family? A Yes sir.

Q These are the same people that you stopped with in '70 or '71? A Yes sir.

Q Did he improve a place there? A Yes sir.

Q In what way? A Built a house, fenced it and broke out a farm.

Q How long did the old man Samuel Garrett live there before he left that place, as well as you recollect? A As well as I recollect he left there in the fall of '75 or '76.

Q Did he take Frederick back with him? A I think he took Frederick with him, he left two of the boys.

Q Which two did he leave? A I think Richard and George.

Q Do you know what disposition was made of the place ~~that~~ when old man Garrett left there that time? A Yes sir.

Q What? A I rented the place.

Q How long did you have it rented? A I lived on the place as well as I remember about 18 months.

Q What property, if any, did these people leave upon that place? A He left somewhere about 80 head of cattle, cook stove and a bed and bead stand, I think some house furniture, some plows,

Q About 80 head of cattle, some household goods and some farming implements? A Yes sir.

Q Was the old man Samuel Garrett ever back on the place after you rented it from him? A He was there back on the place every few months I cant call how often.

Q He had property there? A Yes sir.

Q Do you know of his voting in the Cherokee Nation after he left the place and went to Johnson County Kansas? A Nothing more than that he stopped with ~~my~~ me.

Q Voted? A Oh voted, yes sir.

Q In the Cherokee Nation? A Yes sir,

Q Do you know if he had property interests in Johnson county Kansas? A Yes sir I know he owned a farm there when I was there and he owned quite a tract of land near Montecello Kansas, I dont know now how much of a farm he did have there.

Q After he left this place, at the time he rented it to you, do you know of him voting anywhere else except in the Cherokee Nation? A No sir.

Q Do you know of his holding himself out as a citizen of anywheres else except in the Cherokee Nation? A No sir.

Q Do you know of his receiving permits in the Cherokee Nation after he rented that place to you? A Not direct.

Q Did he ever come back to live on the place after that? A Not that I know of.

Q Do you know when he died? A I know when he died but cant call the date now.

Q About how long ago? A Either in '90 or '91

Q Do you know this applicant Frederick Garrett? A Yes sir.
 Q Do you remember when he came back to the Cherokee Nation? A I remember about his return, but I dont remember what year.
 Q Do you know if some of this property you spoke of was on the place when Frederick got back? A I do not.
 Q Were there any cattle on the place? A I think there was some cattle still on the place.
 (By Baugh)
 Q You say that you know old man Garrett voted in the Cherokee Nation?
 A He came down there and went into the polls, that was after he came down from Chetopa, after he had moved up there.
 Q Who did he vote for? A I disremember now.
 Q You dont know if he voted or not do you? A I dont know if he did, he went into vote, I was not an officer at the polls and dont know if he cast his vote.
 Q How long ago has it been since he moved to Kansas? A You mean when he first left the Cherokee Nation?
 Q Yes sir A Well as near as I can remember it was in about '75.
 Q He lived continuously from that time until his death in Kansas?
 A Yes sir.
 Q He never came back to the Cherokee Nation to live after that? A No sir not as I know of.

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

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

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

=====

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

BY MR. SMITH: I desire this testimony also to be filed in the following cases: Cherokee D-458; Cherokee D-490; Cherokee D-886 and Cherokee D-1201.

BY COM'R NEEDLES: As requested by applicant's attorney copies of this testimony will be filed in the cases named.

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

Subscribed and sworn to before me this the 25th of October, 1901.

(Chas. von Weise)
C. R. Hearshorn
 Commissioner.

"R"

D 1201

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 1, 1902.

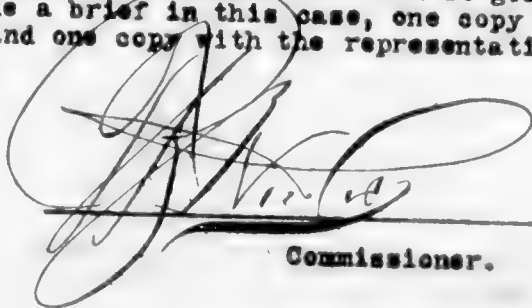
In the matter of the application of George Garrett, for the enrollment of himself as a citizen of the Cherokee Nation:

The applicant and his attorneys were notified by registered letter February 14, 1902, that the application of George Garrett, for the enrollment of himself as a citizen of the Cherokee Nation, would be taken up by the Commission for final decision ~~at~~ at its offices in Muskogee, Indian Territory, on the 1st day of March, 1902.

Receipt has been acknowledged of the Commission's letter, and the applicant this day appears by his attorneys Mellette & Smith.

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

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



A large, stylized handwritten signature in dark ink, written over a horizontal line. The signature is highly cursive and appears to be the name of the Commissioner.

Commissioner.

12.

D 1201

Cherokee D 1201.

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

In the matter of the application of George Garrett for enrollment as a Cherokee citizen of Shawnee blood.

DECISION.

--oOo--


The record in this case shows that on September 29, 1900, George Garrett appeared before the Commission at Vinita, Indian Territory, and made application for his enrollment as a Cherokee citizen of Shawnee blood.

The evidence shows that the said George Garrett is a Shawnee Indian and is identified on a certain register of names as one of those who located in the Cherokee Nation under the terms of a treaty concluded between the Cherokee Nation and the Shawnee tribe of Indians on June 7, 1869 and approved by the President of the United States on June 9, 1869. He is not identified on the authenticated tribal roll of 1880, but the evidence shows that he has resided in the Cherokee Nation since 1871, and he is identified on the Cherokee Census roll of 1890 and the Shawnee pay roll of 1896.


The evidence further shows that the said George Garrett was residing in the Cherokee Nation at the date of this application.

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

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, I. T.

this _____

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

ALLISON I. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1201.

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 George Garrett for the enrollment of himself as a Cherokee citizen of Shawnee blood.

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

Respectfully,



Acting Chairman.

Enc. C. No. 12.



George Barrett

D-1201

- A. Ori. ... Sept 29, 19...
- B. Memo. ... Sept 29, 19...
- C. Memorandum ...
- D. Receipt for ...
- E. Sup. ... Barrett ...
- F. Notice of final consideration ...
- G. ...

10 36

[Large handwritten mark]

Represented by

Cher D 1202

Cher D 1202

Department of the Interior,
Commission to the Five Civilized Tribes,
Bartlesville, I.T., October 9, 1900.

In the matter of the application of Charles Lavin for enrollment as a Cherokee by intermarriage; being sworn and examined by Commissioner Breckinridge, he testified as follows:

- Q Give me your name, please? A Charles Lavin.
- Q How old are you? A 57.
- Q What is your post office? A Bartlesville.
- Q What district do you live in? A Cooweescoowee district.
- Q Who is it you want to have put on the roll, yourself and family?
A Myself alone.
- Q Do you claim as a Cherokee by blood? A No, sir, an adopted.
- Q Let me see your marriage license and certificate? A I lost them, I will show you what I have; someone broke into my house when my woman died and got a lot of things out and they got that too.
- Q When were you married to your Indian wife? A In 1875.
- Q Then you are on the roll of 1880? A Yes, sir.
- Q Your wife is dead, is she? A Yes, sir.
- Q What was her name? A She was a widow woman, her name was Eliza.
- Q Was your wife a Cherokee? A A Delaware.
- Q How long has your wife been dead? A She died in 1883.
- Q And you married her you say in 1875? A Yes, sir.
- Q Have you ever married since she died? A Yes, I married a Cherokee after that.
- Q What was your first wife's name when you married her? A Eliza Bell.
- Q Was that her maiden name? A No, her maiden name was Eliza Fish.
- Q What is the name of your present wife? A Her name was Jennie.
- Q Is she living? A No, sir.
- Q Tell me the name of the woman you married after your wife died?
A Jennie Hayes.
- Q When did you marry her? A I married her, I think it was -- (exhibits paper.)
- Q Your present wife's name was Jennie Hayes? A No, sir, it was Hayes.
- Q You were married in August, 1886, were you? A Yes, sir.
- Q Is she living now or dead? A No, she is dead.
- Q Was she a Cherokee woman? A Yes, sir.
- Q When did she die? A She died four years ago last February.
- Q Did you live with your first wife from the time you married her until she died? A Yes, sir.
- Q Did you live with your wife Jennie from the time you married her until she died? A Yes, sir.
- Q And have you ~~xxx~~ married since that wife Jennie died? A No, sir, I am a lone hand now.
- (The applicant presents a paper used in his application for enrollment before the Cherokee authorities, showing that he married his present wife in August, 1886, according to the laws of the Cherokee Nation. This is filed herewith.)
- Q Have you lived in the Cherokee Nation ever since your enrollment in 1880? A No, sir, it never lived anywhere else.
- Mr. W.W. Hastings, representative of Cherokee Nation: at district were you in in 1880, 20 years ago.
- Q I was in this same district, Cooweescoowee district, I have never been out of this district.
- Commissioner Breckinridge: What was your wife, Jennie Hayes', name 20 years ago, in 1880? A I can't tell you, it might be Jennie Teller. In 1886 I was sick in bed, I was a lone hand, and I sent my name in to the enrollment and I don't know whether the man got it in or not.
- Q We don't find you on the record as you produce no license and certificate of marriage in accordance with Cherokee law.

Charles Lavin - 2

The applicant applies for his enrollment as an intermarried Cherokee, stating that he married a Cherokee-Delaware woman in 1875. He does not produce a Cherokee license or certificate to that effect, nor is he or his wife to whom he claims to have been married at that time identified on the roll of 1880. He states that she died in 1885, and that in 1886 he married a Cherokee woman who died some four years ago, and that since that time he has not remarried. His Cherokee wife isn't identified on the roll of 1880, nor is the applicant identified on the roll of 1896. The applicant therefore not producing evidence of having been admitted at any time to Cherokee citizenship and not being identified upon any roll of the Cherokee Nation, it is considered that the Commission has no jurisdiction over his case and a memorandum will be made to that effect. If he desires this memorandum to be reported to the Secretary of the Interior, it will be done so upon his written request. The paper referred to in the testimony appears to be simply an affidavit and is returned to the applicant.

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

Bruce G. Jones

Sworn to and subscribed before me this 29th of October, 1900.

C. H. ...

Commissioner.

A D D I T I O N A L - T E S T I M O N Y .

C H E R O K E E M E M O . # 1 1 6 .

D E P A R T M E N T O F T H E I N T E R I O R .
C O M M I S S I O N T O T H E F I V E C I V I L I Z E D T R I B E S .
M U S C O G E E , I . T . , F E B R U A R Y 2 6 t h , 1 9 0 1 .

I N T H E M A T T E R O F T H E A P P L I C A T I O N O F C h a r l e s L a v i n , M e m o . # 1 1 6 .
C . V . R o g e r s , b e i n g s w o r n a n d e x a m i n e d b y C o m m i s s i o n e r , T . F .
N e e d l e s t e s t i f i e d a s f o l l o w s :

Q W h a t i s y o u r n a m e ? A C . V . R o g e r s .
Q W h a t i s y o u r a g e ? A S i x t y t w o .
Q W h a t i s y o u r P o s t o f f i c e ? A C l a r e m o r e .

B y M r . A . M . C a l l o w a y , A t t o r n e y f o r A p p l i c a n t :

Q C a n y o u s t a t e w h e t h e r o r n o t y o u a r e a c q u a i n t e d w i t h C h a r l e s
L a v i n ? A Y e s , s i r , I a m w e l l a c q u a i n t e d w i t h h i m .
Q H o w l o n g h a v e y o u k n o w n h i m ? A O v e r s i n c e a b o u t ' 7 4 o r ' 5 .
Q D o y o u k n o w w h e t h e r h e e v e r m a r r i e d o r n o t t o a c i t i z e n o f t h e
C h e r o k e e N a t i o n ? A Y e s , s i r , h i s f i r s t w i f e w a s a D e l a w a r e .
Q D i d h e l i v e w i t h t h a t w o m a n u n t i l s h e d i e d ? A Y e s , s i r .
Q D i d h e m a r r y a g a i n ? A H i s s e c o n d w i f e w a s J e n n i e P a l o n e , r a i s e d
i n C o i n g s n a k e D i s t r i c t r i g h t n e a r m e ; I k n o w h e r w e l l ; s h e d i e d a n d
t h e n h e m a r r i e d J e n n i e H a y e s ; s o m e c a l l e d h e r J e n n i e V a n n .
Q W h a t w a s h e r b l o o d ? A S h e w a s a C h e r o k e e , B i l l V a n n ' s d a u g h -
t e r o f W e b b e r s M a l l s . A n d I t h i n k h i s l a s t w i f e w a s a D e l a w a r e ;
a f t e r t h i s l a s t w i f e d i e d , h e m a r r i e d a n o t h e r D e l a w a r e w o m a n ; s h e ' s
d e a d .

B y M r . W . W . H a s t i n g s , C h e r o k e e R e p r e s e n t a t i v e :

Q W e r e a l l f o u r o f t h e s e w o m e n c i t i z e n s o f t h e C h e r o k e e N a t i o n ?
A Y e s , s i r a l l f o u r , a n d I d o n ' t t h i n k t h a t m a n e v e r w a s o u t o f
t h e C h e r o k e e n a t i o n s i n c e h e c a m e h e r e ; I k n o w h i m w e l l .

B y M r . A . M . C a l l o w a y , A t t o r n e y f o r A p p l i c a n t :

Q M r . R o g e r s , d i d y o u s i g n h i s m a r r i a g e p e t i t i o n ?
A I s i g n e d h i s f i r s t p e t i t i o n ; m e a n d M a j o r L i p e a n d M u s g r o v e a n d
s e v e r a l o t h e r s .

C o m m i s s i o n e r T . F . N e e d l e s :

Q D o y o u k n o w w h e t h e r h e e v e r g o t t h e l i c e n s e o r n o t ?
A I h a v e a l w a y s u n d e r s t o o d h e f r o m L i p e .

