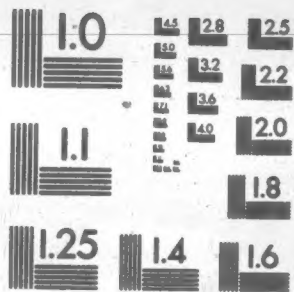
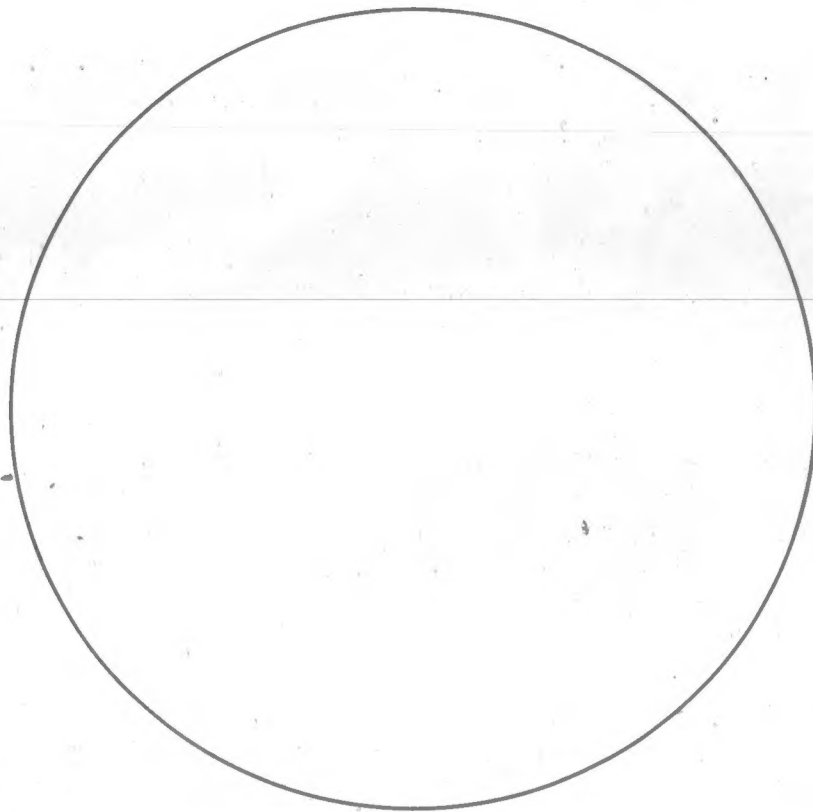
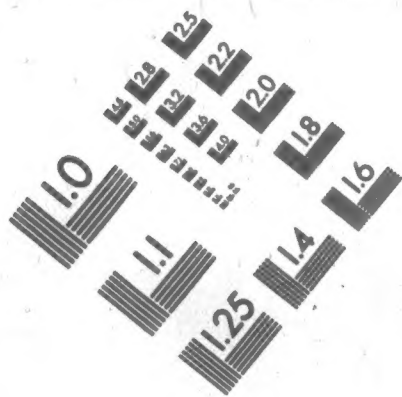
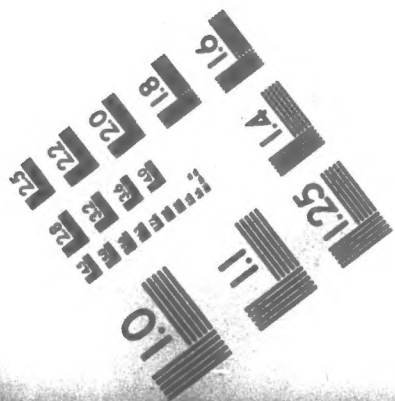


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APPLICATIONS FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES
1898 - 1914

ROLL 344

CHEROKEE R724 - R780

**THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILE NO. 101
SEP 13 1901

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Records by Intermarriage:

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT WAGON, IT., SEPTEMBER 12, 1901.

On the matter of the application of John Cantrell for enrollment as a Cherokee citizen by intermarriage, said Cantrell being sworn and examined by Commissioner Neale, testified as follows:

- Q What is your name? A John Cantrell.
Q What is your age, Mr. Cantrell? A 63.
Q Your post office address? A Talihna.
Q Do you apply to be enrolled as a Cherokee citizen by intermarriage?
A Yes, sir.
Q What is your wife's name? A Her name is Nancy Springston.
Q Is she living? A No, sir.
Q Was she a Cherokee citizen? A Yes, sir.
Q When did she die? A She died in the spring of '78.
Q Were you ever married before you married her? A Yes, sir. I was married before I married.
Q Was your former wife living at the time you married her?
A No, sir.
Q Was she ever married before she married you? A No, sir. I guess not.
Q What was her father's name? A Anderson Springston.
Q Is he living? A No, sir.
Q What was her mother's name? A I forget her mother's name.
Q Is she living? A No, sir, she is dead.
Q Have you been married since? A Yes, sir.
Q Is your present wife a white woman? A Yes, sir.
Q Have you any proof of your marriage? A Yes, sir.

Gov't. Applicant presents an authenticated marriage license and marriage certificate issued by the authorities of the Cherokee Nation, at Cherokee, Oklahoma Territory, on the 19th day of November, 1874, said license being issued by the authorities of the Cherokee Nation.

- Q Is your wife's name on the roll of 1880, do you know? A I don't know whether it is or her; me and her both was on the roll in '78.
Q Did she die before 1880? A Yes, sir, died in the spring of '78.
Q Is your name on the roll of 1880 now? A I guess not.

The 1880 Authenticated roll of Cherokee citizens examined and applicant's name not found thereon.

- Q Have you ever been recognized by the Cherokee authorities as a Cherokee citizen by intermarriage, Mr. Cantrell? A Yes, sir, I was on the roll.
Q Have you ever drawn any money from the Cherokee Nation? A Drawed money in '75, I think it was '75, it was there at Vinita.
Q Me and my wife and two of her sisters is on that roll.
Q What is your present wife's name? A Edwards.
Q Her first name? A Laura.
Q She is a white woman? A Yes, sir.
Q When did you marry her? A '63.
Q You have been living with her continuously since that time?
A Yes, sir.
Q Did you live with Nancy Springston continuously from the time you married her until she died? A Yes, sir.
Q Do you recollect the date of the death of the mother of Nancy Springston? A No, sir, I don't recollect exactly.
Q Did she die in 1880? A I think it was a year after we was married. I think it was '78.

By Mr. Hastings, Cherokee Representative:

- Q Where do you live now? A Talihina.
Q How long have you lived there? A I have been there since '87, and here together; I have been on the Marshall force and worked in all the Territory here.

BY COM'R NEEDLES: your family residence has been in the Choctaw Nation? A Yes, sir.

Q In Talihina? A Yes, sir.

Q You have a daughter that is dead that is on the 1880 roll?

A Yes, sir.

Q What is its name? A I think it is Lou Ella.

The 1880 Authenticated roll of Cherokee citizens examined and name of applicant's deceased daughter found therein, page 746, #484, Luella Cantrell, Tahlequah district.

- Q Mr. Cantrell, if you had any rights you have married out?
A Well I wanted to see.

COM'R NEEDLES: John Cantrell applies for the enrollment of himself as an intermarried citizen. He cannot be identified upon ~~any~~ the authenticated roll of 1880 or any other roll of the Cherokee Nation. He avers that he married one Nancy Springston, a citizen of the Cherokee Nation, and makes satisfactory proof of said marriage according to the laws of the Cherokee Nation in the year 1874. She is since deceased. The name of Nancy Springston cannot be found upon the authenticated roll of 1880 for the fact that she died before said roll was compiled. The name of a daughter of Nancy Springston by said Cantrell, Luella, is found upon the authenticated roll of 1880 according to the page and number of the roll was indicated in the testimony.

Applicant avers that since the death of his wife, Nancy Springston, he has married a white woman. It will appear from the laws of the Cherokee Nation, if he had any rights as a Cherokee citizen by intermarriage, he would forfeit the same by marrying a non-citizen; however, the name of John Cantrell will be placed upon a doubtful card for the further consideration of the Commission.

MR. HASTINGS: The representatives of the Cherokee Nation call attention to Sec. 666 of the compiled laws of the Cherokee Nation.

---ooo000ooo---

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

J. O. Rossen

Subscribed and sworn to before me this 16th day of September, 1901.

M. D. Green
MD

Commissioner.

608223

Page	No.	Page	No.
Page	107	Page	106
Page	108	Page	105
Page	109	Page	104
Page	110	Page	103
Page	111	Page	102
Page	112	Page	101
Page	113	Page	100
Page	114	Page	99
Page	115	Page	98
Page	116	Page	97
Page	117	Page	96
Page	118	Page	95
Page	119	Page	94
Page	120	Page	93
Page	121	Page	92
Page	122	Page	91
Page	123	Page	90
Page	124	Page	89
Page	125	Page	88
Page	126	Page	87
Page	127	Page	86
Page	128	Page	85
Page	129	Page	84
Page	130	Page	83
Page	131	Page	82
Page	132	Page	81
Page	133	Page	80
Page	134	Page	79
Page	135	Page	78
Page	136	Page	77
Page	137	Page	76
Page	138	Page	75
Page	139	Page	74
Page	140	Page	73
Page	141	Page	72
Page	142	Page	71
Page	143	Page	70
Page	144	Page	69
Page	145	Page	68
Page	146	Page	67
Page	147	Page	66
Page	148	Page	65
Page	149	Page	64
Page	150	Page	63
Page	151	Page	62
Page	152	Page	61
Page	153	Page	60
Page	154	Page	59
Page	155	Page	58
Page	156	Page	57
Page	157	Page	56
Page	158	Page	55
Page	159	Page	54
Page	160	Page	53
Page	161	Page	52
Page	162	Page	51
Page	163	Page	50
Page	164	Page	49
Page	165	Page	48
Page	166	Page	47
Page	167	Page	46
Page	168	Page	45
Page	169	Page	44
Page	170	Page	43
Page	171	Page	42
Page	172	Page	41
Page	173	Page	40
Page	174	Page	39
Page	175	Page	38
Page	176	Page	37
Page	177	Page	36
Page	178	Page	35
Page	179	Page	34
Page	180	Page	33
Page	181	Page	32
Page	182	Page	31
Page	183	Page	30
Page	184	Page	29
Page	185	Page	28
Page	186	Page	27
Page	187	Page	26
Page	188	Page	25
Page	189	Page	24
Page	190	Page	23
Page	191	Page	22
Page	192	Page	21
Page	193	Page	20
Page	194	Page	19
Page	195	Page	18
Page	196	Page	17
Page	197	Page	16
Page	198	Page	15
Page	199	Page	14
Page	200	Page	13
Page	201	Page	12
Page	202	Page	11
Page	203	Page	10
Page	204	Page	9
Page	205	Page	8
Page	206	Page	7
Page	207	Page	6
Page	208	Page	5
Page	209	Page	4
Page	210	Page	3
Page	211	Page	2
Page	212	Page	1

DEPARTMENT OF THE INTERIOR
 COMMISSION TO THE FIVE CIVILIZED TRIBES
 FILED
 SEP 18 1901
 ACTING CHAIRMAN

CHEROKES BY BLOOD AND ADOPTION

Printed by Thomas Appleton, Wash. D.C.

CHEROKEES BY BLOOD AND ADOPTION.

Date

Sept 13

1904

1. Name

¹³
John Cantrell

Talahassee, Fla

District

Year

Page

No.

Citizen by blood

No

Mother's citizenship

Intermarried citizen

yes

Married under what law

Date of marriage

License

Certificate

Wife's name

[Large handwritten signature]

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

Nov 19, 1874 and 1883

License

Certificate

Names of Children:

Dist.	Year	Page	No.	Age
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Application by # 1

Stenographer, J. O. Rosson

Not on any roll in possession of the Commission

Saline District, Cherokee Nation, Oklahoma Territory, marriage license is hereby given to [redacted] of the United States and [redacted] of the Cherokee Nation, in accordance with the laws of the United States and any regulations thereunder, and any other laws of any regular authority. I am hereby authorized and empowered to solemnize the marriage and to return the same with a certificate of service as the law directs.

Given from under my hand in office this the 19th day of Nov. A.D. 1874.

J. M. Ross, Clk.
Saline Dist. C.N.

Nov. 22d, 1874.

I hereby certify that I have this day performed and solemnized the right of matrimony between the parties mentioned in the within license.

J.B. Mayes, Judge
North Judicial Ct et Court C.N.

Executive Office Cherokee Nation,
Tahlequah, Ind. Ter.

I, B. W. Alberty, assistant Executive secretary of the Cherokee Nation do hereby certify that the foregoing is a true copy taken from the marriage record of Saline 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 24th day of June, 1901.

(SEAL)

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

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

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes, and custodian of the records of the said Division, do hereby certify that the above and foregoing is a true and correct copy of a certified copy on file in the office of the said Division.


Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 11th day of November, 1902.


Notary Public.

6

19123

RECEIVED THE FIVE CIVILIZED TRIBES
FILED
MAR 10 1902



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.

March 10 - 1902

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
John Cantrell for enrollment as
~~Member~~ of the Cherokee Nation.

Citizen

No. Cher 1273

S. Heard
Atty. for applicant.

Supl.-C.D.#1223.

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

SUPPLEMENTAL in the matter of the enrollment of JOHN CANTRILL
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. On said date the applicant appeared by his attorney 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, the applicant appears by his attorney, S. Heard.

Commission of Mr. Heard: Is there any statement that you desire to make relative to the case?

Mr. Heard: No, sir; not now; I ask to be allowed to file a brief; 20 days:

Commission: The attorney for the applicant requests and will be granted 20 days in which to file a brief in the case, one copy with the Commission and one copy with the representative of the Cherokee Nation:

The Attorney for the applicant and representative of the Cherokee Nation present submit the case. The same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

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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

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

J.C.

In the matter of the application of John Cantrell for enrollment as a citizen by intermarriage of the Cherokee Nation:

DECISION.

The record in this case shows that on September 13, 1901, John Cantrell appeared before the Commission at Fort Gibson, Indian Territory, and made personal application for his enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 24, 1902.

The evidence shows that on November 23, 1874, the said John Cantrell was lawfully married under a Cherokee marriage license and in compliance with the laws of the Cherokee Nation to one Nancy Springston, a citizen by blood of the Cherokee Nation; that they lived together as husband and wife until the death of said wife, in 1878. It further appears that the applicant, John Cantrell, since the death of his said wife, married one Laura Edwards, a white woman, in May, 1883. He is not identified upon any of the rolls of said Cherokee Nation.

Section 21 of the Act of Congress approved June 26, 1890 (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, Article 16, Miscellaneous Acts, page 223 of the Compiled Laws of the Cherokee Nation (1875), also Section 666 of the Compiled Laws of the Cherokee Nation (1892) are, as follows:

"Should any man or woman, 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 John Cantrell for enrollment as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,
this

July 16 1902

COMMISSIONERS
HERRY L. DAVES,
TANS BISHOP,
THOMAS B. NEEDLES,
C. R. BRACKENRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING
Cherokee D-1288

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

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

Mr. John Cantrell,

Falchina, 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 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.

COPY.

Cher. D 1223.

Muskogee, Indian Territory, July 16, 1902.

John Cantrell,

Talihina, Indian Territory.

Sir:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation. A copy of the proceedings had in the case has heretofore been furnished your attorney of record, S. Heard, Muskogee, Indian Territory, and there is this day forwarded to him a copy of the Commission's decision.

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,

Tams Bixby

Acting Chairman.

Register.

Enc. C. No. 106.

COPY.

Cher. D 1223.

Muskogee, Indian Territory, July 16, 1902.

S. Heard, Esquire,
Attorney for John Cantrell,
Muskogee, Indian Territory.

Sir:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes, rejecting the application of John Cantrell for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation. A copy of the record of proceedings had in the case has heretofore been furnished you.

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,

Tams Bixby.

Acting Chairman.

Register.

Enc. C. No. 106.

COPY.

Cher. D 1223.

Muskogee, Indian Territory, July 16, 1903.

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

Sir:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes, rejecting the application of John Cantrell for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

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

Yours truly,

James Bixby

Acting Chairman.

Enc. C. No. 107.

COPY.

Cher. D 1223.

Muskogee, Indian Territory, July 16, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of John Cantrell for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including the decision of the Commission, dated July 16, 1902, rejecting said application.

Yours truly,

James Bixby.

Acting Chairman.

Through the Commissioner of Indian Affairs.

1 Inclosure

C. No. 108.

Refer in reply to
the following:
Land
42718--1902.

(COPY)

Department of the Interior,
Office of Indian Affairs,
Washington, August 5, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

There is enclosed herewith, a report from the Acting Chairman of the Commission dated July 16, 1902, transmitting the record relative to the application of John Cantrell for enrollment as an intermarried citizen of the Cherokee Nation. The Commission held on July 16, 1902 that the applicant was not entitled to enrollment as an intermarried citizen.

The record in this case shows that on November 22, 1874 the applicant was married in accordance with the laws of the Cherokee Nation to Mary Springston, a citizen by blood of the Cherokee Nation; that they lived together as husband and wife until her death in 1878, and that the applicant in May 1883 subsequent to the death of his citizen wife married Laura Edwards, a white woman.

In connection with this case attention is invited to Section 666 of the Cherokee laws which relates to intermarried citizens of the Cherokee Nation, marrying subsequent to the death of their citizen wife or husband non-citizens. Inasmuch as this applicant subsequent to the death of his citizen wife married a white woman not entitled to any rights of citizenship in the Cherokee

- 2 -

Nation, the office believes that the Commission's decision is correct and recommends its approval.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

G. A. W. (E.)

50223

D. C. No. 13548-1902.

L. R. S.

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ITD. 4771-1902.

DEPARTMENT OF THE INTERIOR.

Washington, August 16, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.,

Gentlemen:

With letter of July 16, 1902, you transmitted the record in the matter of the application for enrollment of John Cantrell as an intermarried citizen of the Cherokee Nation.

The evidence shows that on November 22, 1874, applicant was married to Nancy Springston, a Cherokee by blood, and after her death he married Laura Edwards, a white woman, in May, 1883; that he is not identified upon any Cherokee roll. You state that

"Section 74, Article 15, Miscellaneous Acts, page 223 of the Compiled Laws of the Cherokee Nation (1875), also Section 666 of the Compiled Laws of the Cherokee Nation (1892) are, as follows:

'Should any man or woman, 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!'

You denied the application. The applicant contends that having married his present wife, a white woman, prior to "the law of 1890" (presumably Section 666 above quoted), that law is not applicable to his case.

The Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter of August 5, 1902, is

inclosed.

The Department understands that Section 74 of Article 15, referred to by you, is identical with said Section 666, and was a law of the Cherokee Nation at the date of applicant's marriage to Laura Edwards. Your decision is therefore affirmed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

D. L.

Cherokee D 1223.

COPY.

Muskogee, Indian Territory, September 2, 1902.

John Cottrell,

Waltham, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting your application for the enrollment of yourself as a citizen by Intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 16, 1902.

Respectfully,

James Lixby
Acting Chairman.

Cherokee 2 1225.

COPY.

Washlogee, Indian Territory, September 3, 1902.

S. Hearn,

Attorney for John Cantrell,
Washlogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting the application of John Cantrell for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 16, 1902.

Respectfully,

James D. Doby,
Acting Chairman.

Cherokee N 1222.

COPY.

Muskogee, Indian Territory, September 3, 1908.

W. V. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date July 16, 1908, rejecting the application of John Cartrell for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 16, 1908.

Respectfully,

Tama Dixey.
Acting Chairman.

Cherokee R-724

Muskogee, Indian Territory, November 18, 1902.

John Cantrell,

Tahlichina, Indian Territory.

Dear Sir:-

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application certified copy of marriage license and certificate, showing your marriage on November 22, 1874, to Miss Nancy Springston.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Respectfully,

Acting Chairman.

Enc. M-29

Cherokee
R 724

Muskogee, Indian Territory, January 10, 1907

John Cantrell,

Talshina, Indian Territory.

Dear Sir:

Replying to your letter of January 8, in which you ask to be advised as to the status of your application for enrollment as a citizen by intermarriage of the Cherokee Nation, you are advised that the records of this office show that on August 16, 1902, your application for enrollment as a citizen by intermarriage of the Cherokee Nation was refused by the Secretary of the Interior.

The action of the Secretary is final in citizenship cases.

The newspaper clipping enclosed with your letter is returned to you herewith.

Respectfully,

I M B

Commissioner

Encl. B-31

Cher R 725

Cher R 725

01229

PAYMENT OF BOUNTY
COMMISSION TO THE UNITED STATES

FILED

5 1881



ACTING CHAIRMAN

Cherokee by intermarriage :

Department of the Interior,
Commission to the Five Civilized Tribes,
Wash. Fort Gibson, I.T., Sept. 25, 1901.

In the matter of the application of Rachel Bushyhead for the enrollment of herself as a Cherokee citizen by intermarriage; being sworn and examined by Commissioner Needles she testified as follows:

Appearances:

Mr. Smith, of Mellette & Smith, for applicant;
Mr. W.W. Hastings, and Mr. J.L. Baugh, for Cherokee Nation.

- Q What is your name? A Rachel Bushyhead.
Q What is your age? A 23.
Q What is your post-office address? A Clarksville, Arkansas.
Q What district do you reside in in the Cherokee Nation, do you reside in Arkansas? A No sir, I reside in the Cherokee Nation, I have been absent though quite a while.
Q What district? A Saline District.
Q You apply to be enrolled as a Cherokee by blood? A No sir, Cherokee by adoption.
Q Do you apply for anybody but yourself? A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A George Bushyhead.
Q Is he living? A Yes sir.
Q Is he a citizen by blood? A Yes sir.

BY MR. SMITH:

Q Have you a certificate of your marriage to George Bushyhead? A Yes sir. (Produces papers.)

Q Is this the paper that you hand me the certificate of your marriage? A Yes sir.

Commissioner: Applicant presents a duly authenticated marriage license and certificate, said license having been issued in the State of Arkansas, County of Newton, on the 5th day of March, 1895, authorizing George Bushyhead to marry Rachel A. McGowan; certificate attached certifying that on the 7th day of March, 1895, said marriage was-

Com'r: There is no certificate of marriage here; it has not been signed.

Certificate stating that E.M. Battenfield performed the ceremony. Said certificate and license recorded in the office of the clerk of the circuit court in the county of Newton, State of Arkansas; said certificate being somewhat informal, the parson who performed the ceremony not having placed his signature to the certificate, although his name is entered in the body of the certificate.

BY MR. SMITH:

- Q Mrs. Bushyhead, I see from your certificate that you were married in the State of Arkansas, where did you live after you were married? A In Saline District, Indian Territory.
Q How soon did you come to the Saline District of the Cherokee Nation after you were married in Arkansas? A Eight days.
Q You are not living with your husband now? A No sir.
Q How long did you and your husband live together after you were married? A Just about one year.
Q Have you ever been divorced? A No sir.
Q Now where did you live during that year that you and your husband lived together? A Saline District.
Q What was your post-office? A Locust Grove.
Q Did you live at one place all the time? A No sir.
Q Was Locust Grove your post-office all the time or did you have any other post-office? A No sir, Locust Grove was our post-office.

Rachel Bushyhead 2

- Q When you and your husband separated where did you live, you separated in what year? A '96.
- Q Then where did you go to live when you and he separated? A To Markham Prairie, near Locust Grove, about 2 miles and a half from where I lived.
- Q Whose house did you go to? A I went to Mr. James Hook's.
- Q How long did you stay there? A Stayed there about 3 months.
- Q Then where did you live? A Mr. George Brewer.
- Q What post-office? A Locust Grove.
- Q How long did you live there in that Locust Grove neighborhood? A About 3 years.
- Q About how long after you separated from your husband? A After I separated from him?
- Q Yes. A Three years.
- Q Where did you go then, did you ever go outside of the Cherokee Nation at all? A Yes sir.
- Q What for? A To visit my mother's.
- Q Where does your mother live? A In Newton County, Arkansas.
- Q When did you first go outside of the Cherokee Nation after you and your husband separated? A 3 years after we were separated, it was '99.
- Q Had you ever lived in the Cherokee Nation before you and your husband were married? A Yes sir, I was raised here.
- Q Where were you brought up? A Locust Grove, Markham Prairie.
- Q Now this George Bushyhead, that you married, what George Bushyhead is that? A Son of Smith Bushyhead.
- Q About how old is George, or do you know his exact age? A Somewhere in 30; he was 28 when we married in '95; he was 28 the 14th of March, and we were married the 7th of March.
- Q Where were you, Mrs. Bushyhead, when the Commission, this Dawes Commission, was at Pryor Creek enrolling Cherokees last year? A I was at Melvin on 14 Mile Creek, and I went to Pryor Creek, I was there during the session there, but I wasn't before the Commission.
- Q What did you go for? A I went to go before the Commission.
- Q Why didn't you go? A Because they were crowded and I couldn't get in.
- Q Do you know whether or not your husband George Bushyhead applied and was enrolled? A Yes sir, he was enrolled.
- Q Do you know when? A From the 10th to the 15th somewhere along there, last September, he applied I think it was about the 12th.
- Q He was a son of Smith Bushyhead? A Yes sir.
- Q And lives in your neighborhood? A Saline District is his home.
- Q What post-office? A Why his post-office now, I guess-
- Q What post-office was he living when you and he lived together? A Locust Grove.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant's former husband identified on page 74 #386 George Bushyhead, Cooweescoowee District, native Cherokee, 12 years of age. (He has been enrolled, card 2413.)

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

Com'r: The name of Rachel Bushyhead does not appear upon any of the rolls of the Cherokee Nation.

1896 census roll of citizens of the Cherokee Nation examined and applicant's former husband identified through as follows: page 929 #88 George Bushyhead, Saline District.

BY MR. HASTINGS:

- Q What was your maiden name? A McGowan.
- Q You ever known by the name of Kaywood? A My step-father's name was Kaywood.
- Q Were you ever married to anyone else but Bushyhead? A No sir.