T h e u n d e r s i g n e d , b e i n g s w o r n , s t a t e s t h a t a s
s t e n o g r a p h e r t o t h e C o m m i s s i o n t o t h e F i v e
C i v i l i z e d T r i b e s , h e c o r r e c t l y r e c o r d e d t h e
t e s t i m o n y a n d p r o c e e d i n g s i n t h i s c a s e , a n d
t h a t t h e f o r e g o i n g i s a t r u e a n d c o m p l e t e
t r a n s c r i p t o f h i s s t e n o g r a p h i c n o t e s t h e r e o f .

S u b s c r i b e d a n d s w o r n t o b e f o r e m e t h i s 2 7 t h
d a y o f F e b r u a r y , A . D . , 1 9 0 1 .

C O M M I S S I O N E R .

11202

~~11202~~
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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 27 1901

[Faint handwritten signature]

To be filed in case C. D-1302.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 5, 1902.

In the matter of the application of Charles Lavin for enrollment as a citizen of the Cherokee Nation.

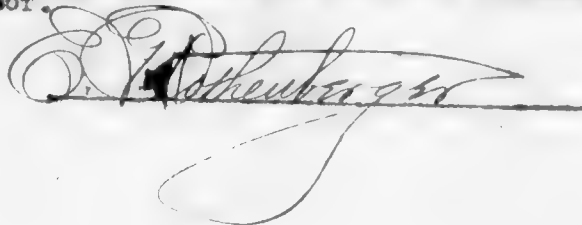
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The applicant in this case was notified by registered letter March 1, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its office in Muskogee, Indian Territory, on the 21st day of March, 1902.

Receipt was acknowledged of the Commission's letter and on said date the case was continued until April 5, 1902. The same being this date to-wit, the 5th day of April, 1902, called, the applicant failed to respond either in person or by attorney and the record is deemed completed and will be reported to the Commission for decision, based upon the evidence of record.

—o—

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



S 1202

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., Sept. 15, 1902.

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

Testimony on behalf of applicant.

Applicant appears in person.
No appearance on part of the Cherokee Nation.

CHARLES LAVIN, being sworn, testified as follows.

By the Commission,

- Q What is your name? A Charles Lavin.
Q How old are you? A I am fifty-seven. I was fifty-seven the second day of June; no, fifty-eight I meant to say.
Q Where do you live? A About nine miles south of Bartlesville.
Q You claim to be a Cherokee by intermarriage, don't you? A Yes, sir.
Q How often have you been married? A Four times.
Q What is the name of your first wife? A Ann Liza Bell. That was her maiden name, that was my first woman's name.
Q Was she a Cherokee or a white woman? A A Delaware.
Q A Delaware by blood? A Yes, sir.
Q When did you marry her? A In '75, February -- 4th day of February, '75.
Q That was after the Delawares came to the Cherokee Nation?
A Yes, sir. Her maiden name was Liza Fish.
Q Her maiden name? A Liza Fish.
Q How long did you live with her? A Eight years, seven days; then she died. She died with the dropsy.
Q You lived with her until she died? A Yes, sir, I buried her, I can prove that.
Q Who was the next woman you married? A She was a Cherokee. Jane Palone.
Q That was her maiden name? A Yes, sir, I was her first husband.
Q Was she a Cherokee by blood? A Yes, sir.
Q How long did you live with her? A A little over two years, she died in a family way.
Q You continued to live with her up until the time of her death?
A Yes, sir, I buried her.
Q What was the name of your next wife? A Jennie Hays.
Q Jennie Hays? A Yes, sir.
Q Did you live with her until she died? A Yes, sir, dead and buried.
Q What was her citizenship? A Cherokee by blood.
Q What was the name of your next wife? A She was a widow woman. Her name was Sarah Washington; she had been married before I married her.
Q What was her name when you married her? A Sarah Washington.
Q Was her husband living? A No, sir.
Q What was Sarah Washington? A A Shawnee.
Q Is she living now? A No, sir, she died four years the 11th day of March.
Q Did you live with her until she died? A Yes, sir, and buried her.

- Q Did you ever get out a Cherokee marriage license and certificate when you married? A Yes, sir, first time, from Major Lipe.
- Q What position was he holding? A Clerk.
- Q Cooweescoowee District? A Yes, there at Claremore.
- Q Then you never took out a license for the other women? A No, they married me by the old license according to Cherokee law.
- Q How much did you pay for that license? A Five dollars.
- Q Do you remember any of the men who signed your petition for that license? A J. C. Rogers, Frank Rogers, the one that was killed there a good while ago, that the Delawares killed.
- Q Who was the next man? A Bill Rogers and Tynor.
- Q Now the next man? A Bob Davis.
- Q Are any of those men living? A No, sir.
- Q All of them dead? A Yes, sir.
- Q Who married you under that license? A Charley Rogers; he was district judge at that time, the first time. He's dead. Bill Roger's father. You know Bill.
- Q Do you know when the roll of 1880 was made? A Yes, sir.
- Q What wife were you living with? A Liza.
- Q Liza Fish? A Yes, sir, and after I married her she went by the name of Liza Lavin.
- Q Did you ever go by any name other than Charles Lavin? A Me? That's my name.
- Q What was the name of your first wife? A Liza.
- Q Was her husband dead when you married her? A Yes, sir. He had been dead either six or seven months. That man there knowed it; Mr. Keeler knows it.

GEORGE B. KEELER, being sworn, testified as follows:

By the Commission,

- Q What is your name? A George B. Keeler.
- Q Where do you live, Mr. Keeler? A At Bartlesville, Cherokee Nation.
- Q You are acquainted with the applicant, Charles Lavin? A Yes, sir.
- Q How long have you known him? A I have known him since '74.
- Q Where has he been residing since that time? A He has been residing about seven or eight miles southeast of Bartlesville.
- Q In the Cherokee Nation? A In the Cherokee Nation, about two miles south of Silver Lake.
- Q Do you know the name of his first wife? Through whom he claims his right to enrollment? A Liza Bell.
- Q Was that her name? A Her husband's name was Samuel Bell; I was well acquainted with him, lived within a quarter of a mile of him.
- Q Was she a Cherokee or Delaware. A A Delaware.
- Q Do you know if she came with the Delawares when they came to the Cherokee Nation? A Yes, sir, she came as a registered Delaware; but at the time she came to the Cherokee Nation I don't know what her name was at the time she married Bell.
- Q After she got here? A After she got down in the Cherokee Nation.
- Q What was Bell, a Delaware? A No, sir, he was a white man.

CHARLES LAVIN, being recalled, testified as follows:

By the Commission,

- Q What was the name of your Shawnee wife? A Sir?
Q What was the name of your Shawnee wife? A Her name was Sarah.
Q What is her last name? (No answer.)
Q What is her maiden name? A Her maiden name? Let's see, Ann Sarah.
Q Was she a Shawnee? A She was a Shawnee by marriage. She had been married to a Delaware, his name was John Johnnycake.
Q What was her nationality, Indian or white woman? A She was an Indian.
Q She was married to Johnnycake, was she? A Yes, sir, before she married this Washington.
Q Jennie Hays was your last wife? A Third.
Q Now, if I understand you correctly, your first wife's name was Eliza? A Yes, sir.
Q She was a Delaware? A Yes, sir.

Attention is here invited to the identity of the applicant's first wife on the supplemental testimony heretofore taken.

- Q Your second wife was named Jennie Hays when you married her?
A Jane Polone.

The applicant's second wife is identified on the authenticated roll of 1880, on page 156, No. 2230, as Jane Polone. Cooweescoowee District.

- Q The third wife was named Jennie Hays when you married her?
A Yes, sir.
Q She had some children, didn't she? A She had Rosy Cary I told you about.
Q Rosy Cary? A Yes, sir.
Q And she had another child named Thomas Hutton? A Yes, sir.

It appears from the records of the Commission that the applicant's third wife's children, to wit: Rosa Cary and Thomas Hutton, have heretofore been listed for enrollment on Cherokee roll card, field Nos. 5172 and 7175 respectively, and upon an examination of the testimony had in the matter of the application of Thomas Hutton, it appears that his mother was also known as Jennie Morgan, and that the said Thomas Hutton is identified on the roll of 1880 as Thomas Morgan. His mother is identified on said roll, on page 35, No. 960, as Jane Morgan in Canadian District.

- Q Did your wife Jennie come from Canadian District? A Yes, sir, she moved up here.
Q Now, your fourth and last wife's name was Sarah, was it?
A Yes, sir.
Q And before you married her she was married to a man named Journeycake? A Yes, sir.
Q She was part Delaware? A Yes, sir.
Q Part Munsey? A Yes, sir, and part Stockbridge.

The attention is here invited to the name of Sarah Journeycake. It appears to have been added to the roll of 1880 by the revising committee, and placed on page 124, No. 1572, in Cooweescoowee District.

GEORGE B. KEELER, being recalled, testified as follows:

By the Commission,

- Q Mr. Keeler, you knew the applicant's first wife, did you not?
A Yes, sir.
Q Was she recognized as a Delaware by blood? A Yes, sir.
Q Did you ever hear her right to enrollment disputed in any manner?
A I never did.
Q Did you know the applicant's second wife? A I have seen her, was not acquainted with her.
Q Don't know anything about her citizenship? A No, sir.
Q Did you know his third wife? A I have seen her at my store, she traded with me.
Q What was her appearance? A That of an Indian, a Cherokee.
Q Was the appearance of his second wife that of an Indian?
A Yes, sir.
Q Did you know his last wife, Sarah? A Yes, sir.
Q Did she have the appearance of an Indian? A Yes, sir.
Q Do you know whether she was recognized as an Indian? A It was always my understanding that she was recognized as an Indian, a member of the Tribe.
Q Have you ever heard it intimated in any way that the applicant, Charles Lavin, lost his right to enrollment as a citizen of the Cherokee Nation by reason of his marriage to a woman who is not a citizen? A No, sir, I never have.
Q Has he generally been recognized in the community as a bona fide citizen by intermarriage? A Yes, sir. His farm joins my farm and has for the last -- ever since he married Mrs. Bell in the spring of '75, our farms have adjoined, and he has had all the privileges of an adopted citizen.
Q Are you pretty well acquainted in Coowesscoowee District? Did you ever know a man by the name of Charlie Levie? A No, sir, I never did.
Q Did you ever hear the applicant called by that name? A No, sir he always went by the name of Charlie Lavin.
Q You don't know anything about his marriage in accordance with Cherokee law to his first wife? A Why, yes, sir, I remember the time Charlie and his wife went to Dog Creek to get married.
Q Do you know whether he was married under a Cherokee license?
A I think he was; that was always my understanding, and I am acquainted with all the parties that signed his petition.
Q He has always resided in your vicinity since you have known him?
A Yes, sir, I don't know of him ever being out of the country, he went up to Coffeyville to trade, and would stay over night, but he always come back.

CHARLES LAVIN, being recalled, testified as follows:

By the Commission,

- Q Do you remember when the Census enumerators came around to you in 1890? A Yes, sir.
Q Did not you tell one of the clerks out there a while ago that they were drunk and put your name down wrong? A No, that was when they made the roll out.
Q How did they put your name down? A They put mine Charlie Lavin

and here Liza Lavin, but they put it on the book wrong.

Q How did they put it on the book, do you remember? A No, I don't remember.

There is identified on the authenticated roll of 1880, on page 130, No. 1684, in Cooweescoowee District, one Charley Levie.

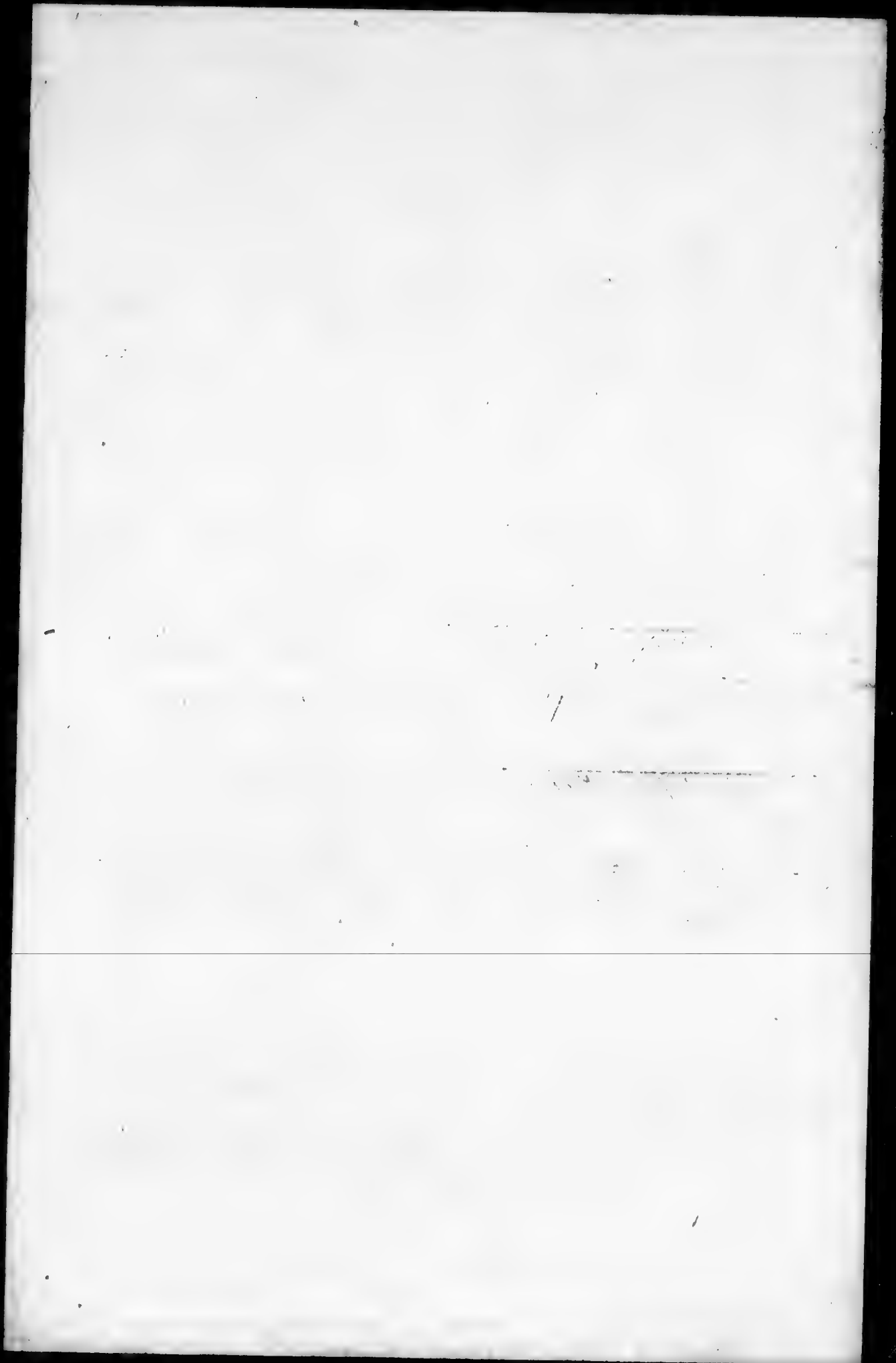
Retta Chick, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

Retta Chick

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

[Signature]

Notary Public.



Cher
Supp'l to D 1202

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

In the matter of the application of CHARLES LAVIN, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation:

CHARLES LAVIN, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A Charles Lavin.
Q How old are you? A Fifty eight.
Q What is your post office? A Bartlesville.
Q Are you a white man? A Yes sir.
Q Are you claiming your right to be enrolled as a citizen by intermarriage? A Yes sir.
Q What is your wife's name? A Eliza Lavin.
Q Is she the wife through whom you are claiming your right to enrollment? A Yes sir.
Q Is she a Cherokee by blood? A A Delaware.
Q How long has your wife been living in the Cherokee Nation?
A She came here with the Delawares when they all come.
Q Has she been living in the Cherokee Nation ever since that time?
A She is dead. She has been dead quite a while.
Q When were you married to her? A In 1875.
Q Were you married to her under a Cherokee license? A Yes sir.
Q How is it that your name is not on the 1880 roll?
A I will tell you---my name is on the 1880 roll aint it?
Q Were you living in the Nation in 1880? A Yes sir.
Q In what district? A Cooweescoowee.
Q Close to Bartlesville where you are living now? A Yes sir.
Q Is Eliza your first wife? A Yes sir.
Q When did she die? A She died in 1883.
Q Did you live with her from the time you married her up to the time she died? A Yes sir, I buried her.
Q In the Cherokee Nation all that time, were you?
A Yes sir, this is the farthest I have ever been away from home.
Q Have you married since Eliza died in 1883?
A I have been married three times.
Q When did you marry your second wife? A In the fall of '83.
Q What was her name? A Jennie Palone.
Q Was she a Cherokee by blood? A Yes sir.
Q Was that her maiden name? A Yes sir.
Q How long did you live with her? A She didn't live but two years, when she died.
Q What was the name of your third wife? A Jennie Hays.
Q When did you marry Jennie Hays? A In 1887, I think it was.
Q Was she a Cherokee by blood? A Yes sir.
Q Was Jennie Hays her maiden name? A No sir, her maiden name was Jennie Tallow. She come from Canadian District.
Q Do you know if she was living in Canadian District in 1880? That would be seven years before you married her?
A Yes sir, she come there the year before I married her.
Q Came where? A To Cooweescoowee.
Q From Canadian district? A Yes sir.
Q How long did you live with that wife?
A I lived with her two or three years.
Q Then did she die? A Yes sir.
Q Now who was your fourth wife? A Her maiden name was Sarah Conkepot.
Q Was she a Cherokee by blood? A She was part Delaware and part Munsey.

- Q Was she a Cherokee citizen ? A Yes sir.
Q How long did she live in the Cherokee Nation after you married her ? A She came here at the time when the Delawares came.
Q Did she come with the Delawares ? A Yes sir.
Q And lived in the Cherokee Nation up till she died ?
A Yes sir.
Q When did she die ? A About three years ago, the 11th day of March.
Q You lived with her from the time you married her up till she died, did you ? A Yes sir.
Q Have you been married since that time ? A Yes sir.
Q You say your third wife was Jennie Hays ? A Yes sir.
Q She had been married before she married you A Yes sir.
Q Was her husband dead when she married you ? A Yes sir.
Q Have you been living in the Cherokee Nation since 1875 ?
A Yes sir.
Q Do you know why your name isn't on any of the rolls Mr. Lavin ?
A I will tell you, my name is on the 1880 roll, and since that you know the Cherokees never made an intermarried roll, since 1883 they have just had names on the roll Cherokee by blood, and wouldn't put white men on the roll.
Q There were some census rolls ? A Well I was sick in bed and couldn't go.
Q Do you mean in 1890 ? A Yes sir.
Q Why were you not on the roll of 1896 ? A That's the year I am talking about, I was sick in bed and couldn't go.
Q All your wives were Cherokee citizen ? A Yes sir.
Q And never were disputed ? A No sir.
Q You married your first wife under a Cherokee license ?
A Yes sir.
Q You have been living in the Cherokee Nation ever since 1875 ?
A Yes sir.
Q You have never lived anywhere else ? 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 29, 1902.

B. J. Jones
Notary Public.

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

---0---

In the matter of the application for the enrollment of
Charles Lavin as a citizen by intermarriage of the Cherokee Nation.

00 00 00 00 00 00 00 00

DECISION.

--:0:--

The record in this case shows that on October 9, 1900, Charles Lavin appeared before the Commission at Bartlesville, Indian Territory, and made application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Claremore, Indian Territory, on November 9, 1900, and at Muskogee, Indian Territory, on February 26, 1901, September 15, 1902, and again on October 22, 1902.

The evidence in this case shows that Charles Lavin, a white man, was married in 1875 to one Eliza Bell, nee Fish, an adopted Delaware. She having died in 1893, he married one Jane Malone, a Cherokee citizen. Her death occurred about two years after said marriage, and thereafter he married one Jennie Hayes, a Cherokee citizen. She having died, he was again married to one Sarah Washington, nee Conkepot, a Shawnee. Her death occurred in March, 1899.

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 566 of the Compiled Laws of the Cherokee Nation (1892) is as follows:

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

The evidence also shows that the applicant secured rights of Cherokee citizenship through intermarriage with his first wife, Eliza Bell, nee Fish, and that, subsequent to her death, he married Cherokee citizens, as hereinbefore shown.

It is further shown by the evidence that Charles Lavin is identified on the Cherokee Authenticated Tribal Roll of 1890, and that he has lived in the Cherokee Nation continuously from his enrollment thereon, and that he was not married subsequent to the death of his last named wife, up to and including September 1, 1902.

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

COMMISSION TO THE FIVE CIVILIZED TRIBES.

NEED.

Tamc Lardy.

Acting Chairman.

E. Needles

Commissioner.

C. D. Bruchman

Commissioner.

Dated at Muskegee, Indian Territory,

this FEB - 7 1903

E C X

Cherokee 10112.

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

In the matter of the application for the enrollment of
CHARLES LAVIN as a citizen by intermarriage of the Cherokee
Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That on October 9, 1900 application was received by the Commission to the Five Civilized Tribes for the enrollment of Charles Lavin as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Claremore, Indian Territory, November 9, 1900 and at Muskogee, Indian Territory, February 26, 1901, September 15, 1902, October 22, 1902 and January 7, 1907. The records further show that on February 2, 1903 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, Charles Lavin, who is identified on the Cherokee authenticated tribal roll of 1880, Cooweescoowee District No. 1654, is a white man and neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation other than such right as he may have acquired by virtue of his marriage February 4, 1875 to one Elisa Lavin, nee Fish, who is identified on the Delaware Register, Page 28, opposite No. 961, and who was a member of the Delaware Tribe of Indians and acquired her right to enrollment as a citizen of the Cherokee Nation by virtue of her compliance with the provisions of the agreement entered into by the Cherokee and Delaware Tribes of Indians April 8, 1867.

In view of the foregoing it is considered that said applicant acquired no right to enrollment as a citizen by intermarriage of the Cherokee Nation by reason of his marriage to the said Elisa Lavin, nee Fish, on February 4, 1875, who was not a citizen of the Cherokee Nation of Cherokee blood.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That the decision rendered by the Commission to the Five Civilized Tribes, February 2, 1903, granting the application for the enrollment of Charles Lavin 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, 1900 in the cases of Daniel Red Bird et al. vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Charles Lavin 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 his application for enrollment as such is accordingly denied.

Dated at Muskogee, Indian Territory

Commissioner.

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-1202.

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 Charles Lavin for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you 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,

Enc. H-15.

Acting Chairman.

REFER IN REPLY TO THE FOLLOWING:

Cherokee
10112.

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

Muskogee, Indian Territory, February 13, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the five Civilized Tribes, dated February 13, 1907, denying the application for the enrollment of Charles Lavin, 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 the same.

Respectfully,

Encl.HJ-18.
HJC

Commissioner.

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

February 28, 1907.

Land
16273-1907.

C O P Y

The Honorable,
The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Charles Levin, as a citizen by intermarriage of the Cherokee Nation, including decision of Commissioner Bixby, dated February 13, 1907, adverse to the applicant.

The decision of Commissioner Bixby has been examined, is found to be correct, and its approval is recommended.

Very respectfully,

C.F. Larrabee,
Acting Commissioner.

REM-LC.

D.C.12636

(COPY)
DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J. P.
W.H.W.

I. T. D.
5384, 5386, 5484, 5546,
5700, 5718, 5764, 5766,
5770, 5774, 5994, 6066,
6068, 6116, 6284, 6680,
6710, 6714, 6716, 6730,
6732, 6738, 6760, 6794,
6800, 6818, 6780-1907.

March 2, 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. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed:

Title of Case.	Date of your letter of transmittal.
John Thomas,	February 2, 1907.
Ezekial J. Dunagan,	February 2, 1907.
Missouri I. Ross,	February 12, 1907.
William C. Patton,	February 6, 1907.
B. F. Armstrong,	February 19, 1907.
Andrew P. Cowan,	February 19, 1907.
John A. Brown,	February 2, 1907.
John H. Riffert,	February 2, 1907.
Jacob E. Barrow,	February 2, 1907.
Samuel L. Jones, <i>(Freedmen)</i>	February 2, 1907.
George W. Craig,	February 15, 1907.
Jane M. Byrd,	February 19, 1907.
Elizabeth R. Rogers,	February 12, 1907.
Elmer Shafer, et al. (Freedmen),	February 18, 1907.
John Rogers,	February 19, 1907.

Title of Case.	Date of your letter of transmittal.
Olley Haymey Dunaway, et al.,	February 21, 1907.
Willie Martin, et al. (freedmen),	February 21, 1907.
John Ellsworth Lambert,	February 21, 1907.
Stephen F. Wade,	February 21, 1907.
Michael S. Edmondson,	February 23, 1907.
James Brown,	February 21, 1907.
Charles H. Bacon,	February 21, 1907.
Benjamin F. Teague,	February 21, 1907.
George W. Scott	February 21, 1907.
Walker Johnson (freedman),	February 12, 1907.
Elizabeth Lasley,	February 23, 1907.
Charles Lavin,	February 13, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

27 enclosures, and
54 enclosures to Ind. Of.,
with carbon hereof.

A. F. Mc.

3-2-07.

REFER IN REPLY TO THE FOLLOWING:

Cherokee 10112

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

Muskogee, Indian Territory, March 12, 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 13, 1907, rejecting the application for the enrollment of Charles Lavin as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 2, 1907.

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

Respectfully,

Encl.H-11
JMH

Commissioner.

D-1202

Charles Lavin

D-1202

~~W. Oriana ... 1900
 B. M ... 1900
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Cher D 1203

Cher D 1203

Department of the Interior.
Commission to the Five Civilized Tribes.
Nowata, I. T., October 16, 1900.

In the matter of the application of Patsy M. Martin for the enrollment of her grand-daughter, Mary Browning, as a Cherokee citizen; she being sworn and examined by Commissioner C. R. Brekinridge, testified as follows:

- Q Give me your full name? A Patsy M. Martin.
Q How old are you? A 63 yearsold.
Q What is your postoffice? A Nowata.
Q What is your district? A Cooweescoowee district
Q Who is it you wish to apply for now, a grand-daughter? A My grand-daughter.
Q What's her name? A Mary Browning.
Q How old is that child? A 16 years old.
Q Is she an orphan? A Yes, she's an orphan.
Q What's the name of her father? A J. T. Browning.
Q Is he dead? A He is not dead; her mother's dead.
Q Where is her father? A Brenham, Texas.
Q The child is in your charge? A Yes.
Q Living with you? A No sir, with her father.in Texas.
Q Does she spend a good part of her time with you? A No sir.
Q Does she stay there all the time? A She does since I have been up here. She staid with me a right smart of the time when her mother died.
Q What is the name of her mother? A Mary E. Bro ning.
Q She's dead is she? A Yessir.
Q When was she married to her husband? A I can't recolledt.
Q Was s e ever married except to this husband? A No sir.
Q Was this child's mother your daughter? A Yes s r.
Q Her maiden name was Martin? A Martin.
Q Was she admitted to citizenship the same time you were in 1890; this child's mother? A No sir, just the child.
Q Admitted under the name of Mary Browning? A May Browning; my grand-daughter's name is May Browning. The mother's name is Mary and grand-daughter's name is May.
The applicant presents an official copy of an act of the Cherokee Council approved Dec. 4, 1890, admitting certain persons to citizenship, the same to be operative only when and in case they remove and permanently locate in the Cherokee Nation. Among the persons there named appears the name of Mary Browning. That is the name I suppose of this child as is mentioned as the grand-child of Patsy M. Martin? A I expect that it is.
Q Then six years old? A At that time, yes.
This is recognized as official evidence of the admission of this grandchild at the time stated.
- Q Now when did this grandchild first come to the Cherokee Nation?
A She has never be in here.
Q Has her mother ever been here? A No sir.
Commissioner-

The applicant applied for the enrollment of her grandchild, May Browning. This child is identified as having been admitted to Cherokee citizenship in 1890, said admission not to be operative until the beneficiaries shall remove and permanently locate in the Cherokee Nation. Neither the child, nor her mother, of whom she derives her Cherokee blood have ever lived in the Cherokee Nation or been in the Cherokee Nation. The Commission is not deemed to have any jurisdiction over this application as the act of admission has never become operative, and only a memorandum will be made at this time of the application for enrollment of May Browning. If it is desired that this memorandum be reported to the Secretary of the Interior, it will be done upon the receipt of a written request to that effect.