Rachel Bushyhead 3

- Q You know whether he was ever married before or not? A No sir, he was never married.
- Q You married him in Newton County, Arkansas? A Yes sir.
- Q About what time of the year did you quit him? A In January 1896.
- Q You lived with him from March until the following January? A Yes sir.
- Q You left him there at Locust Grove? A Yes sir.
- Q Left his home? A Yes sir.
- Q Now how long have you been back to the Territory from Newton County this time? A Came in yesterday.
- Q You have been living there for about 4 years haven't you? A No sir.
- Q How long have you been living there? A My step-father has been living there for about 7 years, but I haven't been living there that has not been my home.
- Q I am not talking about your home, where have you been breathing and existing? A Cherokee Nation most of the time.
- Q How long were you in Newton County, Arkansas before you came here yesterday? A Since November last year.
- Q You came from there here this time? A Yes sir.
- Q How long had you been in the Cherokee Nation in November of last year? A Came here the 10th of August.
- Q And stayed until November? A Yes sir.
- Q Where did you come from? A Came from Newton County.
- Q How long had you been in Newton County when you left there to come here in August? A I had been there about 8 months.
- Q Now you left this man in January 1896? A Yes sir.
- Q And you stayed now with whom first? A After I left him?
- Q Yes? A Stayed at Mr. Jim Shook's.
- Q First? A Yes sir.
- Q About three months didn't you? A Yes sir.
- Q All right, that carries you up until the end of March, first of April, then where did you go? A Mr. Denton's.
- Q How long did you stay at Mr. Denton's? A About two months.
- Q April and May, then where did you go? A George Brewster's.
- Q How long did you stay there? A Until the 1st of July.
- Q Then where did you go? A Arkansas.
- Q The 1st of July, 1896? A Yes sir.
- Q You have stayed there ever since that? A Yes sir.
- Q Where have you stayed since that time? A I have been back and to Saline District twice during that time.
- Q Now the first time you came back to Saline District when was that? A After I went out?
- Q Yes, in July, of '96? A I came back in '98.
- Q Now what time in '98? A In December.
- Q That was the first time you came back? A Yes sir.
- Q How long did you stay here in December of '98? A I stayed about three months.
- Q With whom? A Jim Shook's.
- Q Then you went back to Arkansas? A Yes sir.
- Q Then when did you come back the second time? A I came back in August the second time.
- Q Of what year? A Last year.
- Q 1900? A Yes sir.
- Q And you stayed here until November that time? A Yes sir.
- Q Now since 1896, with this 2 exceptions, that you have mentioned, in your testimony, you have been living in Newton County, Arkansas, with the exceptions that you have stated in your testimony. A No I have been in Johnson County part of the time.
- Q Well, in Arkansas? A Yes sir, I have been in Arkansas.
- Q You didn't come back here from July 1896 until December 1898? A No sir.
- BY COM'ER NEEDLES;
- Q When you left Mr. Bushyhead were you and he keeping house?
A Yes sir.

Rachel Bushyhead 4

Q Where? A Saline District.

Q On a farm? A Yes sir.

Q You left his house? A Yes sir.

Q And went away? A Yes sir.

Q Since 1896 for instance, haven't you considered your home in Arkansas with your step-father? A No sir.

Q Have you ever established a home anywhere else, have you ever kept house anywhere? A No sir.

Q When you came back to the Territory were you just visiting? A No sir, I came here and worked.

Q Oh, you worked? A Yes sir.

BY MR. SMITH:

Q These different places that you have mentioned where you went, what were you doing there, Brewers, for instance, and Shook's? A I was cooking and helping keep house, hired to them.

Q You were hired? A Yes sir.

Q Had you ever hired out before you were married? A Yes sir.

Q When you have been in Arkansas have you been at your mother's? A Yes sir.

Q Where was the last place you worked in Arkansas? A I have been hired out.

Q Where was the last place you worked in Arkansas? A Clarksville, in Johnson County.

Q Who for? A R.C. Oaf.

Q How long had you been working for Mr. Oaf before you came on this trip? A Eight months.

Q You worked out then in Arkansas and you worked out in the Indian Territory? A Yes sir.

Q Why did you leave Mr. Bushyhead, why did you leave your house? A Because he wouldn't provide for me.

Q Where were you living, did you have a place of your own? A Yes sir, we had a place of our own on Salt Creek.

Q What kind of a house did you have to live in? A Little log hut.

Q How many rooms? A Just one.

Q Did you have anything to eat? A No sir, not only as I would go and work for it myself.

BY MR. HASTINGS:

Q You knew him before you married him? A Thought I did, No I didn't.

Q You knew his surroundings? A Yes sir.

Q You had lived there by him? A I hadn't lived right close to him, I lived within 5 or 10 miles of him.

Q You knew he was pretty near a full-blood Indian didn't you? A Yes sir.

BY COM'R NEEDLES: Rachel Bushyhead applies for the enrollment of herself as an intermarried citizen. She avers that she was married to one George Bushyhead in the year 1895, and presents satisfactory proof of her marriage; her husband, George Bushyhead, is duly identified upon the authenticated roll of 1880 and upon the census roll of 1896, according to page and number of the rolls indicated in the testimony. The name of Rachel Bushyhead cannot be found upon any of the rolls of the Cherokee Nation. She avers that she ~~about 1895~~ left her husband George Bushyhead after living with him about a year. Now comes the Cherokee Nation and protests against the enrollment of Rachel Bushyhead, as a Cherokee citizen by intermarriage, on the part of the testimony, and also on the further ground that she has not completed a residence in the Cherokee Nation sufficient to entitle her to enrollment, consequently Rachel Bushyhead will now be listed for enrollment as a Cherokee intermarried citizen ~~tax~~ upon a doubtful card, awaiting further consideration of the Commission; she will be notified of the action of the Commission by mail at her post-office address when same is arrived at.

Rachel Bushyhead

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 to wit:

M.D. Green

Subscribed and sworn to before me this October 22, 1901.

C. R. Pickens

Commissioner.

WALLEN PAPER CO.

WALLEN PAPER CO.

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

FILED
SEP 25 1901.



ACTING CHAIRMAN

Statement of Applicant Taken Under Oath.

Saline District

CHEROKEES BY BLOOD AND ADOPTION.

Date Sept. 25 1904

Name Clarksville, Ark

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

1. Wife's name Rachel Bushyhead

District Year Page No.

Citizen by blood No Mother's citizenship

Intermarried citizen Yes

Married under what law Date of marriage Mar 7, 1895

License filed 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

Handwritten signature across the children table.

Application by No. 1 Stenographer, M. D. Green

That on any roll.

Applicant represented by Atty's Malotte + Smith, Muskogee

MARRIAGE LICENSE.

State of Arkansas, County of Newton.

To any Person Authorized to Solemnize Marriage--Greeting:
YOU ARE HEREBY COMMANDED to solemnize the rite and publish the bans of matrimony between Mr. Geo. Bushyhead of Spence in the County of Newton and State of Arkansas, aged 28 years, and Miss Rachell McGowan of Spence in the County of Newton and State of Arkansas, aged 16 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 5th day of March A.D. 1896.

(SEAL)

W.B.Moss, Clerk.

CERTIFICATE OF MARRIAGE.

State of Arkansas, County of Newton.

I, E. M. Battenfield do hereby certify that on the 7 day of March A.D. 1896 I did duly and according to law, as commanded in the foregoing license, solemnize the rites and publish the bans of matrimony between the parties named. Rachel McGowan and Geo. Bushyhead.

CERTIFICATE OF RECORD.

State of Arkansas, County of Newton

I, W. B. Moss, Clerk of the Circuit Court, and Ex-Officio clerk of the county court, and recorder of said county, certify that the foregoing license for and certificate of the marriage of Geo. Bushyhead and Rachell McGowan were on the 14 day of March, 1896, filed in my office and the same are now duly recorded on page 196 Book E of Marriage Records.

Witness my hand and the seal of said court this 14 day of March 1896.

(SEAL)

W.B.Moss, Clerk.

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

I, the undersigned, Chief Clerk of the ~~Substantive~~ Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of the said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.


Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 11th day of November 11, 1902.


Notary Public.

621229

DEAR SIR,
I have the honor to acknowledge the receipt of your letter of the 11th inst. in relation to the proposed purchase of the land for the proposed road. I am sorry to hear that you are unable to purchase the land at the price offered. I am sure that you will be able to purchase it at a later date. I am sure that you will be able to purchase it at a later date.

INTERIOR
ELECTRIRES
ACTING CHAP

RECEIVED
I have the honor to acknowledge the receipt of your letter of the 11th inst. in relation to the proposed purchase of the land for the proposed road. I am sorry to hear that you are unable to purchase the land at the price offered. I am sure that you will be able to purchase it at a later date. I am sure that you will be able to purchase it at a later date.

DEAR SIR,
I have the honor to acknowledge the receipt of your letter of the 11th inst. in relation to the proposed purchase of the land for the proposed road. I am sorry to hear that you are unable to purchase the land at the price offered. I am sure that you will be able to purchase it at a later date. I am sure that you will be able to purchase it at a later date.

W. H. D.

Supl.-C.D.#1229.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., March 22, 1902.

SUPPLEMENTAL in the matter of the enrollment of RACHEL BUSHY-
HEAD as a citizen of the Cherokee Nation;

The applicant was notified by registered letter March 3, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskegee, Indian Territory, on the 22d 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 case. The applicant has this day, the 22d day of March, 1902, been called and fails to respond either in person or by attorney, and 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 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. Rossen

File with case of Rachel Bushyhead, C.D.#1229.

Supl. C.#2413.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., March 22, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
GEORGE BUSHYHEAD as a citizen of the Cherokee Nation, introduced on
part of the Cherokee Nation:

GEORGE BUSHYHEAD, the applicant, being duly sworn, testi-
fied as follows:
MR. HASTINGS, Cherokee Representative:

- Q What is your name? A George Bushyhead.
Q What is your post office? A Salina.
Q How old are you? A I am 38.
Q Do you live in Salina district? A Yes, sir.
Q Have you ever been married? A Been married seven years, a lit-
tle over.
Q Who did you marry? A White girl by the name of Rachel Keywood.
Q How long did you live with her? A Pretty near nine months.
Q Did you have a house of your own? A Yes, sir.
Q Were you living in the house? A I was living in then when we
was living together, and then I traded the place off.
Q And you got another place? A Live right there where I got that
place.
Q Well, did you separate? A Yes, we separated.
Q What was the cause of the separation? A We just dispute over
a pony.
Q Dispute over a pony? A Yes, sir.
Q Well, did you leave her or did she leave you? A She left me.
Q Where did she go? A She went back to Arkansas.
Q Did you ever try to get her to come back? A I tried once,
wrote to me if I would "forgive me for what I had done" she would
come back and she never did come back.
Q Did you write to her to come back? A Yes, sir.
Q She never did come back? A No, sir.
Q Where does she live now? A Last time I heard of her she lived
in Russellville.
Q Arkansas? A Yes, sir.
Q She doesn't live over there near you? A No, sir.
Q Last you heard of her she was in Arkansas? A Yes, sir.

Commission: It is directed that a copy of this testimony
be filed in the case of Rachel Bushyhead, case No. D. 1229.

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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

D/229

Faint, mostly illegible text covering the left and center portions of the page, possibly representing a list or report.

COMMISSIONER OF THE REVENUE DEPT. OF TRADE

FILED
MAY 23 1902

AND CHAIRMAN

Handwritten signature or initials, possibly "G. D. ...".

SECRETARY

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 8, 1902.

In the matter of the application of Rachel Bushyhead for the enrollment of herself as a citizen of the Cherokee Nation.

SUPPLEMENTAL TO D-1229.

Applicant represented by I. P. Bledsoe, Chouteau, I. T.
Cherokee Nation represented by W. W. Hastings.

Commission: What testimony do you desire to submit, Mr. Bledsoe?
Mr. Bledsoe: Simply want to contradict the testimony of her husband as regards -

RACHEL BUSHYHEAD, being first duly sworn, testified as follows:

- MR. BLEDSOE:** What is your name? A Rachel Bushyhead.
- Q Where do you live? A Fort Gibson.
- Q How old are you? A 23 years old.
- Q You are the wife of George Bushyhead? A Yes, sir.
- Q When were you married? A 7th of March, 1895.
- Q Have you ever married since? A No, sir.
- Q Are you and he living together as husband and wife? A No, sir.
- Q When did you separate? A January, 1896.
- Q Lived together then about nine months as husband and wife? A Yes, sir.
- Q Has he ever married since that time? A No, sir.
- Q What was the cause, Mrs. Bushyhead, of you all's separation?
A Because he wouldn't provide for me.
- Q Were you living in his house at the time of your separation?
A No, sir.
- Q Did he have a house of his own? A Yes, sir.
- Q Who was occupying that house at that time? A Mr. James Converse.
- Q He had the house rented? A Yes, sir.
- Q What kind of a house were you living in? A Log house.
- Q Kind of an out-house, was it? A Yes, sir.
- Q Who made the support for the family? A I made what support they was made.
- Q Did you go to the Orphan Asylum or anywhere, and work out? A Yes, sir.
- Q To make a living for you and him? A Yes, sir.
- Q Did he contribute anything toward your support at all? A No, sir.
- Q While you and he lived together as husband and wife? A No, sir.
- Q Did you ever agree to live with him as his wife after you went to Arkansas, that he would send you some money? A No, sir.
- Q He claimed in his statement that he asked you twice, is that true?
A No, sir.
- Q You were living in the Cherokee Nation at the time of your separation? A Yes, sir.
- Q You just simply went to Arkansas on a visit to see your folks? A Yes, sir.
- Q How long were you in Arkansas the longest at any one time since you married him; how long were you there the longest at any one time? A I couldn't tell just exactly.
- Q Eight months or nine; you there longer than a year? A Why I don't know.
- Q You are still the lawful wife of George Bushyhead? A Yes, sir.
- MR. HASTINGS:** When did you go to Arkansas the first time now after you married Bushyhead? A I went there in July or August, now

I disremember which.

Q Of what year? A '96 I believe it was.

Q Now when did you return from there? A Returned from there in August, '97 or '98, I can't say just which.

Q You can't say when? A No, sir.

Q What was your postoffice when you made your application to the Commission to be enrolled? A I was in Fort Gibson then at that time; been there ever since; before that my postoffice was Clarksville, Arkansas.

Q Well wasn't your postoffice Clarksville, Arkansas, last September? A No, sir, not after I came here before the Commission it wasn't.

Q Well on September 25, 1901, didn't you give Clarksville, Arkansas, as your postoffice when you appeared before the Commission upon that date? A Yes, sir.

Q How long had that been your postoffice? A That had been my postoffice some over eight months.

Q Eight months? A Yes, sir.

Q Have you been living at Fort Gibson ever since last September? A Yes, sir.

Q Here is a letter which indicates that was written to you on June 7, 1901, by George W. Bushyhead, in which he begs and pleads with you to return home? A I don't think -

Q You didn't do it, did you? A No, I didn't return.

Q He offered to take you back didn't he? A He agreed to send me money, but he didn't do it.

Q I say he offered to take you back too? A Yes, sir, but he hasn't sent the money yet.

Q Well you left him and went to Arkansas didn't you? A Yes, sir.

Q You left him there in Saline District, didn't you? A Yes, sir, I left him in Saline District.

Q And you went direct from there to Arkansas, didn't you? A No, sir, I didn't.

Q Where did you go? A Went to James Shocks, about one mile from where I lived.

Q How long did you stay there? A I stayed there about three months.

Q You left his house, the house that you had been living at that time? A Yes, sir, I left the house I was living in.

Q How many trips have you made to Arkansas since you separated from your husband? A About three.

Q Where do your parents live? A They live in Fort Gibson.

Q Where did they live before last September? A They lived in Lynn County, Arkansas.

Q Clarksville their postoffice? A Spencer is their postoffice.

Q How far from Clarksville? A About 45 miles.

Q When did they move to the Territory? A The last time?

Q Yes. A Came here in January last.

Q When did they move from here if they had ever been here before? A They moved away from here in '94.

Q '94? A Yes, sir.

MR. BLEDSOE: Now there is another question I want to ask; when this case was supposed to have been heard you never got no notification? A No, sir.

Q You never have received a notification to appear before this Commission? A No, sir.

Q Now when you left your husband there at Locust Grove did you go direct to Arkansas or did you go over to make a support? A Went to Mr. Shocks, as I stated.

Q Did you go off just simply to work and make a living? A Yes, sir.

COMMISSION: I suggest, Mr. Bledsoe, that this was gone over fully in the first examination, and it's no use to go over that ground again.

MR. BLEDSOE: Now comes the attorney for the applicant and states

that the applicant was not notified at the time that the case was ordered to be called, but she was called by her representative, I. P. Bledsoe, and she went to the Commission to give evidence that she is the wife of [redacted] and that he left him to make a statement under section six hundred and sixty-seven of the Compiled Laws of the Cherokee Nation, inasmuch as she herself admits that she abandoned her husband.

Q: Agent for the applicant contends that there is no abandonment on the part of the wife whatever.

A: You submit the case for final consideration?

Q: Yes, sir.
A: The agent for the applicant and the attorney for the Cherokee Nation submit the case upon the testimony and record as now made up in this case for final consideration by the Commission.

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

Arthur G. Croninger

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

[Signature]
Notary Public.

J.C.C.

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

In the matter of the application of Rachel Bushyhead 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 September 25, 1901, Rachel Bushyhead appeared before the Commission at Fort Gibson, Indian Territory, and made personal application for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 22, 1902, when it was ordered that the supplemental testimony taken in the case of George Bushyhead, Cherokee card #2412, be filed with and made a part of this record; also further proceedings in the matter of said application were had at Muskogee, Indian Territory, May 6, 1902.

The evidence shows that Rachel Bushyhead, nee McGowan, a white woman, was married to George Bushyhead, who is duly identified on the 1880 authenticated roll of the Cherokee Nation as a native Cherokee and, also, upon the 1896 census roll of said nation, on March 7, 1898, in the State of Arkansas.

The evidence further shows that the said Rachel Bushyhead lived in the Cherokee Nation with her husband, George Bushyhead, until January, 1896, when she abandoned her said husband. Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of Cherokee citizens "with such inter-married white persons as may be entitled to citizenship under Cherokee laws".

Section 467 of the Compiled Laws of the Cherokee Nation (1898) 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."

One of the rules for construing the laws of the Cherokee Nation, Section 787 Compiled Laws Cherokee Nation (1898) is, as follows:

"Words in the masculine gender shall embrace a female as well as a male unless a contrary intention is manifest."

The evidence further shows that the said Rachel Bushyhead continued to reside in said Cherokee Nation, after she abandoned her said husband, until July, 1896, when she removed to the State of Arkansas, where she resided, and did not return to the Cherokee Nation until December, 1898; that on June 28, 1898, and at the date of this application, she was residing in Arkansas. She is not identified upon any of the rolls of said Cherokee Nation.

Paragraph 9, Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides:

Charleston N 1880

The undersigned has received the following...
of the...
of the...
of the...
of the...

COMMISSIONER TO THE STATE OF MISSISSIPPI.

[Signature]

[Signature]

[Signature]

Washoe, Indian Territory,
this JUL 16 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-1229

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory,

March 3,

1902.

Mrs. Rachel Bushyhead,

Clarksville, Arkansas

Madam:-


You are hereby notified that the application of **yourself**

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on March 22, 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 Mellette & Smith, Yours truly,
Vinita, I.T.
Register.


Allison L. Aylesworth,
Commissioner in charge.

COPY.

Cher. D 1229.

Muskogee, Indian Territory, July 16, 1902.

Rachel Busheyhead,

Fort Gibson, Indian Territory.

Madam:

There is herewith enclosed the record of proceedings had in the matter of your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commission, rejecting your said application.

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,

James Bixby.

Acting Chairman.

Register.

Enc. C. No. 91.

COPY.

Cher. D 1289.

Maskogee, Indian Territory, July 16, 1902.

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

Sir:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes, rejecting the application of Rachel Buskeyhead for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

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

Yours truly,

James Sixby.

Acting Chairman.

Enc. C. No. 92.

COPY.

Chas. D. 1200.

Wahkagoz, Indian Territory, July 24, 1908.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the report of proceedings had in the matter of the application of Rachel Bushyhead for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, including the decision of the Commission, dated July 18, 1908, rejecting said application.

Respectfully,

James Bixby.

Acting Chairman.

Through the Commissioner of Indian Affairs.

1 Enclosure

C. No. 53.

Refer in reply to
the following:
Land.
42,718-1902.

(Copy)

Department of the Interior,
Office of Indian Affairs,
Washington, July 24, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, a report from the Acting Chairman of the Commission to the Five Civilized Tribes, dated July 16, 1902, forwarding for the Department's consideration, the record relative to the application of Rachel Busheyhead for enrollment, as a citizen by intermarriage, of the Cherokee Nation.

The record in this case shows that Rachel Busheyhead nee McGowan, is a white woman; that she was married to George Busheyhead whose name appears on the Cherokee roll of 1880 in accordance with the laws of the State of Arkansas on March 7, 1895, and that she lived in the Cherokee Nation with her husband until January 1896 when she left him.

The commission quotes from section 21 of the Curtis Act relative to enrolling intermarried white persons, from section 657 of the Compiled Laws of the Cherokee Nation which declares that every person who shall lawfully marry under the provisions of the act of which said section is a part, and afterwards abandons his wife, shall thereby forfeit every right and privilege of citizenship in the Cherokee Nation, section 787 of said laws, which is as follows: "Words in the masculine gender shall embrace a female as well as a male unless a contrary intent is manifest", and on July 16, 1902,

found that the applicant was not entitled to enrollment as a citizen of the Cherokee Nation.

The evidence in this case shows that these parties were married in accordance with the laws of the State of Arkansas prior to the approval of the Cherokee Act of December 16, 1895; that they lived together as husband and wife until January 1896; that after they separated the applicant lived in Arkansas part of the time and part of the time in the Cherokee Nation; that the applicant was compelled to leave her husband in order to earn a livelihood, and that they have never been divorced.

The record in this case also shows that the applicant did not consider the home of her stepfather in Arkansas her home; that she never established a home anywhere except in the Cherokee nation; that after she and her husband separated she worked for different families in the Cherokee Nation for sometime; that she then went to Arkansas where she worked out, and recently returned to the Cherokee nation.

The office ^{does} ~~did~~ not agree with the decision of the Commission..

From the facts in this case the office does not believe that the action of the applicant in leaving her husband constitutes, within the meaning of section 667, an abandonment. The evidence, in the opinion of this office, plainly shows that he did not provide for her and that she was forced to leave him in order to obtain a living.

- 3 -

It is therefore respectfully recommended that the decision of the commission be not approved and that it be directed to enroll the applicant as an intermarried citizen of the Cherokee nation.

Very respectfully,

Your obedient servant,

A. C. Tomner,

Acting Commissioner.

(G. A. W.)

P.

D1229

D. C. No. 13625-1902.

J. P.

L. R. S.

49696

EAF.

ITD. 4494-1902.

DEPARTMENT OF THE INTERIOR.

Washington, August 19, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Rachel Bushyhead for enrollment as a citizen of the Cherokee Nation by intermarriage (No. 1229), received with your letter of July 16, 1902.

It appears, as found by you, that the applicant, a white woman, was married March 7, 1895, in Arkansas, to George Bushyhead, a native Cherokee Indian, identified on the 1880 authenticated Cherokee roll; that she lived in the Cherokee Nation with her husband until January, 1896, when she abandoned him; that she continued to reside in the Cherokee Nation after such abandonment until July, 1896, when she removed to Arkansas where she resided and did not return to the Cherokee Nation until December, 1898; that on June 28, 1898, and at the date of the application under consideration she was residing in Arkansas. She is not identified upon any roll of the Cherokee Nation.

Referring to section 667 of the laws of the Cherokee Nation compiled in 1892, providing that -

"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;"

and to section 787 of said laws, which provides that -

"Words in the masculine gender shall embrace a female as well as a male unless a contrary intention is manifest;"

and or to paragraph 9 of section 21 of the act of June 28, 1898 (30 Stat., 495), declaring that -

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

You found that the applicant was not entitled to enrollment as a citizen by intermarriage of the Cherokee Nation.

Reporting in the matter July 24, 1902, the Acting Commissioner of Indian Affairs states that he does not agree with your decision. He finds that Mrs. Bushyhead lived with her husband until January, 1896; that they separated and the applicant lived in Arkansas part of the time, and part of the time in the Cherokee Nation; that the applicant was compelled to leave her husband to earn her livelihood, and that they have never been divorced; that the applicant did not consider the home of her step-father in Arkansas, where she lived part of the time when in Arkansas, her home; that she never established a home anywhere except in the Cherokee Nation; that after she and her husband separated she worked for different families in the Cherokee Nation for some time; that she then went to Arkansas where she worked out, "and recently returned to the Cherokee Nation." He states that he does not believe that the action of the applicant in leaving her husband constitutes abandonment within the meaning of section 667 of the Cherokee law, as the evidence, in his opinion, plainly shows that her husband did not provide for her, and that she was forced to leave him in order to

earn a living. He recommends that your decision be not concurred in.

Mrs. Bushyhead claims she left her husband in 1896 because he would not provide for her; that they lived in a little log hut of one room; that she had nothing to eat except when she would work out for herself; that she knew her husband's surroundings when she married him, and that he was a full-blood Indian.

It appears that the applicant's husband testified in his application for enrollment that the separation from his wife was caused over a dispute about a pony; that she left him; that he tried once to get her to return, but she wrote to him that if he would forgive her "for what she had done" she would return home. Shown a letter from her husband written on June 7, 1901, in which he pleaded with her to return, she stated that she did not return, that her husband did not send her money though he promised to do so.

The attorney for the nation protested against applicant's enrollment as she admits that she abandoned her husband.

There is no evidence to show that the applicant ever seriously contemplated returning to her husband after abandoning him in 1896. The Department finds no reason to disturb your decision, and it is affirmed. Copy of the Indian Office letter herewith.

Respectfully,

Thos. Ryan,

Acting Secretary.

D. L.

1 inclosure.

COPY.

Cherokee D 1230.

Washoe, Indian Territory, September 4, 1902.

Rachel Washoe,

Fort Gibson, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date July 15, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 19, 1902.

Respectfully,

James Dixby.
Acting Chairman.