E. G. Rothenberger, being first duly sworn, states that as

stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the above case, and that the foregoing is a true and complete translation of his stenographic notes in said case.

E. L. Rott

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

W. M. ...
Commissioner.

Handwritten scribbles

a

1903

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 18 1900

Handwritten signature

ACTING CHIEF

Supl.-C.D.#1203.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 21, 1902.

SUPPLEMENTAL in the matter of the enrollment of MARY BROWNING
as a citizen of the Cherokee Nation:

Patsy M. Martin was notified by registered letter March 1, 1902, that the application for the enrollment of Mary Browning 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 21st day of March, 1902, and that she could on said day appear before the Commission either in person or by attorney when an opportunity would be given her to introduce any further testimony affecting said case. The applicant has been called this day, to-wit: the 21st day of March, 1902, and fails to respond either in person or by attorney. Receipt has been acknowledged of Commission's letter, and it is deemed that the record in this case is completed and the case will be reported to the Commission for final decision based upon the evidence now of record.

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I, 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

0101303

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 31 1902



ACT'NG CHAIRMAN

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

In the matter of the application for the enrollment of
May Browning as a citizen by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on October 16, 1900, Patsy M. Martin, appeared before the Commission at Nowata, Indian Territory, and made personal application for the enrollment of May Browning 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 21, 1902.

The evidence shows that the said May Browning was admitted to citizenship in the Cherokee Nation on December 4, 1890 by the duly constituted authorities of said nation under the name of Mary Browning Martin.

The evidence shows that the said May Browning has never resided in the Cherokee Nation or Indian Territory, and was not a resident of said nation or territory at the date of the application herein.

Paragraph nine, section twentyone 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 May Browning 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

JUL 16 1902

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

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1203.

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 Patsy M. Martin for the enrollment of her grand-daughter, May Browning, as a citizen by blood of the Cherokee Nation.

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

Respectfully,



Acting Chairman.

Inc. H-D-1203.

BR

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

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1203.

ALLISON L. AYLESWORTH
SECRETARY

Muskogee, Indian Territory, August 12, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of July 16, 1902, rejecting the application of May Browning, Cherokee D 1203, for enrollment as a citizen of the Cherokee Nation, was affirmed by the Secretary of the Interior on the 29th day of July, 1902.

Very respectfully,



Acting Chairman.

IN THE MATTER OF THE APPLICATION OF

May Brown

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

COPY OF TESTIMONY FILED
WITH THE CHEROKEE NATION.

Cher D 1204

Cher D 1204

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZATIONS,
NOWATA, I. T., OCTOBER 17th, 1900.

IN THE MATTER OF THE APPLICATION OF Susan V. Kearns for the enrollment of herself and children as citizens of the Cherokee Nation, and she being sworn and examined by Corvid oner, C. R. Brookbridge, testified as follows:

- Q What is your full name? A Susan V. Kearns.
Q How old are you? A Twenty six.
Q What is your Post office? A Watova.
Q In what district do you live? A Cooweescoowee /
Q Who is it you want to have put on the rolls; yourself and family?
A Yes sir; myself and two children.
Q Any husband? A I have a husband; yes sir.
Q You do not apply for him? A No sir; he is white.
Q You are not living with him? A Yes sir.
Q He has not married you according to Cherokee law? A No sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Give me the name of your father? A Andy J. Miller.
Q Cherokee or white man? A Cherokee.
Q Is he dead or living? A He is living.
Q Give me the name of your mother? A Martha J. Reynolds.
Q Is she dead or living? A She is living.
Q Is she a Cherokee? A No sir.
Q White woman? A Yes sir.
Q When were you married to this husband? A No response.

The applicant presents an illustrated certificate of marriage, showing that ~~Edith~~ Wesley B. Kearns and Susan McCauley were united in marriage August 21st, 1899, at Independence, Kansas, by H. D. Perry; Probate Clerk. This document is returned to the applicant.

- Q When you married your husband, you were a McCauley? A Yes sir.
Q When did you marry your husband, McCauley? A In 1891.
Q Is he living or dead? A Dead.

The applicant presents a marriage license dated August 18th, 1891, authorizing marriage between Susan McCauley and W. C. McCauley; It is issued by the Clerk of Cooweescoowee District, and the certificate shows that they were united in marriage on the 20th of August, 1891, by the Reverend William Adams. This identified the applicant at that time, and is filed herewith.

- Q He was a white man, was he? A Yes sir.
Q Now give me the names of your children please?
A Eva A. Reynolds.
Q Were you married to a man named Reynolds? A No sir.
Q You have been married only to these two husbands? A Yes sir.
Q Is this child your own child? A Yes sir.
Q How old is that child? A She is nine years old. I guess she is just eight; she will be nine her next birth day.
Q She is not the child of your marriage with McCauley?
A No sir.
Q Give me the name of the next child? A Bertha McCauley.
Q How old is that child? A Five years old.
Q Are these children both living now? A Yes sir; I have another one too.
Q You want to apply for another child? A Yes sir.
Q What is the name of the next child? A Bertha Jane Kearns.
Q How old is that child? A Ten months old.
Q These children are all living now, are they? A Yes sir.
Q Were your father and mother living in 1880? A Yes sir.
Q And living here in the Cherokee Nation? A Yes sir.
Q And you have never lived in any where else? A No sir.
Q Whom were you enrolled with in 1880? A With Jane Sullivan, my mother.
Q Have you ever had your name traced up on the roll of 1880? A
A I do not know whether I ever did or not.

- Q Your mother was known as Martha J. Miller at that time?
A Yes sir.
Q Was your father dead in 1890? A No sir.
Q Was your mother separated from him? A Yes sir.
Q And she had married a man named Sullivan? had she? A Yes sir.
Q George Sullivan? A Yes sir.
Q Did you draw strip money in 1894? A Yes sir.
Q Under what name did you draw strip money? A McGauley.
Q What is the "V" in your name for? A Victoria.
Q Did you separate from your husband, McGauley? A No sir., my husband died.
Q He was a white man? A Yes sir.

The applicant applies for the enrollment of herself and three children: She claims to be a native of the Cherokee Nation, and to have lived in the Cherokee Nation all of her life: She can not be identified on the roll of 1880, or the roll of 1894, or the roll of 1896: She states that she was refused enrollment by the Cherokee authorities, in 1896, because they could not identify her on the roll of 1880. The two older children given in the testimony are of an age to be on the roll of 1896, but they are not identified there. A careful search has been made under every variation of name suggested by the applicant, and no trace can be found of her, or of her parents, or of any evidence of her ever having been accepted by the authorities of the Cherokee Nation: Therefore, this Commission is not deemed to have any jurisdiction over these applicants, and only a memorandum will be made of the applicant and her three children: She is desired to file proof of birth of the child, Rutha J. Kearnes, whom she states is a child of her present marriage, in order that her list may be complete: If she desires this memorandum reported to the Secretary of the Interior, it will be done upon the receipt of a written request to that effect.

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

A. R. Mawley

Subscribed and sworn to before
me this 17th day of October, 1900.

[Signature]

COMMISSIONER.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., November 20, 1900

In the matter of the application of Susan V. Kearns for the enrollment of herself as a Cherokee citizen; being sworn and examined by Commissioner Brackinridge and examined by the commission, she testified as follows, in supplemental:

- Q What is your name? A Susan V. Kearns.
- Q How old are you? A I am 26 years old.
- Q What is your post-office address? A Watova.
- Q You made application to the Commission on the 17th day of October for the enrollment of yourself and children did you?
- A Yes sir.
- Q The Commission refused to enroll you at that time for the reason that they could not identify you on any of the rolls in the possession of the Commission, is that a fact? A Yes sir.
- Q You now desire to submit additional testimony by which you claim you can prove that your name appears upon the authenticated roll of 1830? A Yes sir.
- Q Under what name were you enrolled in 1830? A Susan V. Miller
- Q Where were you living at that time? A I was living down here near Claremore; my mother was.
- Q Was your mother living at that time? A Yes sir.
- Q What is the name of your mother? A Sullivan.
- Q Was she a Cherokee by blood? A No sir.
- Q What is the name of your father? A Andy J. Miller.
- Q Was he a Cherokee by blood? A Yes sir.
- Q Do you know whether or not your father was enrolled in 1830?
- A Yes, he was enrolled; I never saw it done, but I know for reason he was.
- Q You know in what district he was living at that time?
- A Yes sir, Delaware District.
- Q Is your father living? A Yes sir.
- Q You know whether or not he has been enrolled? A Yes sir, he was enrolled at Vinita.
- 1830 roll for father, page 290 #1703 Andrew Miller Delaware District
Serial Card #2931.
- 1830 roll page 5 #40 Susan V. Miller Orphan roll Goosecreek Dist
native Cherokee 6 years old.
- Q Has your father re-married since the death of your mother?
- A My mother is not dead.
- Q Is your father living with a woman now as his wife, that you know of? A Yes sir, he has got a wife now, but it isn't mine.
- Q You know what her name is? A Her name is Martha Ann.
- Q Do you know of your own knowledge whether your father was married to your mother? A No sir.
- Q Is there anybody here by whom you could prove that marriage?
- A No, I don't suppose there is.
- Q What was your mother's given name? A Martha Jane.
- Q Did your mother separate from your father before 1830?
- A Yes sir.
- Q Do you know about when they separated? A No sir, I don't.
- Where? Q Is your mother living at the present time? A She is living near Alluwee
- Q Is she here to-day? A Yes sir.

MARTHA J. REYNOLDS, being sworn and examined testified as follows:

- Q What is your name? A Martha J. Reynolds.
- Q How old are you? A 49.
- Q What is your post-office address? A Alluwee.

Q You are acquainted with the applicant Susan V. Kearns? A Yes sir, she is my daughter.

Q Who is her father? A Andrew Miller.

Q When were you married to Andrew Miller? A He never was married at all, but he recognized her as his child, and she is on the '75 roll with him.

Q Did you ever live with him as his wife? A Yes sir.

Q How long? A Well I could 't hardly tell you.

Q About how long? A I guess about three or four months. He enrolled her with himself in '75.

Q Did he always recognize her as his daughter? A Yes sir.

Q Examined by Caleb Starr, Cherokee Rep'ive: Are you a Cherokee by blood? A No sir.

Q Did Andrew J. Miller have a living wife at the time you lived with him? A No sir, he married after this girl was about five or six months old I guess; I won't say for certain, but she was a great big baby; he married this woman he lived with now. And this girl is on the '75 roll with his wife and him, and he drew her money. Since then I have always enrolled her myself until she is grown.

J.B. CAMPBELL, being sworn and examined testified:

Q What is your name? A J. B. Campbell.

Q How old are you? A 53

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

Q Are you acquainted with the applicant here, Susan V. Kearns? A Yes.

Q How long have you known her? A 20 years or more.

Q Do you know who her father was? Or who he was reputed to be? A Andrew Miller of Delaware District.

Q Did you know the mother of this child? A Yes sir.

Q How long have you known her? A For 25 years.

Q Do you know whether or not Andrew J. Miller recognized Mrs. Kearns here as his daughter? A Yes sir, he was told no more than once that she was his daughter.

Q Did he state who the mother of the child was? A Yes sir, said that it is woman was. (Pointing to Mrs. Reynolds)

Q Examined by Caleb Starr, Cherokee Rep'ive: This woman is not a Cherokee by blood? A No sir, and Cherokee she is a white woman.

Q She was never married to Andrew J. Miller? A I think not.

Examined by Attorney J.B. Lawson:

Q Do you know whether or not the applicant ever drew any Cherokee moneys? A She has drawn all the Cherokee moneys since 1875.

Q How do you know? A I drew the most of it myself, being a neighbor, there being no parents; I think her mother being a non-citizen was it allowed to draw and I was used by her to draw it and I drew the money and turned it over to her as a rule.

Q Do you know whether or not her name appears upon the Cherokee rolls? A Yes sir, her name appears on all the Cherokee rolls. Her name appears upon the 1881 roll because I drew her money in 1880, although her name have been a lapse payment before or since then and I didn't get her money but I know that I drew that 1880 payment, - through the circumstances, and I received a copy of drawing her money since at different times.

Q Do you know whether or not she has at all times been recognized as a Cherokee citizen? A I know that she has.

Examined by the Commission:

Q Where was she living in 1880? A She was living with her mother

Q This woman here? A Yes sir. (Referring to Mrs. Reynolds)

Q Do you know of your own personal knowledge that the Susan V. Mil-

Susan V. Kearns 3

Mr who is matched on the orphan roll of 1880 is the identical person? A I do not, but I know that there was some trouble about finding her man, and that it was looked up and she was found upon the Cherokee roll; I don't remember about it being on the Orphan roll.

Q Has you any reason to believe that she is not the Susan V. Miller whose name is found upon that roll? A I have not.

Q Did she draw Strip money in 1894? A Yes sir, for some reason or other she was not found in the roll and was admitted by Council the reason I know, - her father acknowledged her as his child, I was at Tahlequah and assisted in having her put on the roll, being a neighbor, and he told me at that time, and appeared before the Committee at that time and stated that she was his child.

Q She was paid the money subsequent to the regular payment in 1894, by a special act of the Council was she? A Yes sir.

By Attorney E.B. Lawson:

Q Mr. Campbell do you know whether there was a special act or not? A I do not.

By the Commission:

Q Mr. Campbell, do you know whether or not she was enrolled in 1880? A It is my impression that she was.

Query by witness, What money was paid out in 1896.

On being informed that no money was paid in 1896, he answers:

A Well I don't know about that.

Q Did she draw money in 1891? A She drew the small Cherokee payments.

Q Do you know to what year those payments were made?

A No sir I don't know.

APPLICANT RECALLED, examined by the Commission:

Q Do you know who enrolled you in 1880? A My mother says she did, I was too young to remember, my mother and step-father enrolled me.

Q What is your step-father's name? A George Sullivan.

Q Is he living? A No sir.

By E.B. Lawson, Applicant's Atty:

Mrs. Reynolds, applicant's mother, recalled:

Q Mrs. Reynolds do you know who enrolled this applicant Susan V. Kearns, in 1880? A Yes sir, I did myself.

Q I will ask you under what name you enrolled her? A I enrolled her as Susan V. Miller.

Q How old was she at that time? A 6 years old.

Q Do you know where she was living at the time of 1880?

A Yes sir, lived 12 miles below Cherokee.

Q With whom? A George Sullivan.

Q With you? A Yes sir, she lived with me.

Q Was she in your care and custody at that time? A Yes sir, and always has been until she was married.

Q Do you know whether or not she has drawn Cherokee money since 1880? A Yes sir.

Q Do you know whether or not she has been recognized at all times as a Cherokee since 1880? A Yes sir, she has been recognized at all times.

Q Is this applicant Susan V. Kearns the same applicant you enrolled in 1880? A Yes sir.

Q Under the name of Susan V. Miller? A Yes sir.

Q Do you know whose child Susan V. Kearns, the applicant here, is?

A Yes sir.

Q Whose? A She is mine and Andrew Miller's.

Q Do you know whether or not Andrew Miller is a citizen of the Cherokee Nation? A Yes sir.

Q And recognized as such? A Yes sir.

Susan V. Kearns 4

Examined by Caleb Starr, Cherokee Repl'ive:

Q Did Susan V. Kearns ever attend the Orphan Asylum? A No sir.

Q She was not living there in 1880? A No sir. She was living at my house.

And she was put down with the Sullivan family, and she is on the 1880 roll with the Sullivan family.

By the Commission:

Q How does it happen if she was living with you at that time the roll of 1880 was made she was enrolled as an orphan? A I don't know how it was, it was done by whoever took her name down, because I enrolled her a ~~father~~ and drew her money, and she drew money every payment since 1875, and also her name appears upon the old 1880 roll just below the Sullivan family of children.

Q Was your former husband Sullivan a Cherokee by blood? A No sir, he was an adopted citizen; his first wife was a Cherokee by blood and she died and him and he was married.

Q Does the name of his first wife appear upon the roll of 1880?

A No sir, she was dead then.

Q Are any of Sullivan's children by his first wife on the roll of 1880? A Yes sir.

Q Give me the names of one or two of them? A Those at home were Willis and Will and Jeff and George Lee.

Q Are these children on the 1880 roll? A Yes sir.

By Caleb Starr, Cherokee Repl'ive:

Q Who were the census takers that took her name? A It was

L. Wright and Dick Duck. Q L. Wright was the census taker that you gave the name to? A Yes sir I am pretty certain that Dick Duck was the other one.

J.E. GARDNER RECALLED, and examined by Atty E.B. Lawson:

Q Do you know why this applicant, Susan V. Kearns was enrolled in 1880 by herself, appears on the roll by herself? A Well I remember that she was enrolled by herself and my impression was it was because her mother had no status as a Cherokee citizen, and that she was not living with her father; that was my understanding at the time.

Q Then you know of your own knowledge that she was enrolled by herself? A Yes, she was enrolled by herself.

Q And that her name appeared on the 1880 roll under such a heading?

A Yes sir.

Q But whether it appeared as an orphan or next on other rolls you don't know? A I don't know. But I know that her name appeared as Miller.

Q As what Miller? A Well I think I had known her all the time as Susie Miller.

Q Susie V. Miller? A I couldn't say about that V. especially.

Examined by Caleb Starr, Cherokee Repl'ive

Q Do you swear positively that Susan V. Miller was enrolled in 1880? My recollection is that it was in 1880.

I might possibly be mistaken about the date; I might give you some evidence that would assist me in the matter; my recollection is that Major Lips made the payment at Cowalah; if that was Cowalah then that was 1880.

Caleb Starr. That is 1883 you are thinking about.

In your testimony when you speak of Susan V. Miller being enrolled, with the you have reference to the enrollment for the 1883 payment or the payment about that time? A If that is the case I was under the impression when I was giving my evidence that it was the 1880 payment, and since questions have arisen in my mind about it I thought possibly I was mistaken, and I do remember it was at the Cowalah payment; it was at the Cowalah payment that her name was found on that roll, and Major Lips made it.

Q You found her name there upon that pay roll? A Yes sir, as Miller.

Q Do you know what time that was? A No I don't remember.

Susan V. Kearns 8

Q Then you don't know positively whether you saw her name upon the roll in 1880 or not? A Well, I thought it was, but I may have been mistaken; I know that it was that payment roll that I refer to.
Q What was that payment of 1883? A My recollection is it was the Strip Payment proceeds of the rental.
Q Paid to all citizens alike, whites and Cherokees? A Yes sir, I participated.

By Attorney Lawson:

Q What proceedings if any, and in what year, Mr. Campbell, did this matter to get this applicant's 1894 money take place, and where did these proceedings take place? A Why at Tahlequah.
Q In what year, if you remember? A It was after the 1894 payment; and it was possibly in the fall of 1894, or possibly a year after that, I couldn't say.
Applicant: It was in the fall.

Witness, Campbell, examined by Caleb Starr, Cherokee Rep'ive:

Q Mr. Campbell do you know what representations were made to the Council to get this? A Why her father, - at least the man she claims as her father, went before the agent and stated that she was his child.

Q That filed a claim and it was allowed? A And her name, my recollection is, was looked up as having participated in payments before that time.

By Atty. T.B. Lawson.

Q Do you know whether or not her father is a ~~man~~ recognized citizen? A He is.

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 21st day of November 1900.

[Signature]

Commissioner.

"R"

Cherokee D 1204

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 5, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Susan V. Kearns for the enrollment of herself and children, as
Cherokee citizens.

Appearances:

E.B. Lawson, Nowata, I.T., attorney for the applicants;
W.W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant and her attorney were notified
by registered letter February 14, 1902, that the applicant's
application for the enrollment of herself and children as
Cherokee citizens would be taken up for final consideration
by the Commission at its offices in Muskogee, Indian Terri-
tory, on the 5th day of March, 1902; receipt has been acknowl-
edged of the Commission's letter, both by the applicant and
by her attorney, and the applicant this day to-wit: 5th day
of March, 1902, appears by her attorney E.B. Lawson.

BY COMMISSION OF MR. LAWSON: You desire to make any statement
in this case?

MR. LAWSON: Yes sir, here is a birth certificate of her
child I desire to have filed.

There

BY COMMISSION: There is offered in evidence by the
attorney for the applicant a duly executed affidavit as to
the birth of ~~Eva~~ A. ~~Kearns~~ Reynolds, the daughter of Susan V.
Kearns and Sarah Reynolds; same will be filed and made a part
of the record.

BY MR. LAWSON: I was required by the Commission also to supply
the act of the Council of 1894, paying the money to Susan V.
Kearns and her children; that I can and will supply to-day or
to-morrow. The clerk at Tahlequah has failed to supply it
to me, but I telephoned him and he said he would have it
here to-day or tomorrow.

By Commission: Aside from that, do you submit the case?

A Yes sir.

BY COMMISSION: The attorney for the applicant files
brief in the case, one copy with the Commission and one copy
with the representative of the Cherokee Nation. The attorney
for the applicant on behalf of the applicant and the attorney
for the Cherokee Nation on behalf of the Cherokee Nation
submit the case and same is ordered closed and reported to
the Commission for final decision, based upon the evidence
now of record, in addition to the certified copy of the
act of the National Council paying to the applicant her pro
rata share of the Cherokee Strip money.

I, M. D. Green do hereby certify that as stenographer to the Com-
mission 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

14. 51204
Cherokee D 1204. 2963

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

In the matter of the application for the enrollment of Susan V. Kearns, Eva A. Reynolds, Bertha McCauley, Rutha J. and Pearlle Kearns as citizens by blood of the Cherokee Nation.

D E C I S I O N .

The record in this case shows that on October 17, 1900, Susan V. Kearns appeared before the Commission at Nowata, Indian Territory, and made personal application for the enrollment of herself and her three minor children, Eva A. Reynolds, Bertha McCauley and Rutha J. Kearns, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Chelsea, Indian Territory, on November 20, 1900, and at Muskogee, Indian Territory, on March 3, 1902.

The evidence shows that the said Susan V. Kearns is a Cherokee by blood. She is identified on the 1880 authenticated tribal roll of the Cherokee Nation under the name of Susan V. Miller.

The three minor children, Eva A. Reynolds, Bertha McCauley and Rutha J. Kearns are identified by birth affidavits on file with this Commission, and are shown to be the children of Susan V. Kearns. On June 12, 1902, there was filed with the Commission an affidavit, executed by Susan V. Kearns, from which it appears that Pearlle Kearns was born May 3, 1902; that she is the child of the said Susan V. Kearns, and that she was living at the date of the execution of the affidavit.

The said Susan V. Kearns resided in the Cherokee Nation all her life, and was a resident of said Nation at the date of the application herein. It is considered that the residence of the children herein applied for is that of their mother.

It is, therefore, the opinion of this Commission that Susan V. Kearns, Eva A. Reynolds, Bertha McCauley, Rutha J. Kearns and Pearlle Kearns 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.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

this 11 2 1902

Before the Honorable Dawes Commission, at Muskogee, I. T.
et. al.

In the matter of Susan V. Kearnes, applicant for enrollment as a
Citizen of the Cherokee Nation.

APPLICANTS BRIEF.

Susan V. Kearnes states that she is the wife of Wesley E. Kearnes; that prior to her marriage to Wesley E. Kearnes she was the wife of W. McCauley; and that her maiden name was Susie Miller.

Applicant states that her father is Andy J. Miller, whose name is found on the 1880 roll; that the name of her Mother was Martha J. Reynolds.

On the 1880 roll page 5 number 40 the name of Susan V. Miller, Orphan roll, Cooweescoowee District, native Cherokee, 6 years old, is found.

And the applicants Mother and J. E. Campbell testified that applicant is on the 1880 roll and has always been recognized as a Cherokee and has drawn money with the Cherokees.

No other Citizen of the Cherokee Nation has been found that answers to the name of Susan V. Miller, as shown on the Orphan roll of Cooweescoowee District.

Susan V. Kearnes the applicant testifies that she is 26 years of age or rather that she was 26 years of age in 1900, and this would make applicant just 6 years old when the 1880 roll was made.

We contend that the name of Susan V. Miller on the 1880 roll is the name of the applicant herein and that she is the identical person so enrolled on the said 1880 roll.

We do not know whether applicants Father and Mother were ever married but applicant has at all times ^{been recognized} by her father Andy J. Miller, as his child, and we suppose that ~~the name of Susan V. Miller is on the Orphan roll by mistake.~~ ^{as will be shown by letter attached to envelope}

We contend that applicant and her children are entitled to enrollment as Cherokee Citizens, for the reason that applicant is on the 1880 roll and has always been recognized as a Cherokee Citizen.

E. B. Harrison
Attorney for applicant.

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., 1204.

Muskogee, J. T., Feb. 25, 1902.

Mr. Andrew Miller,

Fairfield, J. T.

Dear Sir:

Enclosed here with find a subpoena for Your attendance before the Indian Commission at Muskogee, J. T., on March 5th, 1902. Kindly accept service of the subpoena by signing the blank printed in red ink at the bottom, and return to us by first mail, and advise us if you will do so promptly at that time.

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. 1204.

Muskogee, I. T., Feb. 25, 1905.

F. B. Lawson, Esq.,

Nowata, I. T.

Dear Sir:

We herewith enclose for a notice for Susie V. Kerns, ~~is~~
~~HEREIN~~ that testimony will be taken in her case here on March
5th, 1905. As you are her attorney, as we understand, kindly
accept service on one of the notices and return to us by first
mail, and greatly obliged,

Yours truly,

NOTICE!

IN THE MATTER OF the application of Susie V. Jerna, et al.
for enrollment as Cherokee citizens:

Case No. D 1824.

To Susie V. Jerna, or E. S. Lawson, her attorney; Nowata, 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 5, 1902. **at 8 o'clock A. M.** or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Feb. 15, 1902.

W. W. Hastings
Attorneys for the Cherokee Nation.

D.

**INDIAN TERRITORY,
CHEROKEE NATION.**

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 190...

Given under my hand this.....
day of..... A. D. 190..

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
..... day of, 190 .

.....
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

.....
on the day of A. D. 190

.....
Subscribed and sworn to before me
this

.....
Notary Public.

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

ALLISON I. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

RECEIVED

Cherokee D 1204.