COPY

Cherokee B 1270.

Winklogee, Indian Territory, September 4, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Winklogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting the application of Rachel Buskeyhead for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 19, 1902.

Respectfully,

Tame Dixby
Acting Chairman.

Cherokee N-225

Muskogee, Indian Territory, November 12, 1902.

Rachel Bushyhead,
Fort Gibson, Indian Territory.

Dear Madam:-

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application marriage license and certificate, showing your marriage on March 7, 1895 to George Bushyhead.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Respectfully,

Acting Chairman.

Enc. N-26

Return to Writer.

Unclaimed

Mrs. Rachel Bushyhead,

Clarksville, Arkansas.

Aug 20 10



Department of the Interior

Commission to the Five Civilized Tribes

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

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1587

Chen P 926

STRAIGHT as to Applicant's son, Henry Riddle:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
PORT GIBSON, I.T., SEPTEMBER 26, 1901.

In the matter of the application of William R. Riddle for the enrollment of himself and wife as Cherokee citizens by intermarriage and for the enrollment of his son, Henry Riddle, as a Cherokee citizen by blood; said Riddle being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A William Riddle.
Q What is your age? A I am 46.
Q What is your post office address? A Texanna.
Q What district do you live in? A Canadian.
Q Do you apply to be enrolled as a Cherokee? A No, I am adopted.
Q Apply for enrollment as an intermarried citizen? (No response.)
Q What is your wife's name? A Ida Riddle.
Q How old is she? A She is 39.
Q Is she a Cherokee citizen? A No, sir, she is just adopted.
Q She is adopted? A Yes, sir.
Q And you are adopted? A Yes, sir.
Q Your wife is a white woman? A Yes, sir.
Q What was her husband's name? A His name was Taylor.
Q Well, what Taylor? A Benjamin Taylor.
Q Is he living? A No, sir.
Q Was he a Cherokee citizen? A Yes, sir.
Com'r Needles: Applicant presents a certified copy of an authenticated marriage license issued according to the laws of the Cherokee Nation, on the 24th day of February, 1881, authorizing the marriage between W. J. Riddle, a white man, and Bettie Downing, a Cherokee lady, certifying that the marriage was solemnized on the 24th day of February, 1881. The certificate being certified to by W. W. Albany, Asst. Executive Secretary of the Cherokee Nation, under the seal of the Cherokee Nation.
Q The marriage license you present is the license between you and your first wife? A Yes, sir.
Q What was her name? A Bettie Downing.
Q Is she living? A No, sir.
Q Have you any marriage certificate between yourself and your last wife? A No, sir, we was married under Cherokee law.
Q You ought to have one? A I didn't get none.
Q Who married you? A Fellow by the name of Caswell, John Caswell.
Q Is he living? A Yes, sir.
Q When were you married? A Was married in '74, I reckon; no, in '84.
Q You say the Minister who married you is living? A Yes, sir.
Q Have you lived with your wife continuously since you married her in 1884? A Yes, sir.
Q Living with her now? A Yes, sir.
Q Do you apply to have her enrolled? A Yes, sir.
Q Were you ever married more than once before you married your present wife? A No, sir.
Q Your former wife living when you married your present wife?
A No, sir.
Q She was dead? A Yes, sir.
Q Was your present wife ever married more than once before she married you? A Yes, sir, she was married twice, two Cherokee boys.
Q Are they both dead? A Yes, sir.
Q Were they both dead before you married her? A Yes, sir.
Q Did she live with both husbands until they died? A Yes, sir.
Q They were both Cherokees you say? A Yes, sir.
Q Have you any proof of marriage between her and her Cherokee husbandbands? A I have between her and her first one; I got letter of her administration at his death, if you want to see them, that is all the proof I have got between her, she was married to.

They are about worn out, I don't know whether you call tell anything about them or not. (Hands papers to Com'r.)

Q These are Letters of Administration? A Yes, sir.

Q When was your wife married to her first husband? A In '78, I think.

Q Is her name on the roll of 1880? A Yes, sir, I guess it is.

Q What was her first husband's name? A His name was Taylor, Benjamin T aylor.

Q First husband was Benjamin Taylor? A Yes, sir.

Q What was her second husband? A Warspeaker.

Q When was she married to Warspeaker? A I could not tell you, she didn't live with him about a couple of years until he was killed.

Q What was her name before she married Taylor? A Her name was Herrod.

Q A white woman. A Yes, sir.

Q Well, if her name was on the roll of 1880, then it should be on there by the name of Taylor, should it not? A Yes, sir.

1880 Authenticated roll of Cherokee citizens examined and names of appl cant and his wife not found thereon.

Q Was Benjamin a Cherokee? A Yes, sir.

Q Do you know when Benjamin Taylor died? A No, sir, I don't; I wasn't acquainted with him then.

Q You were married in '81? A Yes, sir, first wife.

Q What was her first husband's name? A Benjamin Taylor.

1880 Authenticated roll of citizens of the Cherokee Nation examined and name of applicant's wife's first husband not found thereon.

Q This William Warspeaker ought to have been more than 18 years of age when your wife married him? A He was a small boy.

1880 Authenticated roll of Cherokee citizens examined and name of applicant's wife former husband, found thereon, page 674, #1240, WM. Warspeaker.

Q Now, if I understand this case; what was your wife's maiden name? A Herrod.

Q And she married before 1880? A She was married to Taylor in '78.

Q When was she married to Warspeaker? A I could not tell you.

Q She was once married to William Warspeaker whom you claim was a Cherokee? A Yes, sir; full blood Cherokee.

Q At his death she married one Benjamin Taylor? A No, sir; married him first.

Q Benjamin was first? A First man and Warspeaker was the second one.

Q Was she married to one Benjamin Taylor? A Yes, sir.

Q Was he a Cherokee by blood? A Yes, sir, what the hell tell me.

Q And at his death she married one William Warspeaker? A Yes, sir.

Q Did she live with William Warspeaker until his death? A Yes, sir.

Q When did William Warspeaker die? A I could not tell you, he went off down in the Choctaw Nation.

Q Do you know that he ever died? A Yes, sir, he was killed.

Q And after the death of William Warspeaker, your wife married you? A Yes, sir.

Q That was in 1884? A Yes, sir, I won't be positive, '84 or '8.

Q Now, who did you first marry? A I married Bettie Downing.

Q And present a certificate of marriage; she was a Cherokee by blood? (No response.)

Q Is she living? A No, sir.

W. R. Riddle, et al.--2.

Q Was she a Cherokee? A I guess so, that is what they claimed her to be. Them papers go to show she was.

Q Then afterwards you married? A I married Warspeakers widow.

Q When did Bettie Downing die? A She died; I don't recollect the year:

Q Did you live with her until the date of her death? A Yes, sir.

Q And then after her death you married the widow of William Warspeaker? A William Warspeaker.

Q Is she now living? A Yes, sir.

1880 Authenticated roll of Cherokee citizens examined and name of applicant's former wife found thereon, page 14, #370, Bettie Downing, Canadian District.

Q How long have you lived in the Cherokee Nation? A About 22 years.

Q Have you any middle name? A W. R.

Q This certificate is to William J. A That is the way when I sign it myself, but I put it W. R., and some put it William J.

BY J. L. BAUGH, Cherokee Representative:

Q I believe you state a while ago William Warspeaker left there?

A He went down in the Choctaw Nation.

Q His wife go with him? A No, sir.

Q Didn't he and his wife separate at that time? A Yes, sir.

Q I thought you stated a little while ago she lived with both of these husbands until they died? A I could not tell he went off down there to teach school and got into some trouble and was killed, neither one of them had married.

COM'R NEEDLES: Are you on the roll of 1896? A I could not tell you.

Q Have you got any children? A I have one by my first wife.

Q Why didn't you say so? A You never asked me.

Q What is the name of that child? A Henry Riddle.

Q How old is he? A 19 years old.

1896 Census roll of Cherokee citizens examined and name of applicant's child found thereon, page 61, #1663, Henry Riddle, Canadian District; note: "Grandson of George Downing"

Q Who was Henry Riddle's mother, Bettie Downing? A Yes, sir.

Q Is he living at this time? A Yes, sir:

COM'R NEEDLES; William R. Riddle applies for the enrollment of himself, his wife Ida, and his son Henry. He avers that he is a white man, and that in the year 1880 he was married to one Bettie Downing, a Cherokee by blood, and he presents satisfactory proof as to said marriage, and the name of said Bettie Downing is duly identified upon the authenticated roll of 1880, and the name of Henry Riddle, son is identified upon the census roll of 1896, as the son of Bettie Downing. Applicant avers that after the death of Bettie Downing he married the widow of William Warspeaker, Ida Warspeaker, and William Warspeaker is identified upon the authenticated roll of 1880. The averment is made that he is now deceased. No proof of marriage is presented as between said William Riddle and the said Ida Warspeaker. The averment is made that she is a white woman, and she cannot be identified upon any of the rolls of the Cherokee Nation. He avers that his wife, Ida, who was a white woman, was originally married to one Benjamin Taylor, a Cherokee citizen by blood, but no proof is made as to the citizenship of the said Benjamin Taylor. He avers that after the death of said Benjamin Taylor, his said wife married one William

W.P.Riddle, et al.--4.

Warspeaker, who is identified upon the authenticated roll of 1880, and claims that he himself and his wife, Ida, are both white persons, are both intermarried citizens. By reason of the fact that no proof of marriage is made between the said applicant and his present wife, Ida Warspeaker, and no proof is made as to the citizenship of Benjamin Taylor, the application of the said William R. Riddle for the enrollment of himself as a citizen by intermarriage is suspended, and his name will be placed upon a doubtful card, awaiting further consideration of the Commissioner; the Cherokee Nation contending that although his present wife was a white woman, was the widow of a citizen, that the said William R. Riddle, has lost his rights of citizenship by marrying a state woman; see Section 666 of the Cherokee Statutes; and although no evidence was produced as to the legal marriage of said Ida, the fact that she was a white person and her ~~husband~~ last marriage was with William R. Riddle, who is a white person, the Cherokee authorities contend that she has lost her rights to citizenship, is she had any, under said section.

Applicant applies for the enrollment of his child, Henry. He avers that he is the child of Bettie Downing, his first wife; Bettie Downing being identified upon the authenticated roll of 1880 and the child being identified upon the census roll of 1896, and satisfactory proof being made as to its residence, the said Henry Riddle, child of William Riddle by his mother, Bettie Downing, will be listed for enrollment as a Cherokee citizen by blood. Applicant will be notified by due course of mail when the decision of the Commission is arrived at.

It will be necessary for him to prove the legal marriage between his present wife and her first husband, Benjamin Taylor; it will also be necessary for proof of marriage between said William Riddle and his present wife Ida, Widow of William Warspeaker, who is identified upon the roll of 1880, to be made.

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

J. O. Rosson

Subscribed and sworn to before me this October 5th, 1901.



Commissioner.

B

A/230

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

FILED
SEP 26 1901



ACTING CHAIRMAN.

Canadian Dist.

CHEROKEES BY BLOOD AND ADOPTION.

Name ⁴⁶ William R. Riddle Date Sept. 26 1907
Tennessee, 9. 1

District Year Page No.

Citizen by blood No Mother's citizenship

Intermarried citizen Yes

Married under what law Date of marriage

License Certificate

Wife's name ⁵⁹ Ada Riddle

District Year Page No.

Citizen by blood No Mother's citizenship

Intermarried citizen Yes

Married under what law ^{letter} Date of marriage Feb 24, 1881

License ^{best copy filed (1st wife)} Certificate ^{best copy of filed (1st wife)}

Names of Children:

<u>Harry Riddle</u>	Dist. <u>Canadian</u>	Year <u>96</u>	Page <u>61</u>	No. <u>16</u>	Age <u>14</u>
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

Application by Mrs R. Riddle Stenographer, J. C. Rosson

"R"

File with Cherokee D 1230.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 12, 1903.

In the matter of the application of Willie Luvena Hadley for the enrollment of herself as a Cherokee by blood; being sworn and examined she testified as follows:

O R D E R :

COMMISSION: The testimony of the applicant's mother, Ida Riddle, in the foregoing application, to be made part of the record in her own case, D-1230.

IDA RIDDLE, being sworn and examined testified as follows:
BY COMMISSION:

- Q What is your name? A Ida Riddle.
Q How old are you? A 40 years old.
Q What is your post-office address? A Texanna.
Q Are you the mother of the applicant, Luvena Hadley? A Yes sir.
Q When were you married to her father, William Warspeaker?
A I was married in '82.
Q Have you any evidence of your marriage? A There is Jim Groves, there, he can tell you.
Q Have you any marriage certificate? A No. We were married under the old Cherokee laws.
Q You didn't have any certificate at all? A No sir.
Q Who married you? A Give me time to think of his name, Sam Carey, they called him Cat in Cherokee, but his name was Carey.
Q Was he a Minister of the Gospel? A Yes sir.
Q Did he give you any certificate? A ~~Yes~~ No sir.
Q Did you live with William Warspeaker up until the time he died?
A Yes sir.
Q Did you have any other children by him? A No sir, this is the only one.
Q Is this preacher dead now? A Yes sir, he is dead.
Q Anybody here that knows you were married to this man? A I guess he does, Mr. Groves. He never saw us married, but he lived right there in the neighborhood, and knowed Mr. Carey until his death.

J.C.GROVES, being first duly sworn, and being examined testified as follows:

BY COMMISSION:

- Q What is your name? A J. C. Groves.
Q How old are you? A 24.
Q What is your post-office address? A Texanna.
Q Are you acquainted with the applicant here, Luvena Hadley?
A Yes sir.
Q Did you ~~know~~ know her father? A Yes sir.
Q Do you know her mother? A Yes sir.
Q How long did you know them? A I have been knowing them all their life there, that girl there.
Q How long have you lived in the same neighborhood? A All my life.
Q Do you know of your own knowledge that William Warspeaker and the applicant's mother lived together as man and wife? A Yes sir.
Q Were they recognized in the community as man and wife? A Yes sir.

Applicant's mother, IDA RIDDLE, recalled and further examined:
BY COMMISSION:

- Q Where you ever married before you married William Warspeaker?

I, _____, do hereby certify that the foregoing is a true and correct copy of the original manuscript.

[Signature]

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

[Signature]

Commissioner.

R.

C. D-1230.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., March 22, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of William R. Riddle for the enrollment of himself and wife as citizens of the Cherokee Nation.

The applicant was notified by registered letter March 5, 1902, that his application for the enrollment of himself and wife as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskegee, I. T., on the 22nd day of March, 1902. The applicant this day, to-wit: the 22nd day of March, 1902, appears in person.

WILLIAM R. RIDDLE, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A William R. Riddle.

Q What is your post office address? A Texana.

Q You have heretofore applied to the Commission for the enrollment of yourself and wife as citizens of the Cherokee Nation? A Yes sir.

Q You were requested to supply the Commission with evidence of your marriage to your wife Ida. Have you that with you?

A No sir, I got married under the Cherokee law and never got a copy of the license.

Q Didn't you get any certificate? A No sir.

Q Is there any statement you desire to make relative to the application of yourself and wife for enrollment as citizens of the Cherokee Nation?

A No sir, I have got no case here. I could get proof that we was married by a minister.

Q Do you submit the case to the Commission for final decision?

A Yes sir.

The applicant and the representative of the Cherokee Nation present submit the case, same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

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

Wm. Hutchinson

Cherokee D 1890

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

J. A. C.

In the matter of the application of William R. Riddle for the enrollment of himself and wife, Ida Riddle, as citizens by intermarriage of the Cherokee Nation:

DECISION.

The record in this case shows that on September 26, 1901, William R. Riddle appeared before the Commission at Fort Gibson, Indian Territory, and made personal application for the enrollment, among others, of himself and wife, Ida Riddle, as citizens by intermarriage of the Cherokee Nation. The other parties to this application are differently classified and are not embraced in this decision. On February 12, 1902, it was ordered that the testimony of Ida Riddle, taken in the matter of the application of Willie Luvena Hadley, at Muskogee, Indian Territory, on said date be made a part of the record in this case. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 22, 1902.

The evidence shows that said William R. Riddle, a white man, was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation to one Betty Downing, a native Cherokee, on February 24, 1861, and lived with her until her death.

The evidence further shows that the said Ida Riddle, a white woman, was formerly married to Benjamin Taylor, a native Cherokee (in 1878), and lived with him until his death, and that after the death of said Benjamin Taylor, she was again married to one William Warspeaker, a native Cherokee (in 1881), and lived with him until his death.

The evidence further shows that said William Riddle, a white man, and Ida Riddle, formerly Warspeaker, a white woman, were married in 1884. 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."

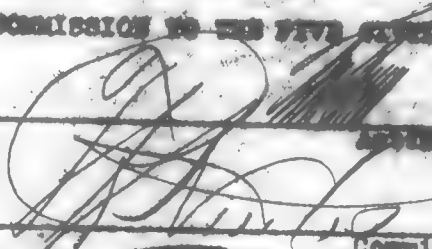
Section 666 of the Compiled Laws of the Cherokee Nation (1898) is, as follows:

"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."


Cherokee D 1280

It is, therefore, the opinion of this Commission that the application of William R. Riddle for the enrollment of himself and wife, Ida Riddle, as citizens by intermarriage of the Cherokee Nation should be denied, and it is so ordered.


COMMISSION TO THE FIVE CIVILIZED TRIBES.



Agent.



Commissioner.



Commissioner.

Muskogee, Indian Territory,
this 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-1230

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

March 2,

1902.

Mr. William R. Middle,

Taxaha, Indian Territory,

Sir:-

You are hereby notified that the application of **yourself and wife**

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 22, 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 certificate of marriage of Ida Taylor to William Warspeaker. Also certificate showing the marriage of yourself to your wife Ida.

Register.

Yours truly,

Acting Chairman.
Commissioner in Charge.

CCPY.

Cher. D 122

Muskogee, Indian Territory, July 16, 1902.

William R. Riddle,
Texanna, Indian Territory.

Sir:

There is herewith enclosed the record of proceedings had in the matter of your application for the enrollment of yourself and your wife, Ida Riddle, as citizens by intermarriage of the Cherokee Nation, together with the decision of the Commission, rejecting your said application.

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,

Tams Birby

Acting Chairman.

Register.

Enc. C. No. 85.

COPY

Chas. B. ...

Muskogee, Indian Territory, July 16, 1902.

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

Sir:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes, rejecting the application of William R. Riddle for the enrollment of himself and his wife, Ida Riddle, as citizens by intermarriage of the Cherokee Nation.

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

Yours truly,

Jams Bixby.

Acting Chairman.

No. G. No. 25.

COPY.

Char. D. 1200.

Wastoge, Indian Territory, July 16, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of William B. Riddle for the enrollment of himself and his wife, Ida Riddle, as citizens by inter-marriage of the Cherokee Nation, including the decision of the Commission, dated July 16, 1902, rejecting said application.

Respectfully,

James Bixby.

Acting Chairman.

Through the Commissioner of Indian Affairs.

1 Inclosure

C. No. 27.

Refer in reply to
the following:
Land
42718--1902.

(COPY)

Department of the Interior,
Office of Indian Affairs,
Washington, July 28, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

There is enclosed herewith a report from the Acting Chairman of the Commission dated July 16, 1902, transmitting for the Department's consideration the record relative to the application of William R. Riddel, for the enrollment of himself and his wife, Ida Riddel, as intermarried citizens of the Cherokee Nation.

July 16, 1902 the Commission held that under the Curtis Act and Section 666 of the laws of the Cherokee Nation 1892 edition, which 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 applicants were not entitled to enrollment as citizens by intermarriage.

The record in this case shows that William R. Riddel, a white man married Bettie Downing, a Cherokee, in accordance with the

laws of the Cherokee Nation; that in 1877 Ida Herrod, a white woman, was married to Benjamin Taylor, a Cherokee; that subsequent to the death of Taylor and in 1881, Ida Taylor nee Herrod married William Warspeaker, a citizen of the Cherokee Nation, who subsequently died.

The record also shows that Ida Warspeaker lived with her respective husbands until the death of each. It also shows that William R. Riddel and his citizen wife Bettie Riddel, lived together as man and wife until her death. Subsequent to the death of the citizen wife of William R. Riddel and to the death of Ida Warspeaker's husband, these parties married. This marriage occurred in 1884, and was performed in accordance with the laws of the Cherokee Nation.

William R. Riddel, is a white man, and Ida Riddel, formerly Warspeaker, his present wife, is a white woman. The right of these parties to enrollment appears to hinge on the meaning of the words "having no rights of Cherokee citizenship by blood", contained in Section 666 of the compiled laws of the Cherokee Nation, and the Commission in rejecting the applicants seemed to have placed a strict construction on their meaning. While the words "by blood" appear in said section, this office does not believe that the construction placed on said section by the Commission is within the spirit and intent of the law. These parties by their previous marriages became vested with the same rights as native Cherokees, and if they had remained a widow and a widower no question as to their respective rights to enrollment could have been raised. Neither of these applicants have rights in the Nation as citizens "by blood" but there can

be no question that prior to their marriage that both had rights in said nation as intermarried citizens. If they had married members of the tribe under licenses issued by authority of the Cherokee or any other law they would still have retained their citizenship in said nation. The office believes that the true spirit and intent of Section 666 is to prevent intermarried citizens from conferring citizenship upon a non-citizen husband or wife, and that it is not the true spirit and intent of the law to bar from citizenship intermarried citizens who marry each other as was done in this case.

It is therefore respectfully recommended that the action of the Commission in rejecting the applicants be not approved, and that the Commission be directed to enroll said applicants as intermarried citizens of the Cherokee Nation.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

G. A. W. (E.)

D. C. No. 13623-1902.

51230

J. P.

L. R. S.

49697

RAF.

ITD. 4611-1902.

August 19, 1902

Commission to the Five Civilized Tribes,

Muskogee, I. T. ;

Gentlemen:

The Department has considered the case involving the application of William R. Riddle for the enrollment of himself and wife, Ida Riddle, as citizens by intermarriage of the Cherokee Nation.

It appears that Riddle, a white man, married in 1881 Betty Downing, a native Cherokee citizen, and lived with her until her death; that said Ida Riddle, a white woman, in 1878 married Benjamin Taylor, a native Cherokee, and after his death married in 1881 William Warspeaker, a native Cherokee, living with him until his death. William Riddle and Ida Riddle were married in 1884. Referring to section 21 of the act of June 28, 1898 (30 Stat., 495), authorizing your Commission to make a roll of Cherokee citizens, which provided that you should enroll "such intermarried white persons as may be entitled to citizenship under Cherokee laws," and to section 666 of the laws of the Cherokee Nation compiled in 1892, which 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;"

you rejected the application, holding that neither of the applicants is entitled to enrollment.

Reporting in the matter July 28, 1902, the Acting Commissioner declines to concur in your decision. He states that the right of these parties to enrollment appears to hinge on the meaning of the words in the Cherokee law, "having no rights of Cherokee citizenship by blood"; that in rejecting the application you have placed a strict construction on the meaning of this language; that he does not believe that the construction placed on said section is within the spirit and intent of the law; that the parties by their previous marriages became vested with the same rights as native Cherokees, and if they had remained widow or widower no question as to their respective rights to enrollment could have been raised; that while neither of these applicants has rights in the nation as citizens "by blood" there can be no question that, prior to their marriage, both had rights in said nation as intermarried citizens; that, as he understands section 666, it was intended to prevent intermarried citizens from conferring citizenship upon a noncitizen husband or wife, and that it is not the true spirit and intent of the law to bar from citizenship intermarried citizens who marry each other.

The Department concurs in your views, and your decision is affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

D. L.

COPY.

Cherokee 2, 1820.

Wahkiak, Indian Territory, September 4, 1902.

William E. Hiddle,
Tombala, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date July 10, 1902, rejecting your application for the enrollment of yourself and your wife, Ida Hiddle, as citizens by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 19, 1902.

Respectfully,

Acting Chairman.

Cherokee D 3220.

September 4, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting the application of William R. Riddle for the enrollment of himself and his wife, Ida Riddle, as citizens by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 10, 1902.

Respectfully,

Acting Chairman.

Cher R 727

Cher R 727

11

10/12/01

U.S. DEPARTMENT OF THE INTERIOR

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
OCT 16 1901

~~Handwritten scribble~~

These papers
to be kept
in the
office of the
Commissioner
of the
Bureau of
Indian Affairs
at Washington
D.C.

Approved and sent to the office October 11th 1901

Handwritten signature

Secretary

Cher. by Intermarriage:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 11th, 1901.

In the matter of the application of William U. Hill for enrollment as a Cherokee citizen by intermarriage; said Hill being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A William Hill.
Q How old are you, Mr. Hill? A 35 this month.
Q What is your post office address? A Delaware.
Q What district do you live in? A Coowescoowee.
Q Do you apply to be enrolled as a Cherokee citizen? A Yes, sir.
Q By blood or intermarriage? A Intermarriage.
Q Who do you desire to enroll besides yourself, anyone? A No, sir.
Q Are you married? A No, sir.
Q Were you ever married? A Yes, sir.
Q Who to? A Susan Martin.
Q Is she a Cherokee citizen? A Yes, sir.
Q Is she living? A Yes, sir.
Q Have you any proof of your marriage? A Yes, sir, I have a certificate.

Com'r Needles: Applicant presents a duly authenticated marriage license and marriage certificate, issued according to the laws of the Cherokee Nation, in due form; certificate certifying that he was married to Miss Susan Martin, a citizen of the Cherokee Nation, on the 13th day of January, 1894.

- Q Are you living with Susan Martin now? A No, sir.
Q Well, are you divorced from her? A Yes, sir.
Q When were you divorced? A She got the divorce two years ago, I think, about two years ago.
Q How long did you live with her? A About five years.
Q Then you abandoned her, did you? A No, sir, she left me.
Q She left you? A Yes, sir.
Q Have you married since? A No, sir.
Q Was she your first wife? A Yes, sir.
Q Were you her first husband? A Yes, sir.
Q You have never been married since you and her parted? A No, sir.
Q Did she apply for the divorce? A Yes, sir.
Q What ground did she allege? A I don't know, I don't remember.
Q You didn't appear against her at all? A No, sir.
Q Didn't defend it? A No, sir.
Q What was her father's name? A James Martin.
Q Is he living? A Yes, sir.
Q What is her mother's name? A Mandy Martin.
Q Is she living? A Yes, sir.

, 1880 Authenticated roll of Cherokee citizens examined and name of applicant former wife found thereon, page 136, #1788, Susan Martin, Coowescoowee district.

BY MR. J. L. BAUGH, Cherokee Representative:

- Q What did you say your post office is? A Delaware.
Q Where was you at when then enrolled here last summer?
A I was at Fort Leavenworth.
Q What were you doing at Fort Leavenworth? A I was confined in prison there.
Q How long had you been in confinement? A In October before; been in there six months.
Q That was the reason you didn't apply for enrollment because you was at Fort Leavenworth? A Yes, sir, and since I come back the Commission was at Nowata.
Q What was the cause of your separation from your wife? A Trivial

matter, jealousy.

Q Was you lying here at the time she sued you for the divorce?

A Yes, sir.

Q You didn't appear against her? A No, sir, I went away about that time.

COM'R NEEDLES: You went away where, penitentiary?

A Yes, sir.

Q Were you in the penitentiary when this divorce proceeding was had? A I guess I was about the time court was in session here then, but I don't know just what day it came up.

Q Now, don't you know that she alleged against you when she applied for the divorce? A I didn't see the papers.

Q I didn't ask you whether you saw the papers or not; I asked you if you didn't know? A No, sir.

Q Don't you know she charged you with adultery? A (No response.)

Q And that was the reason she left you because she accused you of adultery? A It might have been.

Q You don't say it was not? (No response.)

Q She says too that you failed to support her; how is that?

Did you provide her with a home? A Yes, sir.

Q Whose home was it you were living on, her place?

A Place her father give her; I built a good house there and was living in the house at the time she left.

Q Did you have any children? A Had one child.

Q She has the child has she? A Yes, sir.

1896 census roll of Cherokee citizens examined and name of applicant found thereon, page 309, #522, U. William Hill, Cowessawee district.

Q Have you got any other name besides William? A Yes, sir; William U. it should be.

Q How long have you been living in the Cherokee Nation?

A 12 years this fall.

Q Have you lived in the Cherokee Nation since you separated from your wife and since you got back from prison? A Yes, sir.

COM'R NEEDLES: William U. Hill, applies for the enrollment of himself as an intermarried citizen. He makes satisfactory proof of marriage to one Susan Martin, a citizen of the Cherokee Nation by blood, and Susan Martin is identified upon the authenticated roll of 1896 according to the page and number of the roll as indicated in the testimony. William U. Hill is duly identified upon the census roll of 1896. Applicant makes satisfactory proof as to residence, but the testimony develops the fact that he has been divorced from his wife. The testimony taken in the matter of the application of Susan L. Barr, nee Susan Martin, wife of applicant, develops the fact that she applied for a divorce from the applicant on the ground of adultery and abandonment. Reference is made to said testimony; said wife of the applicant being listed for enrollment on regular card #4486. By reason of the fact set forth in the testimony final judgment as to the enrollment of said William U. Hill as an intermarried citizen of the Cherokee Nation will be suspended and his name will be placed upon a doubtful card awaiting further consideration of the Commission.

You will be notified, Mr. Hill, of the decision of the Commission when arrived at, and if you desire to introduce any further testimony you can do so.

W. U. Hill.

DEPARTMENT OF THE INTERIOR

OCT 16 1891
RECEIVED

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

J. G. Rosser

subscribed and sworn to before me this October 11th, 1901.



Commissioner.

13

10/12

CHEHONKI & BA STC

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
OCT 11 1901



ACTING CHAIRMAN

AND ADOPTION

1901	1902	1903	1904	1905	1906	1907	1908	1909	1910	1911	1912	1913	1914	1915	1916	1917	1918	1919	1920	1921	1922	1923	1924	1925	1926	1927	1928	1929	1930	1931	1932	1933	1934	1935	1936	1937	1938	1939	1940	1941	1942	1943	1944	1945	1946	1947	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100
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MARRIAGE LICENSE.

CHEROKEE NATION, Cooweescoowee District.

To any Person Legally Authorized, Greeting:

You are hereby authorized to join in the Holy Bonds of Matrimony and celebrate the rites and ceremonies of Marriage between Mr. W. U. Hill, a citizen of the United States, and Miss Susan L. Martin, a citizen of the Cherokee Nation, and you are required to return this License to me for record within thirty days from the celebration of such Marriage, with a certificate of the same appended thereto and signed by you.

(SEAL)

Given under my hand and seal of office, this the 11th day of January A.D. 1894.

J. M. LaHay
Clerk Cooweescoowee District

Cherokee Nation, I.T.)
Cooweescoowee District)

I, Isaac Brown, a Minister of the Gospel, hereby certify that on the 13 day of Jan. 1894, I joined in marriage Mr. W.U.Hill, a citizen of the United States, and Miss Susan L. Martin, a citizen of the Cherokee Nation, agreeable to the authority given in the within license and the custom and laws of the Cherokee Nation.

Given under my hand this 13 day of Jan. A.D. 1894.

Isaac Brown, a Minister.

Recorded on page 262 Book B of Records of Marriages License of Cooweescoowee District Cherokee Nation.

Joe M. LaHay, Clerk Cooweescoowee Dist.

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

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of said Division.

[Signature]
Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 11th day of November, 1902.

[Signature]
Notary Public.

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

Muskogee, I. T., 190.....

I, the undersigned, 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

..... as citizen of the Cherokee Nation.

.....
Commissioner.

IN THE UNITED STATES COURT FOR THE NORTHERN DISTRICT OF
THE INDIAN TERRITORY, AT MUSKOGEE.

Susie Hill Plaintiff,
vs
Wm. Hill, Defendant.

Supplied Complaint in Equity.

Now comes the above named plaintiff, Susie Hill, by her attorney and alleges:

That she is a resident of the Cherokee Nation, Indian Territory, and has so resided all her life to the filing of this complaint and now so resides; and that the defendant is also a resident of said Nation and District and so resided at the commencement of this suit.

That plaintiff and defendate were married on the ___ day of December 1893 and lived together as man and wife until about June 1898.

That on or about June 1898 the defendant offered such indignities to the person of the plaintiff as to render her condition intolerable in that he had contracted subsequent to said marriage, a private disease which was communicated to the plaintiff and from which plaintiff suffered for months; and plaintiff charges that defendant was guilty of adultery with party or parties to the plaintiff unknown subsequent to said marriage and during the years plaintiff and defendate lived together as husband and wife, the defendant failed, refused and neglected to provide the comforts of life for plaintiff although he was an able bodied man and had ample opportunities furnished him by plaintiffs father in the way of farms, teams, etc.

That the causes alleged for which divorce is asked accrued and existed in the said Cherokee Nation, I.T., and that the cause accrued within five years last past.

That during the said marital relations and prior thereto plaintiff conducted herself as a virtuous woman and subsequent to said marriage, as a loving, faithful and dutiful wife and mother.

That plaintiffs maiden name was Martin; and that during the said marital relations there was born a girl baby to plaintiff and defendant which is now two years old, named Hattie.

Wherefore plaintiff prays for a decree of divorce from the said plaintiff, for the custody of said minor child, Hattie, and also for the restoration of her maiden name, which was, Susie Martin, and for such other and further relief as she in equity may be entitled to.

Susie Hill

By H.H. Edmiston, Her Attorney

Susie Hill being introduced and sworn to testify the truth, the whole truth and nothing but the truth deposes and says:

My name is Susie Hill and my husbands name is William Hill. We were married on the ___ day of December 1893 and lived together until about June 1898.

That a few months before affiant and defendant separated in June 1898 affiant saw the person of the defendant and at the time he had a bad disease which had been troubling him for some time, and during the winter of 1897-8 before the separation in June 1898 affiant was sick much of the time and not completely cured until after the said separation when she was under the care of a physician. Affiant accused the defendant of the disease and he made no denial to the charge; and his underclothing were badly soiled and bore traces of corruption and evidence of medicine having been used on his person.

Affiant did not know just what the trouble was until about the time of the separation and after being satisfied as to his diseased condition being the result of dicipation and infidelity, affiant did not thereafter live with him.

That the defendant was an able bodied man and calculated to do full labor on the farm but that during the marital relations he was idle and indolent and failed and neglected to provide the comforts of life.

Affiant has resided in the Indian Territory all her life and continuously up to the present time, and the cause for divorce alleged existed and occurred in the Northern District of the Indian Territory where affiant now resides and has resided all her life and the separation took place in said District. And the said cause existed and occurred within five years next before the institution of this suit.

Affiant's health is now much poorer than when married and because of the diseased condition, as affiant believes, of the defendant; and during all of said marital relations affiant conducted herself as a chaste, dutiful and affectionate wife and the condition of the defendant was in no way attributable to affiant. And further affiant sayeth not/ My maiden name was Martin and I wish that name restored; I have one child Hattie, two years old and I wish to keep her.

Susie Hill

Subscribed and sworn to before me this Oct. 30th 1899.

N. A. Gibson,

Master in Chancery.

Susie Hill)
vs No. 907)
William Hill)

Report of Master.

I, N. A. Gibson, Master in Chancery for this court show to the court that under the general order of reference I have examined the pleadings and taken the proof herein and that I find as follows:

1. That both parties reside in the Northern District of the Indian Territory and have resided therein for more than one year next before this suit was filed which was on September 8th, 1899; at which time a summons was issued which was duly served on the defendant on September 11th 1899. That the defendant has not answered herein.

That the parties were married on Dec. 1893 and lived together in the Indian Territory until June 1898 at which time the plaintiff left defendant and since then they have lived apart.

That the plaintiff alleges as her cause of divorce indignities to her person of such nature as to render her condition intolerable and that the proof on file shows that he acquired a venereal disease after said marriage and communicated it to the plaintiff.

That the proof is sufficient to sustain this allegation and also that the defendant has committed adultery with some woman unknown to the witnesses or to plaintiff. That the cause of divorce occurred and existed in the Indian Territory and within five years next before the institution of this action.

That one child was born to the parties by this marriage, a girl now two years old, named Hattie for the custody of whom the plaintiff prays.

That plaintiff's maiden name was Susie Martin and she prays that she be restored to that name.

The premises considered I recommend that plaintiff be granted a divorce as prayed, that she be awarded the custody of the said minor child and that she be restored to her maiden name.

Respectfully submitted this November 2, 1899.

N. A. Gibson, Master in Chancery.

Susie Hill
vs
William Hill

No. 907

The plaintiff Susie Hill filed her petition herein, praying for a divorce and dissolution of the marital relations existing between herself and the defendant William Hill on statutory grounds. Reference of the case was made by the court to the Master and Masters report was filed on November 3d A.D. 1899 which report sets forth the facts: that the parties reside in the Northern District of Indian Territory and have so resided for more than one year next before the suit was filed; that the defendant was duly

served with summons; that the defendant William Hill filed no answer to the complaint; that the parties were married on the ___ day of December 1893; that plaintiff alleges as her cause for divorce indignities to the person of such a nature as to render her condition intolerable and that the proof on file shows that the defendant acquired venereal disease after said marriage and communicated it to the plaintiff; that the cause of the divorce accrued and existed in Indian Territory and within the five years next before the institution of this action; that one child was born to the parties by this marriage a girl now two years old named Hattie for the custody of which the plaintiff prays; that plaintiff's maiden name was Susie Martin and she prays to be restored to that name. Upon these findings the Master recommends that the plaintiff be granted a decree as prayed; that she be awarded the custody of the minor child and that she be restored to her maiden name.

Now on this 3d day of November A.D. 1899, this cause coming on to be heard upon the report of the Master the same is accepted and approved, and the court being well and fully advised in the premises, it is by the court ordered, adjudged and decreed that the plaintiff Susie Hill and she is hereby divorced from the defendant William Hill and the bonds of matrimony heretofore existing between the parties are dissolved and held for naught; that the plaintiff have the care, custody and control of the minor child Hattie, and that the plaintiff be and she is hereby restored to her maiden name Susie Martin.

United States of America
 Indian Territory, Northern District) SS

I, Charles A. Davidson, Clerk of the United States Court of the Northern District of the Indian Territory, do hereby certify the foregoing to be true and correct copies of the Complaint in Equity, of the evidence of Susie Hill, Report of the Master in Chancery, and the Decree of Divorce in case No. 907 entitled, "Susie Hill vs William Hill," as the same appears from the records now on file in my office.

Witness my hand and seal of said court of Vinita, this 15th day of October, A.D. 1901.

(SEAL)

Charles A. Davidson, Clerk.
 By T. A. Chandler Deputy.

Department of the Interior,
 Commission to the Five Civilized Tribes,
 Muskogee, I.T., November 12, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of a certified copy on file in the office of the said Division.

[Signature]
 Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 12th day of November, 1902.

[Signature]
 Notary Public.

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

In the matter of the application of William Hill, who claims as a Cherokee citizen by inter-marriage, Cherokee Doubtful #1240.

SUPPLEMENTAL ORDER.

By Gen'r T. B. Needles:

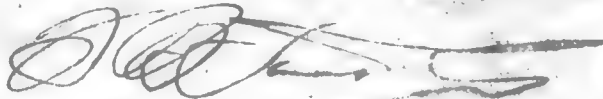
Consent now the Cherokee Nation through its representative, Mr. Baugh, and offers in evidence a certified copy of a decree of divorce obtained by Susan Hill, wife of applicant, against said applicant. It is hereby ordered that said certified copy be filed and made a part of the record in the above case.

• • • •

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 cases and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 18th of October, 1901.



Commissioner.

10 Cher. D. 1240

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 16 1901

[Handwritten signature]
ACTING COMMISSIONER

DEPARTMENT OF THE INTERIOR

COMMISSIONERS:

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

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vine to S. J. Cox 12-1901

Received of the Commission to the Five Civilized Tribes one
copy of the testimony in the matter of the application of
William M. Hill for enrollment as a
citizens of the Cherokee Nation.

No. Cherokee 1240

J. H. Leach
Agent for applicant,

© 1917-18

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

1917-18
The Commission was organized by the Department of the Interior in 1917 to study the conditions of the Five Civilized Tribes (Cherokee, Chickasaw, Choctaw, Creek, and Seminole) and to report on the progress of their civilization and the needs of the Government. The Commission was composed of five members, including the Secretary of the Interior, and held numerous public hearings and private conferences with tribal leaders and officials. The Commission's report, published in 1918, provided a detailed account of the tribes' social, economic, and educational conditions and recommended various measures for their improvement.

1917-18
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Supl.-C.D.#1240.

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

SUPPLEMENTAL in the matter of the enrollment of WILLIAM U.
HILL as a citizen of the Cherokee Nation;

The applicant was notified by registered letter March 3, 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 22d day of March, 1902, and that on said date he could appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any additional testimony affecting his application. The applicant has this day, to-wit: the 22d 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.

---oocOOOoc---

I, J. O. Reason, 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. Reason

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

In the matter of the application of William U. Hill for enrollment as a citizen by intermarriage of the Cherokee Nation:

DECISION.

The record in this case shows that on October 11, 1901, William U. Hill appeared before the Commission at Vinita, Indian Territory, and made personal application for his enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Vinita, Indian Territory, on October 15, 1901.

The evidence shows that on January 13, 1894, the said William U. Hill, a white man, was lawfully married, under a Cherokee marriage license and in compliance with the laws of the Cherokee Nation, to one Susan L. Martin, who is identified upon the 1890 authenticated roll of the Cherokee Nation as a native Cherokee; that they lived together as husband and wife until June, 1896, when the said applicant abandoned his said wife; that the said William U. Hill is duly identified upon the 1896 census roll of the Cherokee Nation.


Section 21, of the Act of Congress approved June 23, 1896 (30 Stats., 428), provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."


Section 657, 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 application for the enrollment of William U. Hill as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



CHAIRMAN.


COMMISSIONER.

Wahbege, Indian Territory,
this 11th day of Nov 1901

COMMISSIONERS
HENRY L. HOWE,
TAMM BERRY,
THOMAS B. WHEELER,
C. B. BUCHANAN

ALLAN L. AYLEBORTH,
SECRETARY

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

PLEASE IN REPLY TO THE FOLLOWING
March 21/ 1902

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 21, 1902.

Mr. William V. Hill,

Delaware, 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 22, 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.

Yours truly,

Register,
Care of J. R. Sequichie,
Cherokee, N. T.

Acting Chairman
Samuel Morris

COPY.

Cherokee D-1200.

Mustang, Indian Territory, July 16, 1890.

William W. Hill,

Delaware, Indian Territory.

Sir:

There is herewith inclosed the decision of the Commission by the Five Civilized Tribes rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

A copy of the record of the proceedings had in the case has heretofore been furnished your Agent, J. E. Sogistic, Chelsea, Indian Territory, and the decision of the Commission is this day forwarded to him.

The decision, with a copy of the proceedings had in the case, has this day been committed 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,

James Sirbu.

Acting Chairman.

Register.

Ins. N-57.

COPY.

Cherokee D-1240.

Muskogee, Indian Territory, July 16, 1908.

J. R. Esquichis, Esq.,

Agent for William U. Hill,

Cherokee, Indian Territory.

Sir:

There is herewith inclosed the decision of the Commission to the Five Civilized Tribes regarding the application of William U. Hill for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

A copy of the record of proceedings had in the case has heretofore been furnished you.

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,

Tamo Sirbu.

Acting Chairman.

Register,

Ina. H-58.

COPY.

Cherokee D-1240

Muskogee, Indian Territory, July 16, 1908.

V. 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 William U. Hill for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

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

Respectfully,

Acting Chairman.

Inc. B-89.

COPY.

Cherokee D-2246.

McKeegan, Indian Territory, July 16, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of William U. Hill for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including the decision of the Commission, dated July 16, 1908, rejecting said application.

Respectfully,

W. H. Hill
Acting Chairman.

Through the Commissioner
of Indian Affairs.

1 inclosure.
W.H.C.

Refer in reply to
the following:
Land
42718--1902.

(COPY)

Department of the Interior,
Office of Indian Affairs,
Washington, July 31, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

There is enclosed herewith a report from the Acting Chairman of the Commission dated July 16, 1902, transmitting the record relative to the application of William U. Hill, for enrollment as an intermarried citizen of the Cherokee Nation. July 16, 1902 the Commission held that the applicant was not entitled to enrollment as a citizen of the Cherokee Nation by intermarriage.

The record in this case shows that on January 13, 1894 the applicant, a white man, was lawfully married to Susan L. Martin, a citizen of the Cherokee Nation whose name appears on the 1880 roll; that said marriage was performed in accordance with the laws of the Cherokee Nation; that these parties lived together as husband and wife until June, 1898 when they separated, and that thereafter Susan L. Martin obtained a divorce from her husband this applicant.

The record in this case shows that this applicant acquired a venereal disease after said marriage, and that he communicated it to his said wife. She applied for a divorce on the ground of adultery, and on the further ground that he refused and neglected to provide her with the comforts of life although he was an able bodied man and had ample opportunity to furnish her with the same.

The divorce was granted by the United States District Court

for the Northern District of the Indian Territory. Section 667 of the compiled laws of the Cherokee Nation declares that: "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 in this nation."

The Department in the Malinda King case held that the record of proceedings in a divorce case was not admissible as evidence in a case relative to the application of any person for citizenship, but in this case the office believes that under the circumstances the record in the case relative to the divorce proceedings should be considered. The record shows that this applicant neglected and refused to provide his wife with the comforts of life; shows, as above stated, that he contracted a private disease subsequent to his marriage which he communicated to his wife, and that he was confined in the penitentiary at the time of the proceedings in the divorce case. Considering the whole record the office believes the decision of the Commission rejecting the applicant is correct, and recommends its approval.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

G. A. W. (E.)

51240

D. C. No. 13543-1902.

J. P.

L. R. S.

49283

EAF.

ITD. 4668-1902.

DEPARTMENT OF THE INTERIOR.

Washington, August 16, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

The Department has considered the matter of the application of William U. Hill for enrollment as a citizen by intermarriage of the Cherokee Nation, received with your letter of July 16, 1902.

It appears that Hill is identified on the 1896 census roll of the Cherokee Nation; that he, a white man, was lawfully married under Cherokee law, to Susan L. Martin, identified on the 1880 authenticated Cherokee roll; that they lived together as husband and wife until 1898, when the applicant abandoned said wife. Referring to section 667 of the Cherokee laws, which provides that "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," you found that the applicant is not entitled to enrollment.

July 31, 1902, reporting in the matter, the Acting Commissioner of Indian Affairs recommended that your decision be concurred in.

The Department finding no reason to disturb your decision, it is affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.
D. L.

1 inclosure.

Cherokee B 1240.

1067
Muskogee, Indian Territory, September 2, 1902.

William W. Hill,
Delaware, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date July 15, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 15, 1902.

Respectfully,

Acting Chairman.

CCPY

Cherokee 7 1002.

Muskogee, Indian Territory, September 3, 1902.

J. R. Seawright,

Agent for William U. Hill,

Chelsea, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of July 16, 1902, rejecting the application of William U. Hill for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 16, 1902.

Respectfully,

Acting Chairman.

Cherokee D 1240.

OK
Muskogee, Indian Territory, September 3, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting the application of William U. Hill for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 16, 1902.

Respectfully,

T. S. T.
Acting Chairman.

Cherokee N-727

Muskogee, Indian Territory, November 14, 1903.

William B. Hill,
Delaware, Indian Territory.

Dear Sir:-

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application marriage license and certificate, showing your marriage on January 13, 1894, to Susan B. Martin; also certified copy of decree of divorce granted in the case of Susie Hill vs. William Hill.

The same are herewith returned to you, copies having been made and retained in the Commission's files.

Respectfully,

Commissioner in Charge.

Enc. N-32

Cher R 728

Cher R 728

Department of the Interior,
Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October 30th 1901.

In the matter of the application of Nancy Sky for the enrollment of herself and one child as Cherokee citizens by blood; she being sworn testified as follows through Thomas Dougherty as interpreter:

THOMAS DOUGHERTY being sworn by Gen'r Breckinridge, testified as follows:

- Q What is your full name? A Thomas Dougherty.
Q How old are you? A 51.
Q What is your post office? A Vinita.
Q You are sworn as interpreter in this case? A Yes sir.

NANCY SKY, the applicant, called and sworn by Commissioner

C. R. Breckinridge, testified as follows:

- Q State your name? A Nancy Sky.
Q How old are you? A 38.
Q What is your post office? A Peoria.
Q Do you live in the Cherokee Nation? A No sir.
Q Do you live in the Peoria country? A Yes sir.
Q What are you? A A Shawnee.
Q Full blood? A Yes sir.
Q Do you claim to be an adopted Shawnee of the Cherokee Nation? A Yes sir.
Q You want to be enrolled as a Cherokee-Shawnee then? A Yes sir.
Q Do you want to enroll anyone besides yourself? A I have a daughter
Q How old is she? A Only three years old.
Q When did you first come to the Cherokee Nation? A When the Shawnees came, I dont exactly remember when they came; we came here to Bird Creek when I first came.
Q Give me the name of your father? A I dont know his English name I know his Shawnee name.
Q What is it? A Han-way-wah-kah-kah.
Q Was he a full blooded Shawnee? A Yes sir.
Q Is he dead? A Yes sir, he died a good while ago.
Q Did you come with him when the Shawnees first came to this country? A Yes sir.
Q How long has your father been dead? A I dont know exactly, directly after the Shawnees come here, it was in '78 or '71.
Q Give me the name of your mother? A Shawnee name?
Q English name if you can give it? A Jane Panther.
Q Is she dead? A Yes sir.
Q How long has she been dead? A About 35 years.
Q Did she die before the Shawnees come here or did she come when they all came? A Yes sir she came when they did.
Q How many times have you been married? A Only once.
Q When were you married? A 12 years ago about.
Q What name did you go by before you were married? A By my first name Nancy.
Q Give me your husband's full name? A William Sky.
Q Is he a full blood Shawnee Indian? A No sir he is a Peoria Indian
Q Is he a full blood? A Yes sir.
Q How long have you lived in the Peoria country? A About 12 years.
Q Did you live in the Cherokee Nation from the time the Shawnees first come here until 12 years ago? A We went to what is now Oklahoma.
Q Was that while that Oklahoma country was still a part of the Cherokee Nation? A I guess not, I dont know
Q When did you go out to the Oklahoma country? A We went out there when James Bob went there and staid about nine years.

(Continued by stenographer J. O. Bassen)

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he repeats the above in full and that the foregoing is a true and complete transcript of his


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

FILED
NOV 15 1901

 ACTING CHAIRMAN

E. M. ASB. R. S. A. I. D.

Vertical text on the left edge, possibly a date or reference number, including "1901" and "11/15".

Government of the United States

October 30th, 1901.

NANCY SKY Application continued. Former portion taken by Stenographer Chas. von Weise.

THOMAS DOUGHERTY, being duly sworn by Commissioner Breckinridge and examined testified as follows:

- Q Give your full name? A Thomas Dougherty.
Q Mr. Dougherty you know this woman here? A Yes, sir.
Q Nancy Sky? A Yes, sir.
Q How long have you known her? A Oh, I have knowed her about 25 years.
Q What do you know about her having gone out to the Oklahoma Country? A I don't know only what she says.
Q What does she say? A She stated at the time Jim Bob went out there.
Q When was that? A That was about '82 or 'w.
Q And how long did she stay there? A She stayed nine years, about nine years.
Q And then what did she do? A That is where she went, but of course I don't know anything about it; she said they was nine years there.
Q And then did she come back to the Cherokee Nation?
A Yes, they come up here to Bird Creek and she went over home.
Q Did she take land out there in that Oklahoma country; did she take an allotment? A No.

APPLICANT, NANCY SKY, re-called: Examination conducted through Interpreter Thomas Dougherty:

- Q Give me the name of your child? A She can't think of the name, she can't speak it really.
Q What does she call it? A Motley Sky.
Q How old is the child? A Three years old.
Q This child is living now is it? A Yes, sir.
Q This is your own child? A Yes, sir.