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 Susan V. Kearns for the enrollment of herself and her four minor children, Eva A. Reynolds, Bertha McCauley, Rutha J. and Pearlle Kearns, 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. 14.

LR 204

THE MATTER OF THE APPLICATION OF

Susan V. Kearns et al

- ~~A. Original Petition~~
- ~~B. Memorandum~~
- ~~C. Affidavit~~
- ~~D. Subpoena~~
- ~~E. Letter~~
- ~~F. Exhibit~~
- ~~G. Return~~
- ~~H. Bill~~
- ~~I. Book~~
- ~~J. Order of final conciliation~~

1909
31

1908

1900

1902

1903

1904

1905

Certificate as to drawing of share money
 Supplemental
 and
 Be it also ordered that the said

Cher D 1205

Cher D 1205

(Memo.)

"R"

Department of the Interior?
Commission to the Five Civilized Tribes,
Chelsea, I. T., November 21st, 1900.

In the matter of the application of Nancy Phillips for the enrollment of herself and one child as Cherokee citizens; she being duly sworn before the Commission testified as follows:

- Q What is your name? A Nancy J. Phillips.
Q What is your age? A 52.
Q What is your post office address? A Talala.
Q Are you a Cherokee citizen? A Yes, sir, part Cherokee.
Q How much Cherokee blood have you? A About a quarter.
Q Who do you want to have placed on the rolls? A Myself and one child.
Q How long have you lived in the Cherokee Nation? A I have been living here all my life.
Q Have you been outside of the Cherokee Nation for any purpose within the past three years? A No, sir.
Q What is your father's name? A Henry Robison.
Q Is he living? A No, sir.
Q Was your father a Cherokee? A Part Cherokee and part colored.
Q Give me the name of your mother? A Ann Henry Dameron.
Q Is she living? A She is dead.
Q Was your mother a Cherokee? A Part.
Q Give me the name of your child? A Lula Phillips.
Q How old is she? A 15.
Q Who is the father of Lula? A Wesley Phillips.
Q Is he living? A No, sir.
Q Was he a Cherokee by blood? A No, sir, he was a white man.
Q When were you married to him? A In 1886.
Q Did you live with him until he died? A Yes, sir.
Q Where were you living in 1880; that is, in what district? A Cooweescoowe.
Q Where were you living in 1886, what district? A Cooweescoowe.
Q Did you ever draw money from the Cherokee Nation? A Yes, sir, twice.
Q When did you draw money? A When Downing was Chief and bread money.
Q What was your name in 1880 A Shaffer.
Q Did you ever apply to the Dawes Commission for enrollment as a Cherokee citizen? A No, sir, only I went before them at Vinita when they were there and started to make application and they said you do not have to make application as you are already recognized. they said I was not the kind that had to make application. That's what Mr. McKinney told me.

WILLIAM ADAMS called and sworn as a witness, testified as follows:

- Q What is your name? A William Adams.
Q How old are you? A 65.
Q What is your post office address? A Alluwe.
Q Do you know Nancy J. Phillips, the applicant here? A I knew her in the year 1870 and '71 on Russel Creek next to the State line; I settled there and knew her there.
Q You knew her in 8&0 and '71? A Yes, sir.
Q When was the last time you saw her until you saw her to-day? A I can't tell you.
Q Have you ever seen her since '70 or '71 until you saw her here now? A No sir.
Q How do you know that this is the same woman that you knew on Russell Creek in '70 or '71? A From what people say. She was a Shaffer when she lived there and was recognized as part Cherokee and part colored.

Nancy J. Phillips--2.

Q Was she recognized at that time as a Cheokee or as a colored woman?

A I supposed her to be about half or each.

Q Do you now of your own knowledge whether she was recognized as a Cherokee by blood or a colored woman? A Not at that time, I did.

Q Have you heard of her from that time until you saw her to-day?

A No sir, I have not seen her or heard of her until the other day.

Q Did you recognize her as the woman that you knew on Russell creek in '70 or '71? when you saw her the other day for the first time?

A No, she told me that she was the Shaffer woman, or at least told me that that had been her name and I knew that that was the woman that live up there then.

BY CHEROKEE REPRESENTATIVE STARR:

Q How far did you live from her when you were living up on Russell creek? A Three miles.

Q How long did you live there? A Two years: after I first knew them before I moved to Alluwe where I now live.

Q Did you know her the two years that you live near her? A Yes, sir, that is, I got acquainted with her shortly afterwards and knew her from the time I did get acquainted with her until the time I moved to Alluwe.

Q When was it that you knew her? A Well, it was in '70 or '71 or it might be later, '72 or '73, it was either one of those two years.

Q You never knew her before that? A No, sir.

Q Have not seen her since until to-day? A No, sir, never seen her until I saw her down here.

BY CHEROKEE REPRESENTATIVE STARR OF APPLICANT:

Q Have you owned property in the Cherokee nation? A Yes, sir.

Q What was that property? A Stock and houses.

Q Did you ever own a farm? A Yes, sir, two.

Q Do you own one now? A Yes, sir, I own one.

Q Were your farms ever sold by the Cherokee Nation? A Yes, sir, one of them was. The Sheriff sold it in my husband's name.

Q The Sheriff sold your farm did he? A Yes, sir.

Q Did he sell both of them? A No, sir, he sold one.

Q Was your farm ever appraised by the United States authorities before it was sold? A I don't know if it was appraised or not.

Q Did the Cherokee authorities offer to pay him (your husband) for it? A Yes, sir, they offered to pay him.

Q Did he accept it? A No, sir.

Q And then afterwards the Sheriff sold it? A Yes, sir.

Q Did not he sell both of them? A No, sir, only one.

BY THE COMMISSION:

The applicant applies for the enrollment of herself and one child: She avers that she has lived in the Cherokee nation all her life. She is not identified on any of the tribal rolls of the Cherokee Nation and her application comes under the Provision of the Act of Congress approved May 31st, 1900, which provides that this Commission shall not receive, consider or make any record of your application for the reason that your name does not appear upon any of the tribal rolls of the Cherokee nation and for the reason that you have not been legally admitted to citizenship in the Cherokee Nation by the Cherokee authorities or the Commission to the Five Civilized Tribes, or the United States Court, and therefore, only a memorandum will be made to the effect that you have applied. If you desire this memorandum reported to the Secretary of the Interior, and will so state to this Commission in writing, it will be done when the final rolls of the Cherokee nation are sent to him for approval.

Nancy J. Phillips---3.

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

Chas. von Weise

Subscribed and sworn to before me this 26th day of November, 1900.

M. L. H. A.
MD

Commissioner.

Supl.-C.D.#1205.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 21, 1902.

SUPPLEMENTAL in the matter of the enrollment of NANCY J. PHIL-
LIPS, ET AL., as citizens of the Cherokee Nation:

The applicant was notified by registered letter March 1, 1902, that her application for the enrollment of herself and others 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 21st day of March, 1902, and that on said day she could appear before the Commission either in person or by attorney when an opportunity would be given her to introduce any further testimony affecting her application. The applicant has this day, to-wit: the 21st day of March, 1902, been called and the applicant failing to respond either in person or by attorney, the case is considered completed and the same will be reported to the Commission for final decision based upon the evidence now of record.

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I, J. O. Rossen, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings above, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rossen

CD1205

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 31 1902


Special Agent

Cherokee D 1405.

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

In the matter of the application for the enrollment of Nancy J. Phillips and her minor child, Lula Phillips, as citizens by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on November 21, 1900, Nancy J. Phillips appeared before the Commission at Chelsea, Indian Territory, and made personal application for the enrollment of herself and her minor child, Lula Phillips, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 21, 1901.

It does not appear from the evidence in this case that either of the applicants herein have ever been enrolled by the tribal authorities of the Cherokee Nation; neither does it appear that they, or either of them, have ever been admitted to citizenship in the Cherokee Nation by the legally constituted authorities of said Nation; nor does it appear that they, or either of them, have ever been admitted to citizenship in the said Nation by the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory in accordance with the provisions of the Act of Congress, June 10, 1898 (29 Stats., 321).

The Act of Congress of May 31, 1900, (31 Stats., 221) provides: "That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of this Commission that Nancy J. Phillips and Lula Phillips are not citizens of the Cherokee Nation, and duly and lawfully enrolled or admitted as such; and that, pursuant to the provision of law above quoted, it is without authority to receive, consider, or make any record of their application for enrollment as citizens of the Cherokee Nation.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

this _____

Cherokee
R-722

Without passing upon the question as to whether or not the applicant made application, as contended by the Attorney for the Nation, and without prejudice whatsoever, the examiner will allow the applicants at the present time to introduce testimony affecting their rights, with the understanding that in case the Commission should hold that it is without authority to receive or hear this application, then this testimony hereafter taken shall be stricken from the record. If the Commission should hold that they have a right to pass upon this application at the present time, then the Cherokee Nation may introduce such testimony as they desire.

The examiner is of the opinion that by allowing this testimony, as herein stated, that no rights are jeopardized and that he allowed this testimony be taken for the further reason that there is no member of the Commission, or the Secretary, at present, in Muskogee.

Cherokee
R-722

Department of the Interior
Commission to the Five Civilized Tribes.
Muskogee, I.T., February 24, 1905.

In the matter of the application for the enrollment of Nancy J. Phillips and her minor child, Lulu Phillips, as Cherokee Freedmen.

W. S. Stanfield, Attorney for applicants,

APPEARANCES: James S. Davenport, for Cherokee Nation.

BY THE COMMISSION:

It appears from the records of the Commission that on November 21, 1900, the principal applicant appeared before this Commission, at Chelsea, Indian Territory, and applied for the enrollment of herself and her minor child, Lulu Phillips, as Cherokee citizens, and that they were then listed upon Cherokee Card D-1205; that on July 29, 1902, the Commission rendered its decision that said Nancy J. Phillips and Lulu Phillips were not citizens of the Cherokee Nation, and duly and lawfully enrolled or admitted as such, and that it is without authority to receive, consider or make any record of their application for enrollment as citizens of the Cherokee Nation; that on July 29, 1902, the Commission transferred the record of proceedings had in said matter to the Secretary of the Interior for his approval; that on August 29, 1902, the Secretary of the Interior approved the decision of the Commission; that on September 17, 1902, the action of the Secretary of the Interior on said application was duly forwarded to the Attorneys for the Cherokee Nation, and also the applicants, by mail; that thereafter they were transferred from Cherokee D-1205 to Cherokee R-722.

BY MR. STANFIELD, Attorney for applicant:

"The applicants now contend that they are citizens of the Cherokee Nation by virtue of being freedmen or free Negroes, and that they returned to the Cherokee Nation after the War, in the year 1865 or '66; permission having been had by the Commission to appear and introduce testimony showing their citizenship as freedmen or free Negroes, their application before being as Cherokee Indians by blood."

BY MR. DAVENPORT, Attorney for the Cherokee Nation:

"The Cherokee Nation objects to the receiving of the application at this time for the reason that there has been no authority of law to authorize them to receive any application since September 1, 1902."

Nancy J. Phillips, having been first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION:

- Q What is your name? A Nancy J. Phillips.
Q What is your postoffice address? A Vere, Indian Territory.
Q Did you appear before the Commission in 1900, and apply for the enrollment of yourself as a Cherokee by blood? A Yes sir.
Q What name did you give at that time? A Nancy Phillips; but my name was Niccy.
Q And did you apply for anybody else at that time? A Yes sir, Lulu.

Nancy J. Phillips--2

Q Yourself and your girl as Cherokees by blood? A Yes sir.
Q Never applied as Freedmen? A I just applied this way---
Q Are you applying now as a freedman or not? A Yes sir, I have to go in that way with my sisters.
Q You are now making application for yourself and your girl as Freedmen? A Yes sir.
Q How old are you? A I am 55.
Q How old is Lulu? A 18 now.
Q Where was she born? A Here in the Territory.
Q Were you born in the Territory? A Yes sir, in Illinois District, Cherokee Nation? A Yes sir.
Q Were you a slave? A No, never was; none of my people.
Q Where have you lived since you were born? A Lived here in the Territory.
Q In the Cherokee Nation, or where? A Here in the Cherokee Nation.
Q Lived anywhere else? A No sir. I went out of here in time of the War.
Q At the beginning of the War? A When the War first broke out.
Q Where did you go? A To Fort Scott.
Q Where is that? A In Kansas.
Q You went about the beginning of the War? A Yes sir.
Q Who went with you? A My parents; mother and father.
Q Were your parents freedmen? A No sir, they is not freedmen; free born people.
Q When did you come back? A In '65.
Q What month was it? A Long near as I remember it was January; about middle of January '65; it was cold.
Q Who came with you? A My parents.
Q Where have you been living since then? A Here in the Territory.
Q Where in the Territory? A Live down here on Caney now.
Q Always lived in the Cherokee Nation since you came back in '65? A Yes sir.
Q Lived in any other Nation? A No.
Q Where was your child, Lulu, born? A Born on Timber Lake.
Q Is that in the Cherokee Nation? A Yes sir.
Q Who was her father? A Phillips.
Q What was his first name? A Wesley.
Q When you came back in '65 where did you settle? A Went down here on Neosho river; crossed at Hutching's Ferry, we turned right down to Mary Berry's place, we stayed there then we moved on Big Cabin.

BY MR. DAVENPORT:

Q How old were you when the War broke out? A I could not tell you exactly how old.
Q Was you grown? A I was about 13 years old.
Q Where were you living when you can first remember? A Here in the Cherokee Nation.
Q What place? A In Illinois District, close to old Chief Ross's, John Ross.
Q In Illinois District? A Yes sir.
Q Don't you know that John Ross never lived in Illinois district? A Yes sir. They called him Chief. Arkansas?
Q Do you remember when your family lived in ~~Kansas~~? A No sir, never lived in ~~Kansas~~.Arkansas.
Q You are a sister to William H. Robinson and Tohe Robinson? A Yes sir.
Q Wasn't your people living there and called free Negroes in Arkansas when in 1862 passed an act requiring all free Negroes in the States to select an owner; didn't your people then move from there? A No sir.