1880 Authenticated roll of Cherokee citizens examined and name of applicant not found thereon.

- Q Your mother was called Jane Panther was she? A Yes, sir.
Q Was your father ever called Panther? A Yes, sir.
Q Was his english name James; did they call him James?
Q She thinks that is the name.
Q Well, she ought to know, whether they called him James or John or Robert? A Well, she thinks it is Jim.

Com'r Breckinridge: On the Shawnee register of those who came to the Cherokee Nation within two years from the 9th of June, 1869 (1869), in accordance with the well known agreement with the Cherokee Nation, etc., there appear the names of four people as Painter, one being James Painter, and three being simply "Painter." It is presumable that the applicant went by that name, as she says her mother went by the name of Panther and that that is the name of her immediate family.

- Q Who came here besides you and your father, how many of you, when the Shawnees moved, did you have any brother or sister? A She said she had no brother x but had one sister born after they come here.
Q How many were in your own family? A There were you and your mother and father and now who else came down? A She had a half sister older than her.
Q Is that all? A That is all.
Q Just you four? A Just the four.

Com'r Breckinridge: That corresponds to the number referred to there on the roll under the numbers of 556, 557, 558 and 559.

Nancy Sky, cont'd--2/

1896 Census Roll of Cherokee citizens examined and name of applicant not found thereon.

Q Did you ever draw Cherokee strip money? A No, never drew any money here from the Cherokee Nation.

Q Your child, of course, is too young to be on any roll, you never had your child put on any Cherokee roll? A No.

MR. HASTINGS, Cherokee Representative:

Q Ask her where she married? A They were married Peoria Nation.

Q She has been married 12 years? A Yes, sir.

Q She took an allotment of land over there? A Yes, they give her land over there.

Q She has been living there for 12 years has she? A She said they lived about, they lived at Bird creek about six years.

Q After she married? A Yes, and then they went back there.

Q Well, how long has she been living over there now, six years?

A About six years.

Q Well, she lived down in Shawnee Town in the edge of Oklahoma about nine years did she? A Yes, they lived there about nine years.

Q Well, now, how long did she live over here after she came back down there before she married? A She came over there, she went across the river and married there.

Q She went right straight from the Oklahoma country to the Peoria Nation and got married? A Yes.

Q Where this child born? A Over there across the river in the Peoria Nation.

Q Is her husband Peoria? A Yes, sir.

Q She gets her rights over there through her husband? A Yes.

COM'R BRECKINRIDGE: Did you ever draw any money over there in the Peoria Nation? A She said she remembers drawing about two payments over there, since she has been living over there.

Q You drew there with the Peoria? A Yes, sir.

Q Have you and your husband taken up lands over there upon your rights as a Peoria? A Yes, they did, but the child of course didn't get none.

Q Was the child born since they divided out the land over there?

A Yes, since they allotted.

Com'r Breckinridge: The applicant applies for the enrollment of herself and one child. The applicant states that she is a full blood Shawnee. She is identified with reasonable certainty upon the Shawnee roll as set forth in the testimony but is not identified on the roll of 1880 or that of 1894 or 1896. She has become distinctly identified with the Peoria Tribe, has drawn money there and has acquired a portion of the land as a member of the Peoria tribe. Her husband she states is a full blood Indian of that tribe. She will be listed for enrollment as an adopted Shawnee on a doubtful card for the further consideration of her case, and the final decision will be made known to her at her post office address. She makes no application for her husband.

Her child, some three years of age, is said to be living now. This child will be listed for enrollment as a Cherokee-Shawnee on a doubtful card, and the applicant is desired to supply the Commission with a proper affidavit of the child's birth. The result of the application for the child will be made known when finally determined.

---ooo000oo---

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

Year 1911, Nov 9th.

Subscribed and sworn to before me this November 9th, 1911.

[Handwritten signature]

Notary Public

AVTTEx bV bLEK CO HOXHOX

1021 X 2.0.3.2AM EXO

Notary Public

1911

Ⓟ

D1250

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 30 1901



ACTIVE CHAIRMAN.

Winta, 9.7. Oct. 30, 1901.

CHEROKEES BY BLOOD AND ADOPTION

Date Oct 30 1901

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

1. Wife's name Nancy Sley Provia, A.Y.

District Year Page No.

Citizen by blood Yes full Shawnee Mother's citizenship {Hearney Wah-keh-keh-d. Shaw

Intermarried citizen Parents Jane Panther - d. Shaw

Married under what law Date of marriage

License Certificate

Names of Children:

No.	Name	Dist.	Year	Page	No.	Age
2.	Motley Sley					3

Application by No. 1. Stenographers: Charles von Weise and John O. Rossen

No. 2. Birth cert. required.

40

20 1250

20

IN RE

Application for Enrollment of

INFANT CHILD.

Motley, Skey

as a citizen of

Cherokee

Nation.

Approved: Oct 30 1901

[Signature]
Commissioner

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 24 1901

[Signature]

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

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Mottley Shy, born on the 8 day of June, 1898.
(Here insert name of child.)
Name of Father: Wm Shy, a citizen of the Cherokee Nation.
Name of Mother: Nancy Shy, a citizen of the Cherokee Nation.
Post-office, Peris, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
..... District. }

I, Nancy Shy, on oath state that I am 38
years of age and a citizen, by adoption, of the Cherokee Nation;
that I am the lawful wife of Wm Shy, who is a citizen, by
blood, of the Peris Nation; ~~that~~ female child was
(male or female.)
born to me on the 8 day of June, 1898; that said child has been
named Mottley Shy, and is now living. and that
attending midwife who was present is now dead.

WITNESSES TO SIGN
(Must be Two Witnesses) { Edward L. Smith Nancy Shy
Thomas Dougherty mark

Subscribed and sworn to before me this 30th day of Oct, 1901.
[Signature]
Commissioner

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
..... District. }

I,, on oath state that I
attended on Mrs. Dead, wife of,
on the day of; that there was born to her on
said date a Dead child; that said child is now living and is said to have been
named Mottley Shy.
(male or female.)

WITNESSES TO SIGN:
(Must be Two Witnesses) {

Subscribed and sworn to before me this day of 1901.

Supl.-C.D.#1250.

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

SUPPLEMENTAL in the matter of the enrollment of NANCY SKY, ET AL., as citizens of the Cherokee Nation:

The applicant was notified by registered letter March 3, 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 22d 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 given her to introduce any additional testimony affecting her application. Receipt has been acknowledged of Commission's letter, and the applicant has this day, to-wit: the 22d 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. Rasson, 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. Rasson

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Washoe I. T. June 11th 1908.

In the matter of the application of Nancy Skye et al for enrollment
as citizens of the Cherokee Nation of Shawnee Blood.
Cherokee D 1808.

Brief on part of the Cherokee Nation.

The testimony in this case shows that Nancy Sky is a resident of
the Peoria nation, that she is a citizen of that nation and that she
took an allotment of lands over there and that her child was born since
the lands were allotted. Her name does not appear upon the rolls of the
Cherokee Nation, except perhaps the Shawnee roll of 1871 and of that
there is some doubt. She seems to have led a wandering life; she lived a
greater part of her life among the Absentee Shawnees in Oklahoma but for
the past six years or more she has lived in the Peoria Nation where she
married and her child was born and where she had been recognized as a
citizen and where she elected to take her allotment:

It is an elementary principle of law that that no person can be at
one and the same time a citizen of two governments or nations and in as
much as this woman is a recognized citizen of the Peoria nation the moment
that she became such she lost her rights, if she ever had any, in the
Cherokee Nation.

She testifies that she has never drawn any money in the Cherokee Na-
tion but that she has at different times drawn money in the Peoria Nation
and she never seems to have been recognized as a citizen of the Cherokee
Nation since she came here in 1871 provided she came at that time and in
the name upon the list of registered Shawnees is born. We submit that
in as much as she is a recognized citizen of the Peoria nation and that
the citizenship of the child will follow that of the parents, that neither
are entitled to be enrolled as citizens of the Cherokee Nation.

These people are not residents of the Cherokee nation and were not
on June 20th 1898, the date of the passage of the Curtis Bill, Section

twenty-one of which provides:

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

For those reasons we submit that we do not see how under the law the Commission would be justified in enrolling the applicants as citizens of the Cherokee Nation.

Respectfully submitted,

W. W. Hastings

Attorney for the Cherokee Nation

J. C. S.

Cherokee D 1888

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

Jae

In the matter of the application of Nancy Sky for the enrollment of herself and child, Motley Sky, as citizens of the Cherokee Nation of Shawnee blood:

DECISION.

The record in this case shows that on October 30, 1901, Nancy Sky appeared before the Commission at Vinita, Indian Territory, and made personal application for the enrollment of herself and child, Motley Sky, as citizens of the Cherokee Nation of Shawnee blood.

The evidence shows that Nancy Sky, nee Panther, is the daughter of James Panther and Jane Panther; that her name, together with that of her father and mother, is found on the register of the Shawnee Indians who came to the Cherokee Nation within two years from the 9th of June, 1866, in accordance with the agreement between the Shawnee Tribe of Indians and the Cherokee Nation.

The evidence further shows that Nancy Sky resided in the Cherokee Nation from 1871 until 1882, when she removed to Oklahoma Territory and resided therein for a period of some years, when she removed to the Peoria country and married one William Sky, a Peoria Indian; that she received an allotment of land as a member of said Peoria Tribe of Indians and is enrolled on the rolls of said Peoria Tribe; that her child, Motley Sky, was born and has always resided with her mother in the Peoria country; that the said Nancy Sky and her child, Motley Sky, are not identified upon any of the rolls of the Cherokee Nation.

Paragraph 8, of Section 21, of the Act of Congress approved June 23, 1896 (30 Stats., 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 land 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 clearly shown by the law above quoted that it was intended that each Indian should share in the allotment of lands and distribution of moneys belonging to one tribe only.

August 2, 1902

To the Secretary, the Office of the Commissioner of the
Bureau of Indian Affairs, the Department of the Interior,
Washington, D. C.
I have the honor to acknowledge the receipt of your letter
of the 27th inst. and in reply to inform you that the
same has been forwarded to the proper authorities for their
consideration, and it is so ordered.

Very respectfully,
Commissioner of the Bureau of Indian Affairs.



F. H. Richardson

Commissioner

Washington, Indian Territory,
this JUL 29 1902

(DEPARTMENT OF THE INTERIOR,)
(INDIAN SCHOOL SERVICE,)

Secona Indian Training School, I. T.

Wyandotte, I. T., June 13, 1902.

W. F. Hastings,
Atty. for Cherokee Nation,
Muskegee, I. T.

Sir:

Replying to your letter of 6th inst. The name Nancy Sky appears on the allotment rolls of the Peoria Indians of this agency made in 1891. The name of Melissa Sky does not appear as an allottee on any of the rolls of this agency.

Very respectfully,

Herace B. Durant,

Supt. and U.S. Ind. Agent

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, hereby certify on my official oath that the above is a true and correct copy of the original now on file in the office of this Commission.

Grand Cochran

Muskegee, Indian Territory,

June 21, 1902.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS S. NEEDLES,
C. R. BRICKWIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING
March 22-1902

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 2, 1902.

Mr. Thomas Dougherty,

Vinita, Indian Territory,

Sir:-

You are hereby notified that the application of Nancy and Motley Sky

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 22, 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 in Charge.

Cherokee D-1250

Muskogee, Indian Territory, March 23, 1902.

S. S. Clover, Esq.,

Attorney at Law,

Vinita, Indian Territory,

Dear Sir:-

As requested in your letter of March 21, you are hereby advised that ten days will be allowed you from March 23, 1902, the date of the final consideration of the case, within which to file brief on behalf of applicant in the case of Nancy Sky et al, Cherokee D-1250/

Yours truly,

Commissioner in Charge.

Cherokee D 1280.

COPY

Muskogee, Indian Territory, July 29, 1902.

S. S. Clover,
Attorney for Nancy Sky, et al.,
Vinita, Indian Territory.

Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of the application of Nancy Sky for the enrollment of herself and her child, Netley Sky, as citizens of the Cherokee Nation of Shawnee blood, together with the decision of the Commission to the Five Civilized Tribes, rejecting said application.

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,

I. I. Needles

Commissioner in Charge.

Register.

Enc. C. No. 62.

COPY

Cherokee D 1250.

Muskogee, Indian Territory, July 29, 1902.

W. V. 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 Sky for the enrollment of herself and her child, Motley Sky, as Cherokee citizens of Shawnee blood.

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,

E. D. Needles
Commissioner in Charge.

Enc. C. No. 63.

COPY

Cherokee D 1250.

Muskogee, Indian Territory, July 29, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Nancy Sky for the enrollment of herself and her child, Motley Sky, as Cherokee citizens of Shawnee blood, including the decision of the Commission, dated July 29, 1902, rejecting said application.

Very respectfully,

I. E. Needles
Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

1 Inclosure-

C. No. 64.

00
Cherokee D 1260.

Muskogee, Indian Territory, July 29, 1902.

Nancy Sky,

Peoria, Indian Territory.

Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, rejecting your application for the enrollment of yourself and your child, Matley Sky, as Cherokee citizens of Shawnee blood. There has this day been forwarded your attorney, B. S. Clover, Vinita, Indian Territory, a copy of the record of proceedings had in the case, together with the Commission's decision.

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,

[Signature]
Commissioner in Charge.

Register.

Enc. C. No. 61.

Refer in reply to
the following:
Land
45882-1902.

COPY.

Department of the Interior,
Office of Indian Affairs,
Washington, August 14, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 29, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Nancy Sky for the enrollment of herself and her child Motley Sky, as citizens of the Cherokee Nation.

Applicant is a Shawnee Indian and came to the Cherokee Nation within two years from July 9, 1869, in accordance with the provisions of the agreement of that date between the Shawnees and Cherokees. She resided in the Cherokee Nation from 1871 to 1882, when she moved to Oklahoma and resided there for nine years and then moved to the Peoria country and married William Sky, a Peoria man. The child was born to them in the Peoria country. It also appears that Nancy Sky received an allotment of land in the Peoria country.

The Commission declined to enroll the applicants. The office believes that it's decision is correct and recommends that it be approved.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

WCV
D

3 inclosures.

D. C. No. 15854-1902.

55878

J. P.

461

EAP.

ITD. 4991-1902.

DEPARTMENT OF THE INTERIOR.

Washington, September 17, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Sir:

The Department has considered the case involving the application of Nancy Sky for the enrollment of herself and child, Motley Sky, as a citizen of the Cherokee Nation, of Shawnee blood, received with your letter of July 29, 1902, - D 1250. Since the case reached the Department argument by local attorneys for the claimants has been filed.

It appears that Nancy Sky, formerly Panther, is the daughter of James T. Panther; that her name, together with those of her father and mother, is found on the register of the Shawnee Indians who came to the Cherokee Nation within two years from June 9, 1869, in accordance with the agreement between the Shawnee tribe of Indians and the Cherokee Nation; that Nancy Sky resided in the Cherokee Nation from 1871 until 1882, when she removed to that portion of the Indian Territory now known as Oklahoma, and resided there for nine years, when she removed to the Peoria country and married one William Sky, a Peoria Indian; that she received an allotment of land as a member of said Peoria tribe of Indians, and is enrolled on the roll of said Peoria tribe; that her child, Motley Sky, was born and has always resided with her mother in the peoria country; that the said

Nancy Sky and her child are not identified on any of the rolls of the Cherokee Nation.

Referring to paragraph eight of section 21 of the act of June 28, 1898 (30 Stat., 495), which provides that -

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere," -

you held that, as it is clearly shown by this law that it was intended that each Indian should share in the allotment of lands and distributions of money belonging to one tribe only, the application should be rejected, and accordingly on July 29, 1902, it was rejected.

Said section of the act of June 28, 1898, is applicable only when an applicant claims citizenship in two nations of the five civilized tribes, over which you have jurisdiction. Sky, however, having become an adopted citizen of the Peoria tribe, and having received an allotment of land in that nation, lost her citizenship in the Cherokee Nation, and, of course, for that reason her child has no rights there. The application is rejected accordingly.

Copy of the Acting Commissioner's report is inclosed.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

RMD

COPY.

Cherokee D 1250.

Muskogee, Indian Territory, October 4, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Nancy Sky for the enrollment of herself and her minor child, Metley Sky, as citizens of the Cherokee Nation by Shawnee blood, was affirmed by the Secretary of the Interior on September 17, 1902.

Respectfully,

Tamm
Acting Chairman.

COPY

Cherokee D 1250.

Muskogee, Indian Territory, October 4, 1902.

S. S. Clover,

Attorney for Nancy Sky, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Nancy Sky for the enrollment of herself and her minor child, Motley Sky, as citizens of the Cherokee Nation by Shawnee blood, was affirmed by the Secretary of the Interior on September 17, 1902.

Respectfully,

James D. Kirby
Acting Chairman.

COPY

Cherokee D 1250.

Muskogee, Indian Territory, October 4, 1902.

Wancy Sky,

Peoria, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting your application for the enrollment of yourself and your minor child, Motley Sky, as citizens of the Cherokee Nation by Shawnee blood, was affirmed by the Secretary of the Interior on September 17, 1902.

Respectfully,

James Dinby
Acting Chairman.

D.C. 8398-1903

DEPARTMENT OF THE INTERIOR.

J.P.

FHE

WASHINGTON.

I.T.D. 4991-1902
2859-1903

March 23, 1903.

LRS

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

Gentlemen:

March 12, 1903, the attorneys for Nancy Sky et al., requested that the case involving her application et al., for enrollment as citizens of the Cherokee Nation be reopened, in which case a decision adverse to the claimants was rendered by the Department September 17, 1902, as the points of law involved in said case are similar to those involved in the case of Joseph D. Yeargain et al., and that you be directed to withhold from allotment the lands embracing the improvements of the applicants.

The application to reopen the case is hereby granted, in order that a reexamination of the matter may be had in the light of the opinion of March 16, 1903, in the Yeargain case, and it is directed that you take proper steps to protect all rights the applicants may have until further advice in the matter.

Respectfully,

(signed) Thos Ryan

Acting Secretary.

(COPY)

Refer in reply to the following:
Land
5587e--1902
18901--1903.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, MARCH 30 1903.

The Honorable,

The Secretary of the Interior.

Sir:

In accordance with the directions contained in Department letter of March 23, 1903 (I.T.D. 4991-02 and 2659-03), the record relative to the application of Nancy Sky, et al, for enrollment as citizens of the Cherokee Nation, is returned herewith.

Very respectfully,

A. C. Towner,
Acting Commissioner.

G.A.W.(S)

✓

✓

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-1250

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 1, 1903.

P. G. Reuter,

Clerk in Charge Cherokee Land Office,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of Departmental letter of March 23, granting the motion of the attorneys for the applicants to reopen the case of Nancy Sky et al., whose application for enrollment as citizens of the Cherokee Nation has heretofore been rejected by the Commission and the decision approved by the Department on September 17, 1902.

Your special attention is called to the last paragraph of this copy of the Department's letter, in which the Commission is directed to take proper steps to protect all the rights the applicants may have until further advice in the matter. Until further orders, therefore, you will treat this case as a pending application, and will protect the rights of the applicants accordingly.

Respectfully,

Chairman.

Enc. M-85

D.C.14945-1903.

JP

DEPARTMENT OF THE INTERIOR.

LRS
I.T.D. 4991-1902.
3412-1903.
4441- "

WASHINGTON.

FHE

May 9, 1903.

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

Gentlemen:

On March 13, 1903, there was filed a motion to reopen the Cherokee enrollment case of Nancy Sky, et al., rejected by the Department September 17, 1902, of which motion you were advised March 23, 1903.

On May 5, 1903, a supplemental brief was filed by the attorneys for the applicants, the Department having informed them May 1, 1903, that it was unable to find any similarity between the Yeargain case to which they referred, the subject of the Assistant Attorney General's decision of March 16, 1903, and the Nancy Sky matter.

It appears, as stated in departmental letter of September 17, 1902, that Nancy Sky was an adopted Cherokee Shawnee, and resided in the Cherokee Nation from 1871 to 1882, when she removed to what is now known as Oklahoma, and resided there for nine years, when she removed to the Peoria Nation, Indian Territory, and married William Sky, a Peoria Indian; that she received an allotment of land as a member of the Peoria tribe, and is enrolled on the roll

of that tribe; that her child, for whom she applies for enrollment, was born and has always resided with her mother in the Peoria country. Neither of the applicants are identified on any of the rolls of the Cherokee Nation. The application was rejected because Nancy Sky had removed from the Cherokee Nation with her effects, and had become a citizen of the Peoria tribe.

The Department sees no reason to change its decision of September 17, 1902, and the motion to reopen the case is denied. Said attorneys will be advised hereof by the Commissioner of Indian Affairs.

Respectfully,

Thos Ryan

Acting Secretary.

Cherokee 2-725

Tahlequah, Indian Territory, July 4, 1903.

Nancy Sky,

Peoria, Indian Territory.

Dear Madam:

You are hereby notified that on May 19, 1903, the Secretary of the Interior denied the motion made by you on May 13, 1903, to reopen your application for the enrollment of yourself and family as citizens of the Cherokee Nation, reaffirming his approval of September 17, 1902, of the Commission's decision rejecting your application.

Respectfully,

MM

Cherokee R-728

Tahlequah, Indian Territory, July 6, 1903.

S. S. Clover,

Agent for Nancy Sky et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby notified that on May 19, 1903, the Secretary of the Interior denied the motion made May 13, 1903, to reopen the application of Nancy Sky for the enrollment of herself and family as citizens of the Cherokee Nation, reaffirming his approval of September 17, 1902, of the Commission's decision rejecting that application.

Respectfully,

MFH

Cherokee R-728

Tahlequah, Indian Territory, July 6, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby notified that on May 19, 1903, the Secretary of the Interior denied the motion made May 13, 1903, to reopen the application of Nancy Sky for the enrollment of herself and family as citizens of the Cherokee Nation, reaffirming his approval of September 17, 1902, of the Commission's decision rejecting that application.

Respectfully,

MM

Cher R 729

Cher R 729

DEPARTMENT OF JUSTICE
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
NOV 12 1981

ACTING CLERK

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 31, 1901.

In the matter of the application of Isabella Richter for the annulment of herself and one child as heretofore stated, and examined by Commissioner Breckinridge, the testimony is as follows:

- Q. Give me your full name? A. Isabella Richter.
 Q. How old are you? A. 27.
 Q. What is your post-office? A. Here now.
 Q. Vinita? A. Yes sir.
 Q. You live in the Cherokee Nation? A. Well I did when I was a child; I haven't been here lately.
 Q. Not since you were a child? A. Well not for the last 9 or 10 years.
 Q. Where do you claim your home at this time? A. Vinita is my home, but I have been living in Saint Louis.
 Q. Do you live in Cooweescoowee District or claim that as your home? A. Yes sir.
 Q. Do you want to apply for yourself as a Cherokee by blood? A. Yes sir.
 Q. Do you want to apply for anybody besides yourself? A. My baby.
 Q. Just yourself and one child? A. Yes sir.
 Q. Give me the name of your father? A. Henry A. Cook.
 Q. Is your father dead? A. Yes sir.
 Q. How long has he been dead? A. I really don't know, I suppose about 5 or 6 years.
 Q. Give me the name of your mother? A. Susan Cook.
 Q. Is she dead? A. No sir.
 Q. Was your father a Cherokee by blood? A. No sir.
 Q. Is your mother a Cherokee by blood? A. Yes sir.
 Q. Where is she living now? A. Here.
 Q. Here in Vinita? A. Yes sir.
 Q. How long has she lived in the Cherokee Nation? A. I don't know, about 22 or 23 years I believe, or all her life, I don't know which.
 Q. You have been married? A. Yes sir.
 Q. When were you married? A. 4 years the 29th of September, 1897, it is four years ago I believe.
 Q. To whom were you married? A. Charles F. Richter.
 Q. He is a white man is he? A. Yes sir.
 Q. Not a Cherokee? A. No sir.
 Q. Have you a certificate of your marriage to him? A. I have, but not with me.
 Q. Are you on any of the rolls of the Cherokee Nation? A. All of them.
 Q. Were you born in the Cherokee Nation? A. Yes sir.
 Q. How long did you continue to live in the Cherokee Nation from the time of your birth? A. I must have been about 15 or 16 when I was sent away from here.
 Q. You were sent off when you were about 15 or 16? A. Yes, my mother sent me to Saint Louis to school.
 Q. How long did you stay then? A. Been here ever since; I have been there about 9 or 10 years. I must have been 16 or 17, something like that when I went there, I don't remember.
 Q. And you have been in Saint Louis ever since? A. Yes sir.
 Q. You married in Saint Louis? A. Yes sir.
 Q. What is your husband's business? A. Plumber.
 Q. He is conducting that business in Saint Louis? A. He is working at it, yes sir.
 Q. Give me the name of your child? A. Charles H.
 Q. How old is the child? A. He was 3 the 24th of July.
 Q. This child is too young to be on any roll I suppose? A. Yes.
 Q. Is the child living now? A. Yes sir.

- Q What was the child born? A In Saint Louis.
- Q Have you an affidavit of the child's birth? A I sent the Commission one to Muskogee at the time you was at Muskogee the last enrollment.
- Q Have you ever applied for enrollment here? A No sir, I was sick at the time you was here; my sister was enrolled here. I sent a certificate of my child's birth and a statement to the effect that I was sick, but that was all.
- Q Well this is your first application to be put on this roll? A Yes sir, this is my first application, but the certificate of the child's birth was at that time sent to you, and I never received it back.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
Page 78 #486, Isabelle Cook, Coowescoowee District, native Cherokee.

1896 census roll of citizens of the Cherokee Nation examined for applicant and identified as follows:
page 132 #989 Isabel Cook, Coowescoowee District.

- Q Have you any one here who knows of your change of name by marriage and knows that you are married to your husband? A I knew Mr. Starr, but he is gone.
- Q You have a marriage certificate that you can send? A Yes sir.
- COM'R: Well you can file that in your case.
- BY MR. DAVENPORT:
- Q Have you and your husband at any time since you were married kept house in the Cherokee nation? A No sir.
- Q You wasn't married according to Cherokee laws? A Not that I know of.
- Q And you now live in the city of Saint Louis, State of Missouri? A Yes sir.
- BY COM'R BRECKINRIDGE:
- Q Have you any farm or property of your own here in the Cherokee Nation? A Not of my own, no.
- Q Your husband has never taken up any land here in your name and improved it? Or established any home? A No sir, my mother always held whatever was here.
- Q Your mother has continued to hold property? A Oh yes.
- Q What is your Saint Louis address? A We have moved back here I would have no Saint Louis address; address me here now.
- Q Has your husband come with you? A He has not yet, he is coming. I have been here 2 weeks.
- Q Is he coming? A Yes sir.
- Q Does he intend to make his home here? A Yes sir.
- Q Is that so this is your home at this time? A Yes sir.
- Q You have come and brought your child with you? A Yes sir.

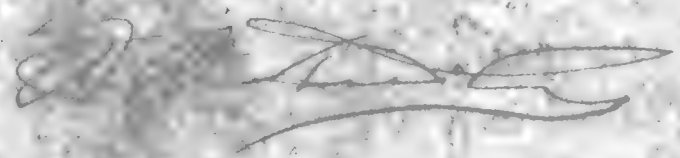
Commissioner Breckinridge: The applicant applies for the enrollment of herself and one child. She is identified on the rolls of 1880 and 1896 as a native Cherokee. She was born in the Cherokee Nation and there lived until 16 or 17 years of age, when she was sent to Saint Louis to school. She has continued to reside at Saint Louis, Missouri, since that time, and there married in September, 1897, to a non-citizen, and she has continued to reside there ever since her marriage. She is now 27 years of age. Under the conditions the applicant will now be listed for enrollment as Cherokee by blood on a doubtful card, for the further consideration of the effect upon her citizenship of her continued actual residence in the State of Missouri. Her child named in the testimony is too young to be upon any roll. This child will now be listed for enrollment as a Cherokee by blood on a doubtful card with its mother, and she is desired to supply the Commission with a

James H. Fisher et al 3

of the County of ... State of ...

I, the undersigned, a Notary Public in and for the State of ... do hereby certify that the foregoing is a true and correct transcript of the ...

Subscribed and sworn to before me this November 5th, 1907.



Notary Public

RECEIVED NOV 10 1907

CHEROKEES BY BLOOD AND ADOPTION.

Date Oct. 31 1908

Name Vivita

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License 27 Certificate _____

1. Wife's name Isabell Richter Vivita 27

District Lawrence Year 1890 Page 78 No. 491

Citizen by blood yes Mother's citizenship Parents { Henry A. Leach w. and Susan Leach b. - his

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children:

2. Charles H. Richter Dist. _____ Year _____ Page _____ No. _____ Age 3

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

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

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

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

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

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

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

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

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

Application by No. 1. Stenographer, M. D. Green

No 1 on 1880 as Isabella Leach

No 1 on 1896 Roll p. 132 No 989 as Isabel Leach

No 2. Birth certificate required. See

No 3. Evidence of marriage see to be supplied

01251

IN RE

Application for Enrollment of

INVESTIGATED

Charles K. Hunter
as a citizen of

Cherokee Nation.

Approved: December 18, 1901

[Signature]
Commissioner

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 18 1901

[Signature]
Assistant Secretary

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

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
 of Charles F. Richter, born on the 26th day of July, 1898.
 (State last name of child)
 Name of Father: Chas. Richter, a citizen of the United States Nation.
 Name of Mother: Isabell Richter, a citizen of the Cherokee Nation.
 Post-office, Wirtz, N.C.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA.

Northern District.

I, Isabell Richter, do hereby state that I am 27
 years of age and a citizen, by blood, of the Cherokee Nation;
 that I am the lawful wife of Chas. Richter, who is a citizen, by
~~_____~~ * of the United States Nation, that a male child was
 born to me on the 26th day of July, 1898; that said child has been
 named Charles F. Richter, and is now living.

Subscribed to and sworn to before me this _____ day of _____, 1901.
 (Name to Test) } Isabell Richter
 Witness

Subscribed and sworn to before me this 1st day of November, 1901.
Odenville
 DEPUTY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA.

Northern District.

I, Mrs. Mary, a Physician, do hereby state that I
 attended on Mrs. Isabell Richter, wife of Chas. F. Richter,
 on the 26th day of July, 1898, that there was born to her on
 said date a male child, that said child is now living and is said to have been
 named Charles F. Richter.

Subscribed to and sworn to before me this _____ day of _____, 1901.
 (Name to Test) } Mrs. Mary
 Witness

Subscribed and sworn to before me this _____ day of _____, 1901.
[Signature]
 DEPUTY PUBLIC.

R.

C. D-1261.

Department of the Interior.
Commission to the Five Civilized Tribes.
Washoe, I. T., March 22, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Isabell Richter for the enrollment of herself and child as citizens of the Cherokee Nation.

The applicant was notified by registered letter March 3, 1902, that her application for the enrollment of herself and child as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its office in Washoe, I. T., on the 22d day of March, 1902. Receipt has been acknowledged of the Commission's letter, and the applicant this day, to-wit: the 22d day of March, 1902, appears in person.

ISABELL RICHTER, being first duly sworn, and being examined, testified as follows:

BY COMMISSIONER: What is your name? A Isabell Richter.

Q What is your post office address? A Vinita.

Q You have heretofore applied to the Commission for the enrollment of yourself and child as citizens of the Cherokee Nation? A Yes sir.

Q Is there any further statement you desire to make with reference to your application?

A Nothing, only I was asked, when I made my application before, how long my mother had been here. I understood him to mean in Vinita and I answered twenty years. My mother has been in the Territory all her life. She was born here and has lived here always.

Q Since the date of your original application to the Commission in October, 1901, you have been residing continuously at Vinita?

A Yes sir. Are you living there at the present time?

A Yes sir, I am living there, that is my home. My mother has always lived in the Territory.

MR. HASTINGS: When did you come back here?

A About six months ago. Five or six months.

Q Do you know what month? Before or since Christmas?

A It was before Christmas.

Q About how long?

A About five months. I came there in October.

Q October, 1902? A Yes sir, it was before Christmas.

BY COMMISSIONER: Do you submit the case to the Commission for final decision? A Yes sir.

The applicant and the representative of the Cherokee Nation present submit the case, and is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

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

Wm. Hutchinson

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

In the matter of the application of Isabell Richter for the enrollment of herself and child, Charles H. Richter, as citizens by blood of the Cherokee Nation:

DECISION.

The record in this case shows that on October 31, 1901, Isabell Richter appeared before the Commission at Vinita, Indian Territory, and made personal application for the enrollment of herself and minor child, Charles H. Richter, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 22, 1902.

The evidence shows that the said Isabell Richter is identified upon the 1880 authenticated roll of the Cherokee Nation, also the 1896 census roll of said nation; that the said Charles H. Richter is too young to be upon any of the tribal rolls of said nation but is duly identified by birth affidavits on file with the Commission.

The evidence further shows that the said Isabell Richter was born in the Cherokee Nation and resided therein until the year 1891, when she left said nation to attend school in St. Louis, Missouri, and that since that time and until two weeks prior to the date of this application, she continuously resided in St. Louis, Missouri, where she was married in September, 1897, to one Charles F. Richter; that her child, Charles H. Richter, was born and has always resided with her in St. Louis, Missouri; that the said Isabell Richter and her child, Charles H. Richter, were not residing in the Indian Territory on June 28, 1898.

Paragraph 9, Section 21, of the Act of Congress approved June 28, 1898 (30 Stat., 496), 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 Isabell Richter for the enrollment of herself and minor child, Charles H. Richter, as citizens by blood of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.


Commissioner.


C. R. Brundage:
Commissioner.

Muskogee, Indian Territory,
this _____

BEFORE THE COMMISSIONER TO THE FIVE CIVILIZED
TRIBES, CITIZENSHIP DIVISION.

In the matter of the Enrollment of)
Isabelle Richter, et al.)
for citizenship in the Cherokee Nation.)

Susan Sanders, being presented as a witness for
the applicant, and being sworn according to law testifies
as follows:

Present on behalf of the Cherokee Nation; W.W.
Hastings, Attorney; and on behalf of the Claimant, Kenneth
S. Murchison.

Q. Give your name, age and residence.

A. Susan Sanders; 55 or 60 years of age; resi-
dence Vinita, Indian Territory.

Q. Mrs. Sanders, do you know Isabelle Richter?

A. Yes, sir.

Q. Do you know Chas. H. Richter?

A. Yes, sir.

Q. What relation, if any, are you to them?

A. I am mother to the girl and grandmother to
the child.

Q. Mrs. Sanders, will you state what, if any,
property was owned in the Cherokee Nation by Isabelle Rich-
ter during her absence from the Cherokee Nation?

A. She had a farm- there was 150 acres.

Q. What was your means of knowledge as to her own-
ership of this farm?

A. First I bought a farm and deeded it over to the three children, Henry Cook, W. H. Cook and Belle Cook.

Q. Who was Belle Cook?

A. That was Isabelle Cook.

Q. Who now is Isabelle -

A. That is my daughter - Belle Richter.

Q. That occurred when?

A. Those dates are what bother me. I bought the place just when I closed out my business in Vinita. I cannot recall the date.

Q. What land did you deed to your daughter, Isabelle Richter?

A. I sold this place then and bought another place from Bill Nobles and traded that place with Bill Nobles and deeded the other place to her.

Q. I will show you a paper, Mrs. Sanders, which purports to be a rental contract between S. Cook and Philip Ragel.

A. That is the place I paid for ^{with} this strip money.

Q. Did you make that lease as her agent or representing her?

A. Being her mother - the children never have, any of them, taken their business out of my hands.

Q. Was she of age at the time that was made in '99?

A. I cannot remember dates, though I remember the facts of the deals.

Q. Do you remember when Isabelle Richter was born - the year she was born?

A. No, sir.

Q. Has this tract of land that you bought for her been taken in allotment by any other member of your family?

A. No, sir.

Q. Then you state positively that your daughter, Isabelle Richter, during her absence from the Cherokee Nation has owned property in the Cherokee Nation through your holding the same or purchasing the same for her?

A. Yes, sir.

That is all.

Cross-Examination.

X.Q. You have handed me the rental contract which you gave testimony about a moment ago.

A. Yes, sir.

X.Q. Your attorney did not see fit to offer it in evidence. Have you any objection to having it copied in the record?

A. No, sir; I have no objection whatever.

Mr. Murchison: I wish to offer it in evidence.

*RENTAL CONTRACT.

*Between Mrs. S. Cook of Vinita, I. T. and Phillip Ragel of Edna Kan. for the year of 1899 - commencing January 1, 1899 and ending Dec. 30, 1899

*Said Phillip Ragel does agree for and in consideration of the rental of about fifty acres (more or less) of cultivating land, known as that of Mrs. S. Cook, lying South of State line of Kansas and cornering with section No. 18 Town 35, Range 19 E. of Elm Grove, Twp. La Bette Co. and

State of Kansas. To give one-third (1/3) of all grain of any description, delivered to Mrs. S. Cook, on said land, in crib if there be one, and in pile if there be no crib of bin.

" In Witness Whereof I have hereunto set my hand this 27th day of February 1898 A.D.

(Signed) Phillip Pagel."

X.Q. How many times have you testified in this case?

A. This is the second time.

X.Q. You have testified but once before?

A. Yes Sir.

X.Q. How old is this child, Charles H. Richtel?

A. You see, I am at a loss there.

X.Q. About how old?

A. I should judge he is eight, turning into his ninth year.

X.Q. Is that her only child?

A. Yes sir.

X.Q. The only child she was ever the mother of?

A. Yes sir.

X.Q. When was he born?

A. In St. Louis.

X.Q. Where was Isabelle married?

A. St. Louis.

X.Q. What does her husband do?

A. He was a plumber. I have not seen him since she came home. That is five years ago. I have had the child since.

X.Q. They lived together up to their separation?

A. Yes sir.

X.Q. Since then, she has continued to reside in St. Louis?

A. No sir.

X.Q. Where does she reside?

A. We have been unable to find her for four years.

X.Q. You have not heard of her in four years?

A. She went South.

X.Q. You don't know where she is?

A. No sir.

X.Q. Until she left there, was she residing in St. Louis?

A. No sir, she was keeping house at Vinita.

X.Q. How long had she kept house there before she left?

A. About a year.

X.Q. When did she come?

A. I cannot tell you.

X.Q. When did she leave?

A. Four years ago the fourth day of July next.

X.Q. The fourth day of July, 1902?

A. It will be four years this coming fourth day of July.

X.Q. You have not heard from her since. You do not know whether she is living or dead?

A. No sir.

X.Q. You do not know whether she was living in September, 1902. You heard of her in July before?

A. Yes, I heard of her then.

X.Q. You have not heard of her since then?

A. No sir.

X.Q. You do not know whether she is living since then?

A. No sir.

X.Q. How long before her marriage had she resided in St. Louis?

A. Only a short time.

X.Q. How long?

A. I cannot tell you. She went to school to Baird College--

X.Q. What is your judgment as to how long she lived there before her marriage?

A. Well, she was away--she would come home and then back to Clinton, Missouri--

X.Q. You said the first place you bought for her?

A. For the three of them. Then I sold it.

X.Q. Where was that?

A. It was on Wash^{west} Cabin, above Dan Baitzel's place.

X.Q. When was that place purchased?

A. I do not know the date but know everything about the business matters.

X.Q. It was after Isabelle's marriage?

A. Oh no!

X.Q. Where was she at that time?

A. She was at Baird College then. She and Florence went there four years.

X.Q. In whose name was this place purchased?

A. In Henry Cook, W. D. Cook and Isabelle Cook.

X.Q. Where is the bill of sale?

A. That was destroyed when the Muskogee fire was burned. I had all my papers there Before Colonel Widdom.

X.Q. You sold the place then?

A. Yes.

X.Q. And gave title?

A. I bought the place and deeded it to the children and I thought I was about to die and I started to put it on record.

X.Q. You sold it?

A. Yes.

X.Q. To whom, and when?

A. I sold it to—I cannot call the name.

X.Q. Who did you sell it?

A. I sold it just before the Strip payment.

X.Q. How long before the Strip payment?

A. It must have been some seven or eight months.

Now I remember the name. I sold it to Sam Leforce.

X.Q. When did you purchase another place?

A. I took the same money and purchased a place up the Big Creek.

X.Q. How much did you get for it?

A. I cannot tell you. I got \$300 in money and some town property.

X.Q. When did you buy the place on Big Creek?

A. I bought it shortly afterwards.

X.Q. About how long?

A. I bought it just before the Strip payment.

And paid for it after the Strip payment.

X.Q. You did not pay for it with the money you got for the other place?

A. I paid up their schooling with it.

X.Q. Then that money did not go into it?

A. That went to pay their schooling.

X.Q. In whose name was the property bought?

A. In Isabelle's name.

X.Q. When did you sell that?

A. I sold it about three years ago.

X.Q. Who sold it?

A. I sold it.

X.Q. To whom?

A. Mr. Ratcliffe.

X.Q. And he allotted it?

A. I do not know what he did with it.

X.Q. You know it has been allotted?

A. No, I do not know that.

X.Q. But you know you are not deriving any benefit from it?

A. No sir.

X.Q. How much did you get?

A. I got a hundred dollars and settled up a debt. I had her boy to care for and I asked the Court, would it be right to sell it without administering the estate. I saw Judge Thomas and he said if it was in my name, I had a right to sell it. The bill of sale was made out to me but that was burned. That was made out individually to me.

Q. Who rented it?

A. I. and P. Ragels.

X.Q. That is the rental contract (indicating)--that is in your name?

A. Yes, I did the business and always in my own name.

X.Q. You did not stipulate that you were acting as anybody's agent?--that you did not do it for yourself?

A. I told you I did it but not for my individual benefit.

X.Q. Does that contract state it was for anybody's benefit but yours?

A. I sent them the proceeds. I paid their schooling while they were at school.

X.Q. But she had not been at school since that place was purchased.

A. But I used the money for their benefit.

X.Q. But she has a child ten years old and she must have been married ten or twelve years and therefore you could not have used it for her schooling?

A. When she went to Baird College, I had the place down there.

X.Q. I am talking about this last place. What became of that?

A. I kept it for the benefit of her child. I have the child with me.

X.Q. You did not have it until after she left the country? What became of the proceeds.

A. I sent it to her.

X.Q. How much did you send?

A. Sometimes it would be fifty dollars and sometimes sixty. I did have a lot of the accounts but could not find them this morning.

X.Q. You gave a bill of sale to Mr. Ratcliffe in your own name?

A. No—I did not know whether I did or not.

X.Q. But you sold it to Mr. Ratcliffe? He paid you for it?

A. Yes sir.

X.Q. You did all the trading?

A. Yes sir.

That is all.

Re-Direct Examination.

R.D.Q. When your daughter Isabelle was married, had she left school?

A. Yes, she had left school but she had just got through Bryant & Stratton's College here. She came from Baird's College here and then went to Bryant & Stratton's College here. Her name is there on the book.

R.D.Q. How long after she left school was she married?

A. I cannot give these dates.

R.D.Q. Cannot you approximate it?

A. No, I don't want to approximate it. I am sworn to tell the truth.

R.D.Q. You might say a month or two or a year or two.

A. I was sick and would not want to give dates. I know the facts in regard to buying the places and holding them for the children. I control it for the children still.

There is Henry—I hold his in my own name.

R.D.Q. When you sold this place to Ratcliffe, you have stated you are uncertain whether you gave the bill of sale in your own name. What did you do with the proceeds?

A. I sent it to her.

R.D.Q. When you sold the place?

A. No, you mean previous to that.

R.D.Q. No, when you sold the place to Ratcliffe. What did you do with that money?

A. I kept it to raise her child with, and pay up some debts.

R.D.Q. So you swear that she received all the benefits of this property while it was under lease or rent and that since then, the benefits have gone to her infant son?

(Objected to because the question is leading and the witness has testified with reference to these matters and it calls for a conclusion as well and it should be left to the Commissioner to the Five Civilized Tribes and to the Secretary of the Interior upon appeal as to the conclusions to be drawn from this testimony.)

A. Yes.

That is all.

It is agreed by both parties that the stenographer shall transcribe the notes taken of the witness in this case and after the same shall have been sworn to by the stenographer as to their correctness, it shall be considered as the testimony of the witness.

District of Columbia, ss:

Before me, L. W. Fox, a Notary Public in and for the District of Columbia, personally appeared Susan Sanders on the 13th day of February, 1906, and before giving the foregoing testimony, was duly sworn by me to tell the truth, the whole truth and nothing but the truth.

Given under my hand and seal this 13th day of February, A.D., 1906.

L. W. Fox,

Notary Public, D.C.

✓ District of Columbia, ss:

Before me, Nettie P. McKnew, a Notary Public in and for the District of Columbia, personally appeared Lydia M. Fox, and being by ^{me} first duly sworn, stated on oath that she was the stenographer in the foregoing case and that the foregoing is a correct transcript of her shorthand notes taken therein.

Lydia M. Fox.

Subscribed and sworn to before me on the day and year above written.

Nettie P. McKnew

Notary Public, B.C.

transcript of one of the notes taken in said case on said
day of March, 1905, and that the above is a full and complete
report of the proceedings had in the above entitled case on the 9th
of March, 1905, being duly sworn, stated that, as
stated in the Commission to the Five Civilized Tribes, the

FILED
MAR 21 1905
COMMISSION TO FIVE TRIBES.

1905. This case was referred to before me this the 18th day of March,

Notary Public.

Cherokee-R-729.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskegee, Indian Territory, March 9, 1905.

In the matter of the application for the enrollment of
Isabelle Richter as a citizen of the Cherokee Nation.

On this, the 9th. day of March, 1905, the applicant,
Isabelle Richter, by her attorneys, Kimbal & White, ask for a
continuance in this case.

Motion for continuance denied.

The Cherokee Nation, by its attorney, W. W. Hastings,
submitted the case upon the record as now made up.

Eula Jeanes Brannon, being duly sworn, states that, as
stenographer to the Commission to the Five Civilized Tribes, she
reported the proceedings had in the above entitled cause on the 9th
day of March, 1905, and that the above is a full and complete
transcript of her stenographic notes taken in said cause on said
date.

Eula Jeanes Brannon

Subscribed and sworn to before me this the 12th. day of March,
1905.

Myron White
Notary Public.

This James Bennett being duly sworn, states that
an application to the Commission to the Five Civilized Tribes,
reported the proceedings had in the above entitled cause on the
30th day of March, 1905. The said cause and foregoing is a
full and complete transcript of the proceedings taken in
the cause on said date.

FILED
APR - 4 - 1905
COMMISSION TO FIVE TRIBES.

Subscribed and sworn to before me this 4th day of
April, 1905.

[Handwritten Signature]
Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, March 30, 1905.

In the matter of the application for the enrollment of
Isabell Richter and Charles H. Richter as citizens by blood of the
Cherokee Nation.

COMMISSION.

Cherokee Nation represented by W. W. Hastings.

Susan Sanders, being duly sworn, testified as follows:

COMMISSION:

- Q. What is your name? A. Susan Sanders.
Q. What is your post office address? A. Vinita.
Q. How old are you? A. It is a question, I guess. But I
Think I am about 55 years old.
Q. Are you related to Isabell Richter? A. I am her mother.
Q. What was Isabell Richter born? A. On the other side of
Fort Gibson, near the old cemetery.
Q. How old is she? A. I think she will be 31 this coming
August.
Q. Where has she resided since her birth? A. We lived at
Fort Gibson, on Grand River, on Horse Creek, and have lived
at Vinita for 27 years.
Q. She lived here until about 14 years ago when she left the
Cherokee Nation? A. As to the date, I don't know, but I
don't think it has been that long. She didn't leave. I took
her with me to Chicago.
Q. About 14 years ago? A. I don't think it has been that
long.
Q. Where did she go at that time? A. She was there about
three weeks.
Q. Then where did she go? A. I sent her back to St. Louis.
Q. How long did she live there? A. She stayed there about--
perhaps --- I will say a year.
Q. Did she go to school? A. No, she worked for her board. I
was operated on in Chicago.
Q. She was married in St. Louis? A. Yes sir, but that was a
long time after that.
Q. What was her husband's name? A. Richter.
Q. Did she ever return to the Cherokee Nation? A. Yes sir.
Q. When? A. I don't know any dates, and I am not going to
try to tell you any dates. I am uneducated.
Q. When did she marry? A. I don't even remember that.
Q. Since her marriage hasn't she lived with her husband in St.
Louis? A. She separated from her husband and returned
home about four years ago.

- Q. Is it not a fact that from the time that she went away, about 1891, to about three years ago, she has not been in the Cherokee Nation? A. She came back and I sent her to school at different places for several years.
- Q. Where did she have her home during that time? A. At Vinita.
- Q. Who is Charles H. Richter? A. That little boy (indicates a child across the room).
- Q. Is he the son of Isabelle Richter? A. Yes sir.
- Q. How old is he? A. About 7 years old.
- Q. Where was he born? A. In St. Louis.
- Q. When did you last see Isabell Richter? A. She has been gone three years this coming July.
- Q. Is it not a fact that you have neither seen nor hear from her since that time? A. No sir, I have not.
- Q. You do not know whether she was living on September 1, 1902 or not? A. I know she was living.
- Q. You do not know whether she was living on September 1, 1902. A. I know she left me on the 4th. day of July, three years ago this coming July.
- Q. And you have not seen or heard from her since? A. No sir.
- Q. And this child has been in your custody since then? A. Yes sir.
- Q. Did Isabell Richter ever own any property in the Cherokee Nation? A. Yes sir.
- Q. What did she own? A. I invested her strip money, and I always kept a place for all of the children.
- Q. Have you applied before the Dawes Commission for enrollment? A. Yes sir, when it first opened up at Vinita.
- Q. Are you a Cherokee by blood? A. Yes sir.
- Q. Who was the father of Isabell Richter? A. Henry Cook.
- Q. Is he dead? A. Yes sir.
- Q. How long has he been dead? A. You see, I never paid no attention to that-- to the dates. He has been dead about 7 or 8 years.

MR. HASTINGS:

- Q. Isabell Richter was married in St. Louis? A. To my knowledge I don't know.
- Q. She testified that she was married on the 28th. day of September, 1897. Do you think this correct? A. I don't like to say about the dates.
- Q. She says she lived up there in St. Louis until a very short time before she made this application in 1901. Is that correct? A. -----
- Q. You say that the following July she left you? A. It will be three years this coming July.
- Q. You have not heard from or of her since? A. No sir.
- Q. Didn't you send her her strip money when you drew it for her in 1894? A. No sir, not a dollar.
- Q. Was she single and unmarried at that time? A. Yes sir.
- Q. You never bought no place in her name? A. Yes sir.
- Q. Have you that bill of sale? A. I don't know what the Commission has done with it. It has been in their hands ever since I made the first attempt to file for her.
- Q. You do not mean that it is with her citizenship papers? A. It is with the papers that I started to file first--- I mean that it is with the papers that I filed when I first tried to file for her. They were sent to Tahlequah.
- Q. Supplemental testimony taken on March 22, 1902 shows that Isabell Richter testified that she came back in October, 1901. A. I guess it is right. She ought to know. She was educated.

- Q. Then she had not been here but a short time when she applied?
- A. Something like three months.
- Q. Where was the farm that you purchased for her? A. Up on what is called Snow Creek, just this side of the Kansas line.
- Q. Or when did you purchase it? A. A man by the name of T. Regles.
- Q. When did you buy it? A. I bought it before the strip payment, but didn't pay for it until the strip money was paid.
- Q. You bought it in your own name? A. Yes sir.
- Q. Took the title of sale in your own name? A. Yes sir.

COMMISSION:

Q. You appear here today on behalf of your grandson? Yes sir.

WITNESS EXCUSED.

This case will be held open until April 13, 1908.

Eula Jeanes Branson, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 30th. day of March, 1908, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Eula Jeanes Branson

Subscribed and sworn to before me this the 3rd. day of April, 1908,

Wm. H. White
Notary Public

FILED
APR 15 1905
COMMISSION TO FIVE TRIBES.

Cherokee-R-729.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, April 13, 1905.