Nancy J. Phillips--3

- Q You say you were 12 or 13 when the war broke out? A I was small I can't remember.
- Q How old were you when you went to Fort Scott? A I can't tell you; a good size little girl.
- Q How long after the War was it, before you moved from Fort Scott back to this country? A In '65.
- Q Before or after the war? A After the war.
- Q You never started back from Fort Scott to the Cherokee Nation until after the war had closed? A Yes sir.
- Q Did you start back from Fort Scott before or after the the surrender? A After.
- Q And you came back after the close of the Civil War? A Yes sir.
- Q And when you got back to the Cherokee Nation there was snow and ice on the ground? A Yes sir. In '65, in January.
- Q Have you ever made an application to the Commission to the Five Civilized Tribes, before to-day, to be enrolled as a free colored person, in the Cherokee Nation? A No sir, never have.
- Q If you have any rights at all in the Cherokee Nation, you now, to-day, are making application to such rights as a free colored person? A Yes sir. We got the blood and they might take it away from us, but can't help it.
- Q Are you making application now as a slave of a Cherokee citizen, or free colored person living in the Cherokee Nation when the war broke out and who returned to the Cherokee Nation in the time provided by the Treaty? A Yes sir.

By Mr. Davenport:

"At this time the representatives of the Cherokee Nation desire to object to the receiving and hearing of this application at this time, for the reason that there has been no law authorizing original applications to be received by the Commission since September 1, 1902, and the representatives of the Cherokee Nation now move that there be no further proceedings taken in this case, and that the record as taken to-day be submitted by the Clerk in Charge to the Commission for final action as to whether or not they will now receive original applications for enrollment in the Cherokee Nation."

By Mr. Stanfield:

- Q When you left the Cherokee Nation to go to Kansas, were you escorted by the troops, or not? A Yes sir; we was taken cross the line by the Soldiers.
- Q When you came back to the Cherokee Nation, did you come with the troops, or not? A Yes sir, they was in front of us, the troops was.
- Q Did you know Mrs. Green, who is here as a witness, at that time? A Yes sir.
- Q Do you know whether or not she was a nurse, with the troops? A Yes sir, she was a nurse.
- Q Did you see her on your way back? A Yes sir, she was always-- passed right on by us; we had an ox team--
- Q What was she doing? A She was with the soldiers.
- Q What was she doing with the soldiers? A She was a nurse.
- Q On that trip when did you last see her? A When we crossed the Neosho River, at Hutching's Ferry, in the Cherokee Nation.
- Q Do you know what body of troops it was that brought you back? A No, I don't; they was riding, all on horses.
- Q Do you know where the troops were bound for? A Fort Gibson.
- Q Where were you when the war broke out? A In the Territory.
- Q What Nation? A Cherokee.

Nancy E. Phillips--4

By the Commission:

- Q Was Tobe Robinson your brother? A Yes sir.
Q Was William H. Robinson your brother? A Yes sir.
Q Did you three come back together? A No sir.
Q Who came first? A I came in '65 and they in '66.
Q They both came together? A Came with the old folks.
Q What old folks? A Mother and father.
Q I thought you came back with your father and mother? A No, in '65, I come back with Berry and John and his sister Mary; Shafer Berry.
Q Was Tobe Robinson your brother? A Yes sir.
Q William H. Robinson your brother? A Yes sir.
Q Same father and mother? A Yes sir.
Q How old did you say you were? A 55.

"Tobe Robinson, the brother of the applicant, is identified on Cherokee Freedmen D-686; William H. Robinson, another brother, is identified on Cherokee Fredmen Card D-674.

- Q You never drew any money in the Cherokee Nation? A Yes sir. The bread money.
Q When? A Directly after the war, when times was so hard they had to--
Q How did your brothers get the money and you didn't? A They made application that way, for Cherokee citizens but, but the old man didn't I couldn't see that way, and when I made application I made it Cherokee Freedman.
Q How did your brothers get the money and you didn't? A They wouldn't let me have it because I didn't go in with them, that's all I can tell; they drew the money.

"The name of the applicant is not upon the tribal rolls of the Cherokee Nation in the possession of the Commission.

(Witness excused)

Emely Green, having been first duly sworn, testified as follows on behalf of the applicant:

Examination by the Commission:

- Q What is your name? A Emely Green.
Q How old are you? A About 50 when the war come up, 21, when the war come up.
Q Must be over 60 now? A Yes.
Q Are you a Cherokee? A You bet you.
Q Are you on the roll? A You bet you.
Q Do you know Nancy J. Phillips? A You bet you.
Q How long have you known her? A Before the war.
Q Where did you first get acquainted with her? A John Ross's; she was there, in Tahlequah District.
Q Was that the Ross, Chief of the Nation? A Yes sir.
Q Where was she living at the beginning of the War? A Fort Scott.
Q Did she go there before the war commenced or after? A We had to go, when I up there--they took all the refugees to Fort Scott; I was a nurse in the Army.
Q The war had commenced before they went out? A Yes sir.
Q Did you know her during the war? A Yes sir.
Q When? A I knowed her in the war and before the war.

Nancy J. Phillips--5

- Q Did you see her during the war all the time? A Yes sir, at Fort Scott, I tell you.
- Q You was there too with her? A We left them all there and ~~the~~ I served as nurse in the Army, we come to Fort Gibson and they was on behind.
- Q Did she come back at the same time? A All did I reckon, we was before them.
- Q How much behind you were they? A They crossed Neosho about the time we did.
- Q Have you seen her since then? A Yes sir.
- Q Very often? A Yes sir, pretty often.
- Q Where have you seen her? A To Big doins in the Cherokee Nation; she aint been out of the Cherokee Nation only in time of the War.
- Q And came back with the Soldiers, did she? A Yes sir.
- Q Do you know what year that was? A I don't know what year it was.
- Q Was the war ended at that time? A Pretty near it.
- Q What time of the year was it, do you know, that you came back to Fort Gibson? A '70, I believe.
- Q What time of the year? A It was cold.
- Q How soon after that did you see her? A Well, it wasn't long after I seen her?
- Q About how long? A About a month or two.
- Q And where was she at that time? A Timber Lake.

By Mr. Stanfield:

- Q When you came back to Fort Scott, who came with you?
- A Soldiers.
- Q Where did you go? A Fort Gibson. Where they all stayed.
- Q Did you see Mrs. Phillips with this party on your trip back?
- A Yes sir; we stopped on Big Creek; they commenced to draw bread money down here to Cooweescoowee District; they all commenced to draw bread money.
- Q When did you last see her on the trip back? A We left them on Big Creek, this side Hutching's Ferry; she has been here ever since all I know.
- Q You don't know what year that was, then? A No, I never was a good schollar and paid not attention.
- Q How long had the war been closed, or was it closed? A No, it wasn't closed; they was drawing bread money yet.
- Q Was there any fighting after you came back down here? A No.
- Q Were there soldiers in the Territory, or not? A Yes, all come to Fort Gibson.
- Q Do you know what Company it was? A Company D.
- Q Who was the Captain? A Major Polene and General Scott and Howe; Hospital man was Stew; I tell you I am an old soldier.
- Q Were you a nurse in the regular army? A Yes sir.
- Q For how long? A 4 years, during the war.
- Q From beginning to end? A Yes sir. Come back to Fort Gibson.
- Q Was you taken a prisoner? A No; I was in the Nation at the time; my brothers had to go away from them.
- Q You ran away from home to join the soldiers? A I went to the soldiers; my brother he went up there to old Dr. Ross's back East- they took all to Fort Scott and when the army got settled they come to Fort Gibson.
- Q Do you know whether Nancy J. Phillips has a child? A She's got three or four.
- Q Has she got a child named Lulu? A I don't know; her name now-- Lulu Fenwick.

Nancy J. Phillips, recalled, testified as follows:

Nancy J. Phillips--6

- Q Where is your daughter, Lulu, now? A She is there on Bird Creek.
Q Cherokee Nation? A Yes sir.
Q Is she married? A Yes sir.
Q When was she married? A Last August.

Emely Green, recalled, testified as follows:

By Mr. Stanfield:

- Q Do you know as to whether her sisters and brothers came with her at the time she came back? A They all came back together.

(Witness excused).

Josie Davies, having been first duly sworn, states: That as stenographer to the Commission to the Five Civilized Tribes, she reported all the proceedings had in the above entitled cause on the 24th day of February, 1905, and that the above and foregoing is a full, true and complete transcript of her stenographic notes taken in said cause on said date.

Josie Davies

Subscribed and sworn to before me this February 25, 1905.

Myron White,
Notary Public.

401205-

FEB 25 1905

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JUNE 8, 1905.

In the matter of the application for the enrollment of Nancy J. Phillips as a Cherokee Freedman.

It appears from the records of the Commission that on the 29th day of July, 1902, the Commission rendered its decision denying the application for the enrollment of Nancy J. Phillips and her daughter, Rosa Phillips, as Cherokees by blood, and was approved by the Secretary of the Interior on August 29, 1902. The applicant now appears and asks to have her case adjudicated as a Cherokee freedman.

APPEARANCES: For Applicant, W. S. Stanfield, Vinita, I. T.
For Cherokee Nation, James S. Davenport.

ELLIS GRIMMETT, being first duly sworn, testified as follows:

BY MR. STANFIELD:

- Q What is your name? A Ellis Grimmett.
Q What is your post office? A Welch, I. T.
Q How old are you? A About 62.
Q Do you know Nancy J. Phillips? A Yes sir.
Q How long have you known her? A I don't know.
Q Where did you first get acquainted with her? A It was in Fort Scott, Kansas.
Q Was that before the war, during the war, or since the war?
A During the war.
Q Where did you first see her, was it after the war in the Cherokee Nation? A Yes sir.
Q How soon? A Just about the first breaking up of the war.
Q Where did you see her? A Hereon the Neosho River near Mud Creek.
Q What was she doing there? A Living there in the bottom next between Mud Creek and the Neosho River.
Q What time was that with reference to the war that you saw her living on Neosho River? A I would not be positive just what year it was.
Q With reference to the war, had the war closed or not? A It was after the war.
Q With reference to the time that the refugees were brought back from Kansas by the Troops, when was that? A I couldn't say just what year it was, it was somewhere in the neighborhood of that, about that time, but I couldn't tell just what year it was.
Q Do you remember the circumstance of the troops bringing the refugees back from Kansas and coming on to Fort Gibson? A Not particular I don't.
Q Do you say it was on the river before or after? A That was about the time we were moving in here.
Q Do you remember about what year that was? A No sir, I couldn't say what year it was, have no knowledge at all to be positive.
Q How long was it after the close of the war? A Along in the next spring I think after the close of the war in June, I believe it was.
Q Have you known her ever since that time? A Yes sir.
Q You have seen her off and on ever since then? A Yes sir.
Q Where has she been living? A Yes sir
Q What nation did she live in? A Cherokee.

BY MR. DAVENPORT:

- Q How far do you or have you been living from her Ellis within the last 25 or 30 years? A About 45 or 50 miles.
- Q You have not seen her over once in 5 years for the last 25 years have you? A Yes sir I have seen her pretty often since.---
- Q She lived on Gansy River west of Talala for a number of years, and you lived up about Bluejacket? A Yes sir.
- Q About 50 or 60 miles apart? A Yes sir.
- Q You don't know what year you saw her on Mud Creek? A No sir, I couldn't say.
- Q With whom was she living with at that time? A She had a husband by the name of John Shafer.
- Q Who was he living with? A Just him and his family? A
- Q Did they have a farm? A No sir.
- Q What part of Mud Creek were they living on? A Just on the south side of Neosho River, maybe you are acquainted about where it is. You know where Mr. Mills place is.
- Q I know where it is now but was it there then? A No sir.
- Q Well how far from the main mouth where Mud Creek empties into Neosho River? A About a mile.
- Q What direction? A North, on the north side of Mud Creek.
- Q Don't you know that until E. N. Ratcliff bought that place, there wasn't a place cleared out? A This was on the prairie.
- Q Don't you know that from the mouth of Mud Creek there is timber for nearly three miles up that river? A Well on this side there is not timber.
- Q You said on the north side of Mud Creek awhile ago? A This place was an old place, there was an old log house set there just before the war.
- Q Whose place was that? A I don't know who built it.
- Q Did you ever hear any name for it? A I have heard but I disremember,--lets see,--I think it was the Blythe place.
- Q Haven't you got your dates and names mixed up for the old Campbell Ranch place that was built there in 1869 or '70 by Campbell? A This was north of it, but I don't remember whose place it was.
- Q How far was it from where old man Campbell built his ranch place in 1868 or '69? A Above the Campbell place just about a half mile north of that, the first old place in that whole country.
- Q Who owns the place now where they live, do you know anything about it? A I think the place now belongs to a white woman she lives in Chetopa. she is a Shawnee woman.
- Q Was it Milt Drake's wife? A No sir.
- Q Was it the old Daughitt place? A I don't remember.
- Q You don't remember what year it was or what place it was, do you Ellis? A I would not say positive.
- Q You know that there was no farms on Mud Creek until after the war? A Yes sir I know that.
- Q There wasn't any settlement until after the war along Mud Creek?
- A There was a large patch there right by this old house.
- Q You didn't see her until after this Farmer place had been made?
- A No sir the Farmer place hadn't been made.
- Q Did you see her before or after Chetopa had started? A Chetopa just started.
- Q How did you come down into that country then? A I went from Big Creek up there to look out for a location.
- Q Where did you cross the railroad? A The railroad hadn't come through if I remember right.
- Q What do you say about that, do you know where it was? A I don't think the railroad had passed Chetopa yet up to that time.
- Q Had it got to Chetopa? A I don't think it had.
- Q Do you know anything about it? A I know where the railroad come through.