In the matter of the application for the enrollment of
Isabelle Richter et al. as citizens by blood of the Cherokee Nation.

Wm. Henry White, attorney for applicants.

Bell, Hastings & Davenport, attorneys for the Cherokee Nation.
COMMISSION.

On this, the 13th day of April, 1905, this case was
called, and no appearance made on the part of the applicant.
By consent and agreement of the attorneys, the case was
continued to May 25, 1905.

Eula Jeanes Branson, being duly sworn, states that,
as stenographer to the Commission to the Five Civilized Tribes,
she reported the proceedings had in the above entitled cause on the
13th day of April, 1905, and that the above and foregoing is a
full and complete record of said proceedings had on said date.

Eula Jeanes Branson

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

Myron White
Notary Public.

Cherokee-R-729.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
May 25, 1905, Muskogee, Indian Territory.

In the matter of the application for the enrollment of
Isabelle Richter and her minor child, as citizens of the Cherokee
Nation.

William Henry White, Attorney for the applicants.

W. W. Hastings, attorney for the Cherokee Nation.
Commission.

On this, the 25th. day of May, 1905, this case was called
for hearing, and no further evidence was offered by the attorney for
that applicants. He stated that he had been unable to find any
evidence to show whether or not Isabelle Richter was living on
September 1, 1902; and as to the minor, the attorney for the
applicants submitted the case on the record.

The case is submitted on the record by the attorneys for the
Cherokee Nation, and a decision will be written upon the record as
now made up.

Eula Jeanes Branson, being duly sworn, states that,
as stenographer to the Commission to the Five Civilized Tribes, she
reported the proceedings had in the above entitled cause on the 25th
day of May, 1905, and that the above is a full and complete record of
said proceedings had in said cause on said date.

Eula Jeanes Branson

Subscribed and sworn to before me this the 8th. day of June, 1905.

Geo. P. Branson
Notary Public.

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

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

D E C I S I O N .

The records of this office show that on June 30, 1901, at Vinita, Indian Territory, Isabell Richter appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of herself and minor child, Charles H. Richter, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 22, 1902.

The records further show that on July 29, 1902, the Commission to the Five Civilized Tribes rendered its decision in the above noted case, denying the application of the applicants herein for enrollment as citizens by blood of the Cherokee Nation, which decision was, on August 29, 1902, approved by the Department. Thereafter, on January 12, 1903, the Department remanded said case for further evidence (I.T.D. 4985, 6608, 6651-1902, 6652, 6654-1902, 7162-1903, 1740, 7729, 8706-1904, 10542-1904). Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 4, 30, July 13 and May 25, 1903.

The records further show that, although notices have been sent and opportunity given the principal applicant herein to appear and give testimony relative to her right to enrollment as a citizen by blood of the Cherokee Nation, she has failed to do so or to respond in any manner to the notices sent her.

The evidence in this case shows that Isabel Richter, who is identified on the 1880 authenticated tribal roll and the 1896 census roll of the Cherokee Nation as a Cherokee by blood, was born in the Cherokee Nation about the year 1874, and resided therein until 1891, when she left said Nation to attend school in Saint Louis, Missouri; that while residing in said city she, in September, 1897, was married to Charles F. Richter, a citizen of the State of Missouri; that she continued to reside with her husband in said State until October, 1901, when she returned to the Cherokee Nation and remained therein until July, 1902, when she again left the Cherokee Nation, and since that time has not returned thereto.

It is contended on behalf of the principal applicant that during her absence from the Cherokee Nation she has been in possession of improvements located in said Nation, purchased with funds derived from the 1874 Cherokee strip payment, but the

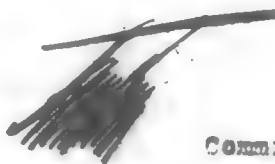
evidence fails to establish this contention. The principal applicant, on her appearance before the Commission on October 31, 1901, stated that she was possessed of no property located in the Cherokee Nation, and the testimony of her mother, taken on March 30, 1906, shows that the improvements said to have been owned by the principal applicant were purchased prior to the 1894 payment, and in the name of the mother of the principal applicant.

In view of the above facts it is considered that the said Isabell Richter forfeited her rights to citizenship in the Cherokee Nation under the provisions of section two, 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 become a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease;"

The minor applicant, Charles W. Richter, is a son of the principal applicant, Isabell Richter, and Charles F. Richter, a non-citizen of the Cherokee Nation, who was born since the forfeiture of the citizenship of his mother, and possesses no rights to enrollment other than those he may derive through his mother.

It is, therefore, ordered and adjudged that under the provisions of section twenty-one of the Act of Congress approved June 28, 1896 (30 Stat., 495), Isabell Richter and Charles W. Richter are not entitled to enrollment as citizens by blood of the Cherokee Nation, and their application for enrollment as such is accordingly denied.



Commissioner

Dated at Muskogee, Indian Territory,

this OCT 20 1905

COMMISSIONERS
HENRY L. DAWES,
TANS BINY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

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

NEVER IN REPLY TO THE FOLLOWING
CHARLES B-1881

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory,

March 3, 1902.

Mr. Isakel Nichter,

Vinita, Indian Territory,

Sir:

You are hereby notified that the application of yourself and one
minor child

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

March 22, 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 intro-
duce such testimony before they will be permitted to do so.

Register.

Yours truly,

Acting Chairman.

Commissioner in

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

ALLISON I. AVILESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1251.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 29, 1902.

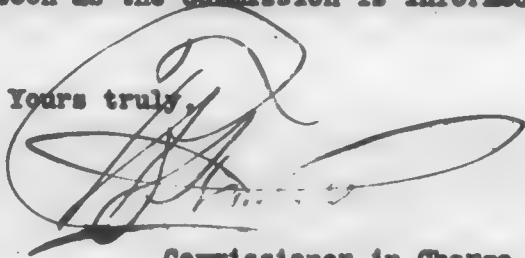
Isabell Richter,
Vinita, Indian Territory.

Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your child, Charles H. Richter, as citizens by blood of the Cherokee Nation, together with a copy of the decision of the Commission, rejecting your said application.

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.

Register.

Enc. C. No. 58.

COPY.

Cherokee D 1251.

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 Isabell Richter for the enrollment of herself and her child, Charles H. Richter, 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,

H. S. Needles

Commissioner in Charge.

Enc. C. No. 59.

Cherokee D 1261.

DOF

Muskogee, Indian Territory, July 29, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Isabell Richter for the enrollment of herself and her child, Charles H. Richter, as citizens by blood of the Cherokee Nation, including the decision of the Commission, dated July 29, 1902, rejecting said application.

Very respectfully,

J. D. Needles
Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

1 Inclosure-

G. No. 60.

J. D. Needles

Refer in reply to
the following:
Land
45882-1902.

COPY.

Department of the Interior.

Office of Indian Affairs,

Washington, August 14, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 29, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Isabell Richter for the enrollment of herself and her child of three months as citizens of the Cherokee Nation.

The evidence shows that principal applicant was born in the Cherokee Nation and remained there until she was about fifteen or sixteen years of age, when about the year 1891 she was sent to St. Louis, Missouri to attend school. She remained in St. Louis until about the year 1901, when she came to the Cherokee Nation. She was married in September, 1897 to Charles F. Richter. Her name appears on the 1880 and 1896 rolls.

The Commission declined to enroll her because she was not a resident of the Cherokee Nation. The office believes that Commission's action was correct and respectfully recommends that it's decision be affirmed.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

WCV
D

3 inclosures.

D. C. No. 14482-1902.

L. R. S.

51770

RAF.

ITD. 4985-1902.

DEPARTMENT OF THE INTERIOR.

Washington, August 29, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

July 29, 1902, you transmitted the record and your decision of that date in matter of application for enrollment of Isabell Richter and her minor child, Charles H. Richter, as citizens of the Cherokee Nation.

The evidence shows that Isabell Richter is identified upon the 1880 and 1896 Cherokee rolls; that she left the Cherokee Nation in 1891, and thereafter resided continuously in the city of St. Louis Mo., until October, 1901; that in 1897 she married in St. Louis, where her husband lived with her. In accordance with paragraph 9, section 21, act of June 28, 1898 (30 Stat., 495), you denied the application.

The Acting Commissioner of Indian Affairs forwarded the papers August 14, 1902, and recommended that your decision be approved. A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

Thos Ryan

Acting Secretary.

EMD.

1 inclosure.

COPY

Approved 2 1881.

Washington, Indian Territory, October 7, 1908.

E. V. [unclear]

Secretary for the Cherokee Nation,

Washita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1908, rejecting the application of Esbell Richter for the enrollment of herself and her minor child, Charles H. Richter, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1908.

Respectfully,

James Sixby
Acting Chairman.

CCF

Cherokee D 1251.

Muskogee, Indian Territory, October 7, 1908.

Isabell Richter,

Vinita, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision of date July 29, 1908, rejecting your application for the enrollment of yourself and your minor child, Charles H. Richter, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1908.

Respectfully,

Acting Chairman.

Cherokee 729

Muskogee, Indian Territory, April 10, 1903.

S. S. Clever,
Attorney for Isabell Richter,
Vinita, Indian Territory.

Dear Sir:

As requested in your letter of April 2, there is enclosed you herewith a copy of all testimony taken in the matter of the application of Isabell Richter, et al., for enrollment as citizens of the Cherokee Nation, together with a copy of the decision denying said application, and a copy of a letter from the Secretary of the Interior, approving the Commission's action.

Please sign and return to the Commission the receipt for this testimony.

Respectfully,

Chairman.

Encl-8-51

GRS

Refer in reply to the following.

Land-12111-1903.

Department of the Interior,
Office of Indian Affairs,

Washington, August 26, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed herewith report from the Commission to the Five Civilized Tribes, dated February 16, 1903, transmitting record relative to the application of Charlotte C. Martin for the enrollment of herself and two minor children- Viola Haegert and John S. Martin, Jr. - as citizens by blood, and for the enrollment of her husband, John S. Martin, Sr., as a citizen by inter-marriage of the Cherokee Nation.

January 28, 1903, the Commission held that all of the applicants were entitled to enrollment, John S. Martin, Sr., as a citizen by inter-marriage, and the others as citizens by blood. The Cherokee Nation by its attorney protests against the Commission's decision.

The record in the case shows that the principal applicant is identified as a native Cherokee by the 1880 roll under her maiden name, Charlotte C. Duncan; that her name and that of Viola Haegert also appears on the 1890 roll. Viola Haegert's name appears on that roll as Martin. John S. Martin, Sr., is identified by the 1890 roll as an adopted white. The principal applicant and Viola Haegert, under the name of Martin, are identified by the 1894 script payment roll. John S. Martin's name appears on the orphan payment

roll of 1894. All of the applicants are identified by the 1896 roll; John S. Martin, Sr., as an adopted white. The record shows that Charlotte E. Martin was married in 1881 to Rudolph Haegert, and that Viola Haegert is the issue of that marriage.

The principal applicant and her family removed to Nebraska where they resided about three years. While there she applied for and was granted a divorce from her husband, Rudolph Haegert. January 27, 1889, after her return to the Cherokee Nation she was lawfully married in accordance with the laws of the Cherokee Nation to John S. Martin, Sr., her present husband. John S. Martin, Jr., is the issue of that marriage.

The Cherokee Nation takes the position that Charlotte E. Martin must have claimed to be a citizen of Nebraska at the time she obtained a divorce from her former husband, and that she has never been re-admitted to citizenship in the Cherokee Nation. It is probable that the principal applicant did claim to be a citizen of the State of Nebraska at that time, but inasmuch as her name appears on all the tribal rolls made by the Cherokee Nation since her return thereto, the office believes that she and her minor children are entitled to enrollment, and it therefore recommends the approval of the Commission's decision in so far as they are concerned.

Very respectfully,

GAW-R.

Commissioner.

DC-31506-1903

72262

J.V.H.

Department of the Interior,

JHE

I.T.D.64801903.

Washington, November 7, 1903.

L.R.S.

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

Gentlemen:

February 16, 1903, you transmitted the record of proceedings had in the matter of the application of Charlotte C. Martin (Cherokee D-333), for the enrollment of herself and her two minor children, Viola Haegert and John S. Martin Jr., as citizens by blood, and for the enrollment of her husband, John S. Martin, Sr., as a citizen by intermarriage, of the Cherokee Nation, including ~~the~~ your decision of January 28, 1903, granting said application.

The Department has examined the testimony contained in the record, and agrees with your finding of facts, which is as follows:

"The evidence shows that said Charlotte C. Martin is identified as a native Cherokee on the 1880 authenticated roll of the Cherokee Nation, by her maiden name Charlotte C. Duncan. From an examination of the records of the Cherokee Nation in possession of the Commission, it appears that Charlotte C. Martin and Viola Haegert, by the name of Viola Martin, are identified as native Cherokees on the 1890 census roll of said nation; and that John S. Martin, Sr., is identified thereon as an adopted white; that Charlotte C. Martin and Viola Haegert, by the name of Viola Martin, are identified on the 1894 strip payment roll of said nation. The name of John S. Martin appears on the orphan roll of the 1894 strip payment. The evidence further shows that Charlotte C. Martin, Viola Haegert, and John S. Martin, Jr., are identified as native Cherokees on the 1896 census roll of the Cherokee Nation, and that John S. Martin, Sr., is identified thereon as an adopted white.

"It further appears that in 1881 Charlotte C. Martin nee Duncan, was married at Fort Gibson, Indian Territory, to Rudolph Haegert and the child, Viola Haegert, is the issue of that marriage. Subsequent to said marriage they removed to the State of Nebraska, where the said Charlotte C. Martin, then Haegert, remained about three years. While there she applied for and was granted a divorce from the said Rudolph Haegert, in the District Court of Custer County Nebraska. After such divorce she returned to the Cherokee Nation where on January 27, 1889, she was lawfully married under a Cherokee

to John S. Martin, Sr., her present husband, and John S. Martin, Jr., is the issue of the latter marriage.

"The evidence further shows that Charlotte C. Martin has resided in the Cherokee Nation all her life, except during the period of about three years spent in Nebraska, which was some time between the years of 1881 and 1889; that the said John S. Martin has resided in the Cherokee Nation since the date of his marriage in 1889, and that he and his wife, Charlotte C., have been living together from the time of their marriage up to and including September 1, 1902. The minor children herein have always been residents of said Nation excepting Viola, who was born in Nebraska, and lived there with her mother for the said period of about three years."

The Department is satisfied that the testimony furnished by these applicants who claim by blood is sufficient to show that by blood and birth they are entitled to enrollment as Cherokee citizens, unless the residence of the principal applicant in Nebraska during the period when she obtained a divorce from her first husband, was sufficient to work a forfeiture of her citizenship under the provisions of Section 2, Art. 1, of the Cherokee Constitution, which provided in part as follows:

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

It is not considered that the fact that a divorce was granted this woman by the courts of Nebraska, is sufficient to show affirmatively that she thereby acquired the status of a citizen of that state, nor that such fact shows that she forfeited her citizenship in the Cherokee Nation.

Reporting in the matter August 26, 1903, the Commissioner of Indian Affairs stated:

"The Cherokee Nation takes the position that Charlotte E. Martin must have claimed to be a citizen of Nebraska at the time she obtained a divorce from her former husband, and that she has never been re-admitted to citizenship in the Cherokee Nation. It is probable that the principal applicant did claim to be a citizen of the State of Nebraska at that time, but inasmuch as her name appears on all tribal rolls made by the Cherokee Nation since her return thereto, the office believes that she and her minor children are entitled to enrollment, and it therefore recommends the approval of the Commission's decision in so far as they are concerned."

The Department concurs in the Commissioner's recommendations and your decision is hereby affirmed, as to those applicants who claim enrollment as Cherokees by blood. A decision will not be rendered at this time upon the rights of John S. Martin, Sr., who claims enrollment as a Cherokee by intermarriage. A copy of the Commissioner's letter is inclosed herewith.

Respectfully,

Thos Ryan.

Acting Secretary.

1 inclosure.

(COPY)

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

I.T.D. 4985-1902
7162-1903

April 6, 1904.

LRB

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

Gentlemen:

August 29, 1902, the Department affirmed your decision rejecting the application for the enrollment of Isabell Richter and her minor child, Charles H. Richter, as citizens of the Cherokee Nation.

On September 21, 1903, you requested that the case be remanded, in order that it might be readjudicated by you in accordance with the opinion of the Assistant Attorney General of March 16, 1903, in the Yeargain case. The Indian Office concurred in your suggestion in its letter of October 7, 1903.

In view of the opinion of the Assistant Attorney General of December 29, 1903, in the case of Allie Williams, and his opinions of March 12, 1904, in the case of Julia A. Moore et al., and Mary L. Strickland et al., the Department finds no reason to disturb its decision of August 29, 1902.

Respectfully,

(signed) Thos Ryan

Acting Secretary.

(MM)

Land 23077-66094
1904.

(COPY)

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, September 23, 1904.

The Honorable,

The Secretary of the Interior.

Sir:-

In compliance with the request contained in Department letter of September 23, 1904 I. T. D. 7729-1904, there is enclosed the record relative to the application of Isabell Richter, et al., for enrollment as citizens of the Cherokee Nation.

Very respectfully,

A. G. Towner,

Acting Commissioner.

GAW-AAG

DC 2548-

(COPY)

I.T.D. 4985, 6608, 6681-1902
6682, 6684, - 1903
7108-1903
1740, 7789, 8706-1904
10842-

JVM
YP
FMS

L.R.S.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, January 12, 1905.

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

Gentlemen:

The Department is in receipt of a motion for a rehearing in the matter of the Cherokee enrollment case of Isbell Richter, et al., submitted on behalf of the applicants by Messrs. Kimball and White of this city, transmitted through the Indian Office, and forwarded by the Acting Commissioner October 13, 1904.

It appears that Isbell Richter was born in the Cherokee Nation; that her name is found upon the 1880 and 1896 census roll; that she resided continuously in the Cherokee Nation from the date of her birth until she was about sixteen years of age; that thereafter she retained her home with her mother in said nation, although attending school in St. Louis, Missouri, until her marriage to Charles F. Richter, a white man, which occurred September 28, 1897.

You refused to enroll the applicant July 29, 1902, by

reason of paragraph 9 of section 21 of the Curtis Act, which provides that-

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

The testimony in this case was taken under a different construction and understanding of the law than that which now obtains. Since your decision of July 29, 1902, it has been held by the Assistant Attorney General for this Department (see his opinion of March 16, 1903, in the case of Joseph D. Yeargain), that the paragraph quoted above has no reference to persons who had theretofore resided in the nation.

At her hearing October 31, 1901, the principal applicant, in reply to a question as to whether she owned any farm or property of her own in the nation, stated: "Not of my own, no." She further testified that her mother always held whatever property was there.

The motion for rehearing now under consideration is supported by the affidavit of Susan Sanders, mother of the principal applicant. She testifies that she drew the strip money of the applicant when the latter was a minor, and that with this strip money she bought improvements on the public domain in the Cherokee Nation. The affiant gives the name of the party from whom she bought improved lands and relates

specifically what disposition she made of the same. In each instance the property rights thus obtained were acquired with funds derived from the strip money paid to the affiant on behalf of the principal applicant as a citizen of the Cherokee Nation. It further appears that these lands are still held as the property of the principal applicant and the other children of Mrs. Sanders.

October 7, 1903, you recommended, in view of the opinion of the Assistant Attorney General in the Yeargain case, that the case of Isabell Richer, et al, be returned to you for further hearing. In letter of April 6, 1904, however, referring to the Mary L. Strickland and similar cases, the Department concluded that there was no reason why its decision of August 29, 1902, adverse to these applicants, should be disturbed.

Since the Department's letter of April 6, 1904, it has been held, in reference to Mrs. Strickland, that she never acquired citizenship in the Cherokee Nation. This being true, her case cannot be considered as a precedent for the disposition of the case of Isabell Richter. As to the latter there can be no doubt that she was a citizen of the nation in 1880 and up to 1896.

Inasmuch as the sole question at issue seems to be as to whether Isabell Richter lost her citizenship, said motion

is hereby granted, and the record in the case is forwarded for further investigation.

Respectfully,

(Signed) THOS RYAN,
Acting Secretary.

COMMISSIONERS:

YAMS BIXBY,
THOMAS B. NEEDLES,
C. E. BRICKENRIDGE

WM. O. NEALL
Secretary

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

D.H.W.
REFER IN REPLY TO THE FOLLOWING:

Cherokee-R-729.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES. Muskogee, Indian Territory. February 18, 1905.

Isabell Richter,
Vinita, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of yourself and your minor son, Charles H. Richter, you are advised that the Commission is in receipt of a Departmental Letter of January 12, 1905, remanding this case for further investigation.

You are, therefore, hereby directed to appear before the Commission, at its offices in Muskogee, Indian Territory, at 9:00 o'clock A.M. on Thursday, March 9, 1905 and introduce further testimony relative to your residence in the Cherokee Nation.

You are further advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire touching the point mentioned.

For your information, there is herewith inclosed a copy of the Departmental Letter above referred to.

Respectfully,


Chairman.

Registered.

Encl. B.4.

Cherokee-R-729.

Muskogee, Indian Territory. February 18, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Isabell Richter et al. as citizens by blood of the Cherokee Nation, you are advised that the Commission is in receipt of Departmental Letter of January 12, 1905 remanding this case for further investigation. The said Isabell Richter has, therefore, this day been directed to appear before the Commission, at its offices in Muskogee, Indian Territory at 9:00 o'clock A.M. on Thursday, March 9, 1905, and introduce further testimony relative to her residence in the Cherokee Nation.

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

For your information, there is inclosed herewith copy of Departmental Letter above referred to.

Respectfully,

Chairman.

Encl. B.6.

Cherokee-R-729.

Muskogee, Indian Territory, February 18, 1908.

Kimball & White,

Columbian Building, 416 Fifth St. N.W.,
Washington, D.C.

Gentlemen:

In the matter of the application for the enrollment of Isabell Richter et al. as citizens by blood of the Cherokee Nation, you are advised that the Commission is in receipt of Departmental Letter, of January 12, 1908, remanding this case for further consideration. The said Isabell Richter has, therefore, this day been directed to appear before the Commission, at its offices in Muskogee, Indian Territory, at 9:00 o'clock A.M. on Thursday, March 9, 1908 and introduce further testimony relative to her residence in the Cherokee Nation.

The Cherokee Nation will also be permitted to appear on that date and introduce such testimony as it may desire, touching the points indicated.

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

Respectfully,

Registered.

Chairman.

Encl. S.S.

Cherokee R-722.

Muskegee, Indian Territory, March 7, 1905.

William Henry White,
Columbian Building, 416 5th St., N. W.,
Washington, D. C.

Dear Sir:

The Commission is in receipt of your letter of March 1, 1905, asking that the date for taking additional testimony in the matter of the application for the enrollment of Isabell Richter et al., as citizens by blood of the Cherokee Nation, be continued from March 9, 1905, to some day in April, in order that you may be personally present at the hearing of this case and others, without making two trips to the Territory.

In reply you are advised that, for the following reasons, the Commission can not grant your request:

First, it is impossible to grant this, and the many similar requests, and at the same time expedite the work of the Commission. Second, it is manifestly unfair to the Attorneys for the Cherokee Nation for the Commission to continue a case without good cause after they have gone to the trouble and expense of preparing for trial.

This case will be called for hearing on March 17, 1905.

Respectfully,

Commissioner in Charge.

COPY.

Cherokee R-729.

Muskogee, Indian Territory, March 8, 1905.

William Henry White,
Columbian Building, 416 5th St., N. W.,
Washington, D. C.

Dear Sir:

The Commission is in receipt of your letter of March 1, 1905, asking that the date for taking additional testimony in the matter of the application for the enrollment of Isabell Richter, et al., as citizens by blood of the Cherokee Nation, be continued from March 9, 1905, to some day in April in order that you may be personally present at the hearing of this case and others without making two trips to the Territory.

On this date there was sent you the following telegram:

"For imperative reasons continuance requested by you in Cherokee Enrollment cases of Isabell Richter, et al., Steve Battles, et al., and Mariah Johnson, et al., cannot be granted. First case will be heard March nine. Last two March thirteen. Letter follows."

In explanation of this action you are advised that for the following reasons the Commission cannot grant your request:

First--It is impossible to grant this and the many similar requests and at the same time expedite the work of the Commission.

Second--It is manifestly unfair to the attorneys for the Cherokee Nation for the Commission to continue a case without good

cases after they have gone to the trouble and expense of preparing for trial.

This case will be called for hearing on March 9, 1905, the day it was originally set for hearing.

Respectfully,

(SIGNED) *C. R. Breckinridge.*
Commissioner in Charge.

COPY.

Cherokee R-729.

Muskogee, Indian Territory, April 4, 1906.

Susan Sanders,

Vinita, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of March 30, 1905, asking that a decision in the matter of the application for the enrollment of Isabell Richter as a citizen of the Cherokee Nation, be rendered at an early date, and requesting information relative to selecting an allotment for a certain person whose name you do not indicate.

In reply you are advised that this matter will be taken up in the near future, and when a decision has been rendered you will be furnished with a copy.

You are further advised that the matter of the allotment of the party referred to by you will be made the subject of another communication.

Respectfully,

SIGNED.

T. B. Needles.

Commissioner in Charge.

COPY.

Cherokee B-729.

Muskogee, Indian Territory, April 14, 1905.

Susan Sanders,

Vinita, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of March 30, 1905, relative to the enrollment of Belle Richter as a citizen 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 you will be furnished with a copy.

Respectfully,

SIGNED.

T. B. Needles.
Commissioner in Charge.

Cherokee N-729.

Muskogee, Indian Territory, July 11, 1905.

H. B. Talley,

Tulsa, Indian Territory.

Dear Sir:

This office is in receipt of your letter of July 5, 1905, by reference from the United States Indian Inspector for the Indian Territory, in which you ask concerning the status of the application for the enrollment of the son of Bell Richters.

In reply you are advised that the application of said Bell Richters and her son as Cherokees by blood is now pending before this office and a decision will be rendered in the matter of said application within a short time.

Respectfully,

Commissioner.

1 COPY

Cherokee N-759.