- Q You had known her before the war, had you? A No sir.
- Q How long was it after you claimed you first saw her up there until you saw her again? A After that I saw them pretty often for they lived up there on Mud Creek a little bit south of Chetopa on Mud creek.
- Q When did you go into the neighborhood of Mud Creek to live, if ever at all? A I never lived there.
- Q How near did you live to Mud Creek? A On Big Creek.
- Q That was about 30 miles away? A Yes sir.
- Q How long was it when you first saw her until she went over on Caney River? A I couldn't tell just how long they did live there.
- Q You don't know what year you saw her up there? A I would not be positive, I couldn't tell the time.
- Q You don't know what place she was living when you did see her? A Yes sir, I know the place.
- Q You don't know whose place? A No sir.
- Q How old were you then? A I must have been about 25 or 30 years old.
- Q How old was she? A I couldn't tell.
- Q How old are you now? A I must be about 62 years old.
- Q And you were about 25 then? A I would not be positive about my age then.
- Q And you saw her up there then about 27 years ago, didn't you? A I would not say that it was 27 years ago.
- Q Are you any relation to her? A No sir, only she has been a sister-in-law of mine.
- Q How Ellise can't you get down and tell us something about some year, as to when you claim you saw her? A No sir, I couldn't say positive.
- Q You don't know anything about where she had lived before that time? A No sir.
- Q Did she have any children? A Yes sir, she had some children.
- Q The time you first saw her up there? A Yes sir.
- Q How many? A I think she had three.
- Q Do you remember their names? A One was named Joe and the oldest one,--I think the oldest girl,---
- Q There was a child older than Joe? A I think Joe was the oldest.
- Q Are you sure she had three children? A To the best of my knowledge at that time I think she had three.
- Q Did she have any in 1864 when you first saw her in Kansas? A No sir.
- Q ~~Are~~ Do you know whether she was married then? A No sir.
- Q The three children were born after the time you saw her in Kansas in 1864 to the time you saw her up there on the Neosho River? A Yes sir.

BY MR. STANFIELD:

- Q Do you know positive whether she had any children in Fort Scott or not? A No sir.
- Q Do you know positive just how many children she had when she lived on Mud Creek when you first saw her? A No sir, but it seems to me she had two or three.
- Q You saw some children around there? A Yes sir.
- Q Are you positive the children you saw around there were her children? A Yes sir, supposed to be.
- Q Do you remember positive how many she had at that time, or might you have them mixed with some other time that you saw her with children? A I couldn't say that I would be positive of the number she did have. I couldn't say positive.
- Q Did you return from Kansas yourself after the war, or during the war? A Yes sir.

- Q How long after you returned was it before you saw her on Mud Creek? A It must have been probably a year.
Q Do you know when you returned? A In '66.

BY MR. DAVENPORT:

- Q In the fall of 1866? A Yes sir, along in July sometime.
Q It was at least a year after that, before you saw her down here?
A I would not be positive.
Q As you recollect when you did see her she had three children, did she? A Yes sir.
Q And she wasn't married when you saw her in Kansas in 1864?
A I think she was but she didn't have any children.

BY THE COMMISSION:

- Q Are you on the final roll? A Yes sir.

This case continued until June 15, 1905.

-----oO-----

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

George H. Lessley

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

Edward Morris
Notary Public.

CR 722

10/12/05

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111

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Nancy J. Phillips and her minor child, Lula Phillips, as citizens of the Cherokee Nation.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That at Chelsea, Indian Territory, on November 21, 1900, Nancy J. Phillips appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of herself and minor child, Lula Phillips, as citizens of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 31, 1902.

The records further show that said applicants could not be identified on the rolls as persons who were recognized citizens of the Cherokee Nation and lawfully enrolled or admitted as such, and that on July 29, 1902, the Commission to the Five Civilized Tribes rendered its decision herein, refusing, under the provisions of the Act of Congress approved July 31, 1900 (31 Stat., 441), to receive, consider, or pass on record of said application, and that said decision was, on August 29, 1902, duly approved by the Department (I. T. 4 1, 142-1000).

The records further show that, thereafter, said applicant advised that she and her minor child, Lula Phillips, the right to enrollment as freedmen citizens of the Cherokee Nation, and requested an opportunity to introduce testimony to show such right; that said request was granted by the Commission to the Five Civilized Tribes, and proper witnesses and live depositions were had before said Commission at Muskogee, Indian Territory, on February 24, June 8, 16, and 23, 1905, and that on September 15, 1905 (I. T. D. 246-1905), in compliance with the request of the Commission to the Five Civilized Tribes of March 14, 1905, the Department returned the papers in said case, to be used in that connection.

On November 21, 1900, the said Nancy J. Phillips made her initial application for enrollment and testified, in part, as follows:

- Q What is your name? A Nancy J. Phillips.
- Q What is your age? A 51.
- Q What is your postoffice? A Chelsea.
- Q Are you a Cherokee citizen? A Yes sir, part Cherokee.
- Q How much Cherokee blood has you? A About a quart.
-
- Q What is your father's name? A Henry Robison.
- Q Is he living? A No sir.
- Q Was your father a Cherokee? A Part Cherokee and part colored.

- Q. Give me the name of your mother? A. Ann Henry Dimiron.
Q. Is she alive? A. She is dead.
Q. Was your mother a Cherokee? A. Part."

The representatives of the Cherokee Nation protest against the application of Nancy J. Phillips made February 24, 1905, to have the rights of herself and her child, Lula Phillips to enrollment as citizens of the Cherokee Nation as indicated as applicants for enrollment as freedmen citizens of the Cherokee Nation, claiming that under the provisions of the Act of Congress approved July 1, 1902 (32 Stat., 716), which, in part, provides:

"....but the application of no person whomsoever for enrollment shall be received after the thirty-first day of October, nineteen hundred and two."

this office was without authority on February 24, 1905, to receive, consider, or make any record of said application.

This office considers, in view of the record, that the application of Nancy J. Phillips for the enrollment of herself and child, Lula Phillips, as Cherokee Freedmen, is not affected by reason of the fact that their rights to enrollment as citizens by blood of the Cherokee Nation were passed upon in the decision of the Commission to the Five Civilized Tribes of July 29, 1902, and the Department's decision of August 29, 1902 (I.T.D. 4994, 5147-1902).

THE EVIDENCE IN THIS CASE SHOWS: That the principal applicant herein, Nancy J. Phillips, claims that she was a free colored person residing in the Cherokee country at the commencement of the war of the rebellion, and claims the right to enrollment as a Cherokee freedman by virtue of her compliance with the provisions of Article IX of the Treaty of 1866; but, after ample opportunity having been afforded to said Nancy J. Phillips to establish by satisfactory evidence her right to enrollment as a Cherokee freedman, she has failed to do so, or to show that she possesses any rights whatever to Cherokee freedman citizenship, hence her application for enrollment comes within the rulings of the Department in the cases of Eliza J. Bryant et al. (I.T.D. 544-04), William Rector (I.T.D. 1168-04), Annie Duncan et al. (I.T.D. 1470-04), Susanna Chambers (I.T.D. 2296-04), Moses Ross (I.T.D. 5056-04), Jane Looney et al. (I.T.D. 5410, 1688-04), Florence Bratcher (I.T.D. 12692-04), and Frankie Grinnett (I.T.D. 17902-05).

The evidence further shows that the minor applicant, her child, Lula Phillips, is the daughter of the said Nancy J. Phillips, was born since 1866, and claims and possesses no right to enrollment not possessed by her said mother.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of the Act of Congress approved June 20, 1898 (30 Stat., 465), Nancy J. Phillips and Lula Phillips are not entitled to enrollment as Cherokee freedmen, and their application for enrollment is hereby rejected.

SIGNED.

Jane Kirby

Commissioner

Muskogee, Indian Territory,

this _____

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

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFERS IN REPLY TO THE FOLLOWING

Cherokee D 1205.

ALLISON I. ASTESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 29, 1902.

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

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Nancy J. Phillips for the enrollment of herself and her child, Lula Phillips, 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. 31.

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

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 1205.

ALLISON I. AVELLSWORTH
SECRETARY

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 Nancy J. Phillips for the enrollment of herself and her child, Lula Phillips, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Yours truly,

Acting Chairman.

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

WM. O. BEALL,
Secretary.

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

A. Hall
REFER IN REPLY TO THE FOLLOWING
Cherokee R-722.

[Handwritten initials]
ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 25, 1905.

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

Gentlemen:

In the matter of the application for the enrollment of Nancy J. Phillips, et al. as Cherokee freedmen, you are advised that this case will be taken up for final consideration by the Commission at its Offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, June 8, 1905, at which time the Cherokee Nation will be permitted to appear and introduce such testimony as it may desire in this case.

The said Nancy J. Phillips as been directed to appear before the Commission on that date when an opportunity will be given her to introduce such testimony as she may desire in support of her said application.

Respectfully,

[Handwritten signature]
Chairman.

[Handwritten notes:]
This case is in the hands of the Commission. Sometime in the month of June, 1905, the case will be taken up for final consideration.

CAMPBELL & KEYS

PRYOR CREEK, IND. TER.

June 5th 1905

ROOM 12, GRAHAM BLOCK.

Hon. W. W. Hastings
Taleghuash I.T.

Dear Friend

Enclosed find letter sent ^{to me} by Mr. Daven
port. This case has slipped my memory
Hence I pass it up ^{to you}. However I think
this woman claimed to have belonged to
one Ellis Phillips a well known Cherokee
at this be true I think we can prove by
Elizabeth Thompson or William Brown Sr
residing near Fort Gibson that Ellis
Phillips owned no negroes at the
beginning of the war I am going
out to claim more of the later will
come by and summon Aaron Whitman
for the 15th have summoned R. W. Lindsey
and J. H. Baugh in Burwell Daniel
Case for 8th will try and be there
on the 8th

Yours Truly
James M. Keys

REFER IN REPLY TO THE FOLLOWING.
Cherokee R 722.

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

Muskogee, Indian Territory, July 16, 1906.

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

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated July 16, 1906, rejecting the application of Nancy J. Phillips for the enrollment of herself and child, Lula Phillips, as Cherokee freedmen.

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 this office is informed of the same.

Respectfully,

Encl. M.A.16-4.

Commissioner.

(Copy)

LAND
62159-1906

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

January 3, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of August 29, 1902 (I.T.D. 4994, 5147), there is enclosed a report from the Commissioner to the Five Civilized Tribes, dated July 16, 1906, transmitting the record relative to the application of Nancy J. Phillips, et al., for enrollment as citizens of the Cherokee Nation.

On November 21, 1900, Nancy J. Phillips applied to the Commission to the Five Civilized Tribes, at Chelsea, Indian Territory, for the enrollment of herself and her minor child, Lula Phillips, as citizens. Further proceedings were had at Muskogee, Indian Territory, on March 21, 1902.

On July 29, 1902, the Commission decided that the applicants were not entitled to be enrolled as citizens of the Cherokee Nation, which decision was approved by the Department on August 29, 1902 (I.T.D. 4994, 5147).

The applicants were given an opportunity to introduce testimony to show that they were entitled to be enrolled as Cherokee freedmen, and further proceedings were had in this case before the

Commission at Muskogee, Indian Territory, on February 24, June 8, 16 and 28, 1905.

The Cherokee Nation, through its representatives, protests against the enrollment of the applicants as Cherokee freedmen.

On July 16, 1906, the Commissioner held that the applicants were not entitled to such enrollment.

The principal applicant is a colored woman, who claims to have resided in the Cherokee Nation at the commencement of the war of the rebellion, and who also claims to be entitled to enrollment as a Cherokee freedman under the provisions of Article 9 of the Treaty of 1866.

The evidence does not bear out the claim of the applicant, nor does it show that she is entitled to such enrollment. The evidence does show that the applicant was taken to Fort Scott, Kansas, before the war, and that she did not return to the Cherokee Nation within the time specified in Section 3 of the Act of April 26, 1906 (34 Stat.L., 137).

The minor applicant, Lula Phillips, is the daughter of the principal applicant, and was born about the year 1887 or 1888. She derives whatever right she may possess to be enrolled as a Cherokee freedman through her mother.

In view of the evidence in this case, the decision of the Commissioner adverse to these applicants is recommended for approval.

Very respectfully,

C.F. Larrabee,

Acting Commissioner.

HRD-EH

JF Jr.

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

D.C.4394-1907

January 17, 1907.

I.T.D.66-1907.

LRS.

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

Sir:

July 16, 1906, you transmitted the record in the matter of the application for the enrollment of Nancy J. Phillips and her minor child, Lula Phillips, as Cherokee freedmen, including your decision of the same date, adverse to the applicants.

Reporting January 3, 1907 (Land 62159-1906), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

(Signed) Thos Ryan

Through the Commissioner
of Indian Affairs.

First Assistant Secretary.

1 inc. and 2 to Ind. Of.

REFER IN REPLY TO THE FOLLOWING:

Cherokee

R 722

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

Muskogee, Indian Territory. January 30, 1907.

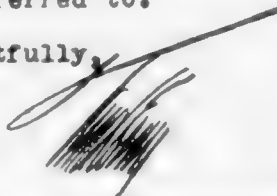
W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes rejecting the application of Nancy J. Phillips, et al., for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior on January 17, 1907.

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

Respectfully,



Commissioner.

E.R.C.
Enc.E.C.226.

1205

IN THE MATTER OF THE APPLICATION OF

John S. Thompson et al

FOR THE RIGHTS OF
DISFRANCHISE CITIZENS.

Nancy J. Phillips et al

D-1205

Original testimony, Nov 21, 1900.
Memorandum of testimony, Nov 21, 1900.
Notice of deposition, etc.
Memorandum

Notice of final resolution, 3/11/01

Transferred to K-722

END
OF
ROLL