Washoe, Indian Territory, October 20, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment, as citizens by blood of the Cherokee Nation, of Isabell Richter, et al., including the Commissioner's decision dated October 20, 1905, rejecting said application.

On January 12, 1905 (I.T.D. 4963, 6582, 8681-1902, 6652, 6654-1902, 9132-1903, 1740, 7729, 8706-1904, 10542-1904), this case was remanded by the Secretary of the Interior for further hearing.

Respectfully,

REMOVED:

James Birby
Commissioner.

Incl. S-264

Through the

Commissioner of Indian Affairs.

Cherokee B-729.

COPY.

Muskogee, Indian Territory, October 20, 1905.

Isabell Richter,

Care of Susan Sanders,

1506 Olive Street,

Saint Louis, Missouri.

Dear Madam:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 20, 1905, rejecting the application for the enrollment of yourself and minor child, Charles H. Richter, as citizens by blood of the Cherokee Nation. There has heretofore been furnished your attorney, William Henry White, Washington, D. C., a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commissioner's decision.

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

Respectfully,

(SIGNED)

Tams Bixby.

Commissioner.

Incl. 3-261
Register

Cherokee R-929.

NOV.

Muskogee, Indian Territory, October 30, 1905.

William Henry White,
Columbian Building,
416 Fifth Street, N. W.,
Washington, D. C.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 20, 1905, rejecting the application for the enrollment of Isabell and Charles F. Richter as citizens by blood of the Cherokee Nation. You have heretofore been furnished a copy of the record of proceedings.

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

Respectfully,

Incl. S-262
Register

James G. ...
Commissioner.

Cherokee R 729.

0071

Muskogee, Indian Territory, October 20, 1905.

W. V. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 20, 1905, rejecting the application for the enrollment of Isabell and Charles H. Richter 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. You will be notified of the action of the Secretary as soon as this office is advised of the same.

Respectfully,

Tamie Sibbs

Commissioner.

Incl. 9-263

(COPY)

Lead
1000-1000
1000-1000
1000-1000

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON . November 11, 1906

The Honorable,

The Secretary of the Interior.

SIR:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated October 20, 1906, transmitting the record of the application for enrollment as citizens by blood of the Cherokee Nation by Marshall Richter for herself and her minor child, Charles H. Richter.

October 20, 1906, the Commissioner decided adversely to the applicants.

The record shows that on July 20, 1902, the Commission to the Five Civilized Tribes rendered a decision denying the applicants' enrollment, which decision was, on August 20, 1902, approved by the Department; that after, on January 12, 1906 (I. T. R. 10542-10544), the Department remanded the case for further evidence.

The evidence shows that the principal applicant is identified on the 1890 authenticated Cherokee roll and the 1896 Cherokee census roll; that she was born in the Cherokee Nation about 1854, resided therein until 1881, when she left the Nation to

attend school in St. Louis, Missouri, where she married a citizen of the State of Missouri and continued to reside with her husband until October, 1901, when she returned to the Cherokee Nation, remaining therein until July, 1902, when she again left the Nation and has not since returned thereto. It does not appear that the applicant ever had any property or personal effects in the Cherokee Nation. The minor applicant is a son of Isabell Richter and Charles F. Richter, a non-citizen, was born since the forfeiture of citizenship by his mother, and possesses no rights to enrollment other than through her.

Section 2, article 1, of the Cherokee Constitution, 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.

There are also enclosed the communications from Susan Gandy a relative to the rights of the applicants, which have been duly considered.

In view of the record the approval of the Commissioner's decision adverse to the applicants is recommended.

Very respectfully,

MOCK-WIDE

C. F. Larrabee
Acting Commissioner

-: C O P Y :-

D. C. 22094-1905
I. T. D. 10046-1905
L R S

Y. P.
L. R.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

November 21, 1905

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

Sir:

October 20, 1905, you retransmitted the record in the matter of the application of Isabell Richter for the enrollment of herself and minor child, Charles H. Richter, as citizens by blood of the Cherokee Nation.

Reporting November 11, 1905, the Indian Office recommended that your decision, adverse to the applicants be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation and your decision dated October 20, 1905, is hereby affirmed.

Respectfully,

(Signed)

WESLEY
First Assistant Secretary

1 inclosure.

Cherokee R-729.

COPY.

Muskogee, Indian Territory, November 29, 1905.

Isabell Richter,
Care of Susan Sanders,
1506 Olive Street,
Saint Louis, Missouri.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated October 20, 1905, rejecting your application for the enrollment of yourself and minor child, Charles H. Richter, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 21, 1905.

Respectfully,

LS

SIGNED

Geo. D. Rodgers
Acting Commissioner

Cherokee R-729.

COPY.

Muskogee, Indian Territory, November 29, 1905.

William Henry White,
Attorney for Isabell Richter, et al.,
416 Fifth Street, N. W.,
Washington, D. C.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated October 20, 1905, rejecting the application for the enrollment of Isabell and Charles H. Richter as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 21, 1905.

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

Respectfully,

Incl. S-211

SIGNED *W. D. Rodey*
Acting Commissioner.

Cherokee R-729.

COPY.

Muskogee, Indian Territory, November 29, 1905.

W. W. Hastings,

Attorney for the Cherokee nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated October 20, 1905, rejecting the application for the enrollment of Issbell and Charles H. Richter as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 21, 1905.

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

Respectfully,

Incl. S-212

RECORDED

W. W. Rodgers
Acting Commissioner.

COPY.

Cherokee R-729.

Muskogee, Indian Territory, December 4, 1905.

Mrs. S. Sanders,
1506 Olive Street,
Saint Louis, Missouri.

Dear Madam:

This office is in receipt of your letter of November 27, written at length concerning the right of your daughter, Isabelle Richter, to enrollment as a citizen by blood of the Cherokee Nation.

In reply you are advised that the decision of the Commissioner to the Five Civilized Tribes, dated October 20, 1905, rejecting the application for the enrollment of your daughter was approved by the Secretary of the Interior on November 21, 1905. It does not appear that there is anything contained in your letter which was not considered in adjudicating the right of your daughter to enrollment.

The letter of the Acting Commissioner of Indian Affairs, dated November 25, transmitted with your letter, is returned you herewith.

Respectfully,

SIGNED

Wm. O. Beall
Acting Commissioner.

Incl. S-14.

Cherokee R-729.

Muskogee, Indian Territory, January 20, 1906.

S. Sanders,
1414 Olive Street,
Saint Louis, Missouri.

Dear Madam:

This office is in receipt of your letter of January 14, in further reference to the right to enrollment of your daughter, Isabell Richter. You refer to a letter received from the Secretary of the Interior in which you state you were informed that "the case was sent back to the Commission for proper action", and ask to be advised when the case will be returned to the Secretary.

In reply you are advised, as you have been heretofore, that the decision of the Commissioner to the Five Civilized Tribes, dated October 20, 1905, rejecting the application for the enrollment of your daughter, Isabell Richter, and her child, Charles H. Richter, was affirmed by the Secretary of the Interior on November 21, 1905.

This office has not been advised of any such action by the Department as stated by you with reference to this case having been returned for further action.

Respectfully,

COPIES TO BE MADE BY THE REPLYING OFFICE

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 21, 1908.

Mrs. S. Sanders,
539 G Street, N. W.,
Washington, D. C.

Dear Madam:

In reply to your letter of February 10, you are advised the records of this office do not show that the Cherokee enrollment case of your daughter, Isbell Richter, et al., has been returned to this office.

Respectfully,

W. O. Bear

Acting Commissioner.

LS

REFER IN REPLY TO THE FOLLOWING:

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

Muskogee, Indian Territory, March 12, 1906.

Honorable Tams Bixby, *
c/o Hotel Raleigh,
Washington, D. C.

Sir:

The office received on March 7, 1906, a letter from Kenneth S. Murchison, dated February 17, 1906, referring to a conversation had with you a few days prior to that date relative to the Cherokee enrollment case of Isabelle Richter and her child, and inclosing a deposition of Susan Sanders taken in connection therewith in Washington, D. C., on February 13, 1906, which he asks to be filed on behalf of the applicants. The office is also in receipt of a letter from Susan Sanders, the deponent referred to, dated February 28, 1906, asking that you "see to the returning of the statement that was taken in Washington, D. C., in reference to the inclosed letter." (Letter inclosed is one of this office dated February 21, 1906, advising the enrollment case of Isabelle Richter, et al., has not been returned to the office.)

The records of the office show that your decision dated October 20, 1905, rejecting the application for the enrollment of Isabelle Richter and her minor child, Charles H. Richter, was affirmed by the Department on November 21, 1905.

Honorable Tams Bixby--2.

The records fail to show that since that time the case has been reopened by the Department, or any further action taken therein by it.

It appears that the deposition could only be used in connection with a motion for review of the Department's decision, or for a rehearing in the case. In several letters recently received from Mrs. Sanders it is stated that she has been advised that the case has been returned to this office. The letter of Mr. Murchison with the deposition and the letter of Mrs. Sanders with its inclosure, are inclosed herewith, and it is requested if any subsequent action has been taken by the Department in this case that the office be advised of the same.

The Department's letter affirming your decision in this case is I. T. D. 14946-1905.

Respectfully,



Acting Commissioner.

GHL

Incl. GL-30.

Muskogee, Indian Territory, May 17, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is inclosed herewith deposition of Susan Sanders taken in Washington, D. C., February 13, 1906, in connection with the Cherokee enrollment case of her daughter, Isabell Richter, and minor grandchild, Charles H. Richter.

At the time the deposition was taken, I was in Washington and Mrs. Sanders was very insistent that her testimony be taken in connection with the case, and not knowing the status of the same I informed her that if Mr. W. V. Hastings, the attorney for the Cherokee Nation, who was also in Washington at the time, would consent to the taking of her deposition, it might be taken and considered in connection with the case. The records of this office show that Mrs. Sanders' postoffice is Saint Louis, Missouri, instead of Vinita, Indian Territory, as stated by her in the deposition.

The records of this office show that on July 29, 1902, the Commission to the Five Civilized Tribes rejected the application of Isabell Richter for the enrollment of herself and child, Charles H. Richter, as citizens by blood of the Cherokee Nation;

that on August 29, 1908, said decision was affirmed by the Department, and that on January 18, 1908, (I.T.D. 10442-1904), the Department remanded the case for further hearing and readjudication. The records further show that on November 21, 1908 (I.T.D. 14946-1908), the Department affirmed my decision dated October 20, 1908, rejecting said application.

The deposition does not meet the usual requirements of a motion for rehearing. As a motion for review, no error of the Department's decision is pointed out. Mrs. Sanders testified in the case on March 30, 1908, and there is nothing contained in the deposition which was not considered when the case was decided.

Under the circumstances, it is respectfully recommended that the deposition be considered as additional evidence, and that the Department adhere to its decision of November 21, 1908, adverse to the applicants.

Respectfully,

Incl. 3-18

Commissioner,

Through the

Commissioner of Indian Affairs.

Cherokee
R 729

COPY.

Muskogee, Indian Territory, May 17, 1906.

Susan Sanders,
1414 Olive Street,
Saint Louis, Missouri,

Dear Madam:

Referring to your letter of February 28, 1906, with reference to the Cherokee enrollment case of your daughter, Isabell Richter, et al., you are advised that your deposition, taken in Washington, D.C. February 13, 1906, has this day been forwarded to the Secretary of the Interior with the request that it be considered as additional evidence in the case and that the Department adhere to its decision of November 21, 1905, affirming the decision of the Commissioner, dated October 20, 1905, rejecting said applicants.

The information herein contained replies to your letters dated March 8, 1906, and April 23, 1906.

The copy of your deposition, transmitted with your letter of March 8, 1906, has been retained in the files of this office.

Respectfully,

SIGNED. *Tame Dixby.*

LMB

Commissioner

Cherokee
B-789

COPY.

Muskogee, Indian Territory, May 17, 1906

William Henry White,
416 Fifth Street, N.W.
Washington, D.C.

Dear Sir:

On February 13, 1906, in Washington, D.C. the deposition of Susan Sanders was taken in connection with the Cherokee enrollment case of her daughter, Isabell Richter, and minor grandchild, Charles H. Richter. W. W. Hastings was present on behalf of the Cherokee Nation, and Kenneth S. Murchison, whose postoffice is Tahlequah, Indian Territory, appeared on behalf of applicants. The decision of the Commissioner to the Five Civilized Tribes, dated October 20, 1905, rejecting the application for the enrollment of Isabell Richter, et al., was affirmed by the Department on November 21, 1905. The deposition was, therefore, taken after the case was finally decided. The same has, however, this day been forwarded to the Secretary of the Interior with the request that it be considered as additional evidence in the case, and that the Department adhere to its decision of November 21, 1905, adverse to the applicants.

Respectfully,

SIGNED

Tamie Birby

Commissioner

IMB

Cherokee
R 729

COPY.

Muskogee, Indian Territory, May 17, 1906.

H. B. Tally,

Tulsa, Indian Territory.

Dear Sir:

On February 13, 1906, in Washington, D.C. the deposition of Susan Sanders was taken in connection with the Cherokee enrollment case of her daughter, Isabell Richter, and minor grandchild, Charles H. Richter. W. W. Hastings was present on behalf of the Cherokee Nation, and Kenneth S. Marchison, whose postoffice is Tahlequah, Indian Territory, appeared on behalf of applicants. The decision of the Commissioner to the Five Civilized Tribes, dated October 20, 1905, rejecting the application for the enrollment of Isabell Richter, et al., was affirmed by the Department on November 21, 1905. The deposition was, therefore, taken after the case was finally decided. The same has, however, this day been forwarded to the Secretary of the Interior with the request that it be considered as additional evidence in the case, and that the Department adhere to its decision of November 21, 1905, adverse to the applicants.

Respectfully,

IMB

SIGNED

W. W. Hastings
Commissioner

Cherokee R-723.

COPY.

Muskogee, Indian Territory, May 17, 1906.

Kenneth S. Murchison,
Attorney for Isabell Richter, et al.,
Tahlequah, Indian Territory.

Dear Sir:

In connection with the deposition of Susan Sanders, taken in Washington, D. C., February 13, 1906, in the Cherokee enrollment case of her daughter, Isabell Richter, and minor grandchild, Charles F. Richter, you are advised that on November 21, 1905, the application of Isabell Richter for the enrollment of herself and child, Charles H. Richter, as citizens by blood of the Cherokee Nation was finally denied by the Department. The deposition has this day been forwarded to the Department with the request that it be considered as additional evidence, and that the Department adhere to its said decision.

The information herein contained replies to your letter of February 21, 1906.

Respectfully,

SIGNED:

Taine Dickey.

Agent, Commissioner.

Lc

Cherokee R-729.

COPY

Muskogee, Indian Territory, May 17, 1906.

W. V. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

In connection with the deposition of Susan Sanders, taken in Washington, D. C., February 13, 1906, in the Cherokee enrollment case of her daughter, Isabell Richter, and minor grand-child, Charles H. Richter, you are advised that on November 21, 1905, the application of Isabell Richter for the enrollment of herself and child, Charles H. Richter, as citizens by blood of the Cherokee nation was finally denied by the Department. The deposition has this day been forwarded to the Department with the request that it be considered as additional evidence, and that the Department adhere to its said decision.

Respectfully,

Very
truly
yours

Lewis B. Sibley

Commissioner.

LS

Cherokee
R 729

Muskogee, Indian Territory, May 17, 1906

Honorable Tams Bixby,
Hotel Raleigh,
Washington, D.C.

Dear Sir:

There is enclosed herewith, prepared for your signature, a letter addressed to the Department, transmitting deposition of Susan Sanders, and recommending that it be considered as additional evidence in the Cherokee Enrollment case of Isabell Richter, et al.

If the letter as prepared meets with your approval, please return, after attaching your signature thereto, the copying carbon of the letter, in order that a press copy may be made of same.

There are also enclosed, prepared for your signature, letters addressed to Susan Sanders and the attorneys for applicants and the Cherokee Nation, with reference to the matter.

Respectfully,

IMB

Acting Commissioner

Encl. H-43

(COPY)

Refer in reply to the following:

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

LANE.
94023-1906.
47206-1906.

June 13, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a letter from the Commissioner to the Five Civilized Tribes, dated May 17, 1906, enclosing the testimony taken by consent in Washington, D. C., in the matter of the rejected Cherokee citizen enrollment case of Isahell Richter, et al.

The Commissioner decides that the deposition does not meet the usual motion for a rehearing; that on a motion for review no error is shown; and that there is nothing in the deposition not contained in the record; and he recommends that the deposition be considered as additional evidence and that the Department adhere to its decision of November 21, 1905.

In view of the fact that the testimony now filed is virtually the same and given by the same witness as heretofore, I concur in the recommendation of the Commissioner that the adverse decision of October 26, 1905, be adhered to.

The record is also enclosed.

Very respectfully,

(Signed) G. F. Larrabee,

Acting Commissioner.

M.M.M.E.

Muskogee, Indian Territory, September 1, 1908

Susan Sanders,

616 Pine Street,

St. Louis, Missouri.

Dear Madam:

In reply to your letter of August 28, in further reference to the citizenship rights in the Cherokee Nation of your daughter, Isabell Richter, you are again advised that you will be duly notified if this case should be reopened or a rehearing ordered.

Respectfully,

L M B

Acting Commissioner

Muskogee, Indian Territory, November 23, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a motion filed with this office June 23, 1906, by Susan Sanders, of Claremore, Indian Territory, for a rehearing of the Cherokee enrollment case of her daughter, Isabell Richter, et al.

The decision of the Commissioner to the Five Civilized Tribes rejecting the application for the enrollment of these applicants was affirmed by the Department November 21, 1905 (I.T.D. 14946-1905).

There is nothing in this motion which has not heretofore been considered in connection with the case, and it is respectfully recommended that the same be denied.

May 17, 1906, this office transmitted a deposition of Susan Sanders, taken in Washington, D. C., February 13, 1906, with the request that it be considered as additional evidence in the case. This office has not been advised of any subsequent action taken in the case.

Respectfully,

Through the
Commissioner of Indian Affairs.
Encl. V-8.
S. V.

Commissioner.

Muskogee, Indian Territory, December 3, 1906

Mrs. Susan Sanders,
225 B Street, N. W.
Washington, D. C.

Dear Madam:

This office is in receipt of your letter of November 24, 1906, in further reference to the right to enrollment as citizens of the Cherokee Nation, of your daughter, Isabell Richter, and her child, Charles H. Richter.

In reply you are advised that a motion for re-hearing in this case, filed with this office June 23, 1906, is now pending before the department.

Respectfully,

L X B

Commissioner

--Copy--

Refer in reply to the following:

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

LAND:

103425-1906.

December 8, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated November 22, 1906, enclosing a motion filed in his office on June 23, 1906, praying for a rehearing in the Cherokee enrollment case of Isabell Richter et al.

The record in this case was transmitted to the Department in Office letter of June 12, 1906, (Land: 94023-1906, 47206-1906).

Very respectfully,
(Signed) C. F. Yarrabee,
Acting Commissioner.

EWE-KH.

Cherokee
R 729

Muskogee, Indian Territory, December 11, 1906

Mrs. Susan Sanders,
225 B Street, N.W.,
Washington, D.C.

Dear Madam:

In reply to your letter of November 22, in further reference to the Cherokee enrollment case of your daughter, Isabell Richter, et al., you are advised that the motion for rehearing in this case filed June 23, 1906, is pending before the department, and you will be duly advised of any action taken thereon when this office is informed of the same.

If you desire a certified copy of the deposition taken in Washington on February 13, 1906, the same will be furnished you on payment of the regular fee for such copies, which is fifty cents per one hundred words.

That part of your letter relative to certain certificates will be made the subject of a separate communication.

Respectfully,

L M B

Commissioner

Direct.

J.Y. F

S.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

February 12, 1907.

D.C. 8788-1907.
I.T.D. 14948-1906.
24798-1906.
10992-1906.
7613-1906.

L.R.S.

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

Sir:

On November 21, 1906, the Department affirmed your decision of October 20, 1906, adverse to the application of Isabell Richter for the enrolment of herself and minor child, Charles W. Richter, as citizens by blood of the Cherokee Nation.

On June 13, 1906 (Land 47206-06), the Indian Office transmitted your report dated May 17, 1906, inclosing certain testimony taken by consent in this case.

You recommended that as the deposition does not meet the usual requirements for a motion for rehearing and as a motion for review no error is shown, that the Department adhere to its decision of November 21, 1906.

The Indian Office concurred in your recommendation. A copy of its letter is inclosed.

On December 8, 1906 (Land 103486), the Indian Office transmitted your report dated November 22, 1906, in the matter of a motion for rehearing in this case. A copy of

this motion was filed with the Department on June 21, 1906, by Mrs. S. Sanders.

You recommend that said motion be denied.

The Department has considered the additional testimony transmitted with your report of May 17, 1906, and the motion for rehearing, together with the record in the case. No proper reason appears to warrant a further hearing in the premises.

The additional testimony will be filed with the papers in the case, and the motion for rehearing is denied.

The record and accompanying papers are returned for the files of the Indian Office.

Respectfully,

(Signed) Theo. Ryan,

First Assistant Secretary.

2 inclosures.

Carbon copy and 8 inc. to Ind. Of.

A.F.Ms.

2-12-07.

Cherokee R 729

Muskogee, Indian Territory, March 7, 1907.

B. Sanders,

1414 Olive Street,

St. Louis, Missouri.

Dear madam:

You are hereby advised that the motion for a rehearing of the enrollment case of Isabell Richter and her minor child, Charles N. Richter, was denied by the Secretary of the Interior February 12, 1907.

Respectfully,

ME

Commissioner.

Cherokee R 729

Muskogee, Indian Territory, March 7, 1907.

K. S. Marchison,
Attorney for Isabell Richter, et al.,
Tahlequah, Indian Territory.

Dear sir:

You are hereby advised that the motion for a rehearing of the enrollment case of Isabell Richter and her minor child, - Charles H. Richter, was denied by the Secretary of the Interior February 12, 1907.

For your information, there is a copy of Departmental letter enclosed herewith.

Respectfully,

Commissioner.

Enc. M-98

MH

Cherokee R 729

Muskogee, Indian Territory, March 7, 1907.

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

Dear sir:

You are hereby advised that the motion for a rehearing of the enrollment case of Isabell Richter and her minor child, Charles H. Richter, was denied by the Secretary of the Interior February 12, 1907.

For your information, there is a copy of Departmental letter enclosed herewith.

Respectfully,

Enc. N 94

Commissioner.

GGA

copy

J.W.H.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

D-614.

February 21, 1908.

Mrs. Susan Sanders,
Care Hotel University,
Corner 16th and Pine Sts.,
St. Louis, Missouri.

Madam:

The Department has considered your letter of February 8, 1908, together with your communication of February 2, 1908, received therewith, addressed to the Department of Justice, relative to the enrollment of your daughter, Isabelle Richter, and her son, Charles H. Richter, as citizens by blood of the Cherokee Nation.

Upon presentation of the matter in September or October, 1907, to the Assistant Attorney General for this Department, you were advised that an investigation would be made respecting the right of your daughter and grandchild to enrollment; also that it would be unnecessary for you to go to the expense of employing an attorney. It was intended thereby to inform you that the matter would receive careful consideration whether or not an attorney should appear in the case and that the rights of said persons, if any, would be safeguarded to the extent that it was possible for the Department to do so. The record in the case has been carefully examined and it is found that a decision was rendered July 29, 1902, by the Commission to the Five Civilized Tribes, refusing

to enroll the applicants. January 12, 1905, a rehearing was ordered. October 20, 1905, decision adverse to the applicants was rendered by Commissioner Rixby. This latter decision was affirmed by the Department, November 21, 1905. Finally motion for rehearing was denied by the Department February 12, 1907. Copies of decisions of said dates are inclosed herewith.

No change in the status of the case occurred after February 12, 1907, and on March 4, 1907, the power of the Secretary of the Interior to approve enrollment of applicants for citizenship in the Five Civilized Tribes expired.

Thus it will be apparent to you that, irrespective of whether or not the decisions referred to above were correct, it will be impossible for the Secretary of the Interior to place the names of Isabelle Richter and her son upon the final rolls of the Cherokee tribe. Further action of the kind will be impossible unless Congress again authorizes the Secretary of the Interior to enroll such applicants, and, as far as this Department is advised, Congress has not taken any action looking to that end. The order contained in departmental telegram of October 1, 1907, of which you were advised by letter of October 30, 1907, for the protection of property interests, if any, of Isabelle Richter and her son, will not be disturbed at present. The papers which you left in October, 1907, with the Assistant Attorney General for this Department, for examination, are herewith returned in accordance with your request.

Very respectfully,

(Signed) J. R. Garfield
Secretary.

Inclosures.

302

DEPARTMENT OF THE INTERIOR
WASHINGTON.

B-614.

JAN 11
February 21, 1908.

Commissioner of Indian Affairs,

Sir:

Referring to your office report of August 15, 1907, relative to the application of Isabelle Richter for enrollment of herself and her son, Charles H. Richter, as citizens by blood of the Cherokee Nation, there is inclosed herewith the record in said case together with a letter of even date advising Mrs. Susan Sanders, mother of the principal applicant, that it will be impossible for the Department to place the names of the applicants upon the final rolls of the Cherokee Nation unless authority shall be granted by Congress to the Secretary of the Interior to take such action. There is also inclosed a copy of said letter to be forwarded to the Commissioner to the Five Civilized Tribes.

Very respectfully,

inclosures.

(Signed) J.R. Garfield
Secretary.

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

CAW

I. T. 90828-1908.

File 313.

February 27, 1908.

Subject:
Copies of letters relative to enrollment of Isabel Richter.

Commissioner to the Five Civilized Tribes,
Muskogee, Oklahoma.

Sir:

There is inclosed copy of Departmental letter of the 21st instant, addressed to Mrs. Susan Sanders, St. Louis, Missouri, regarding the enrollment of her daughter, Isabel Richter, nee Cook, and her son, Charles H. Richter, as citizens of the Cherokee Nation; also copy of Departmental letter of the same date addressed to this Office, concerning the same subject.

Very respectfully,

(Signed) C. F. Larrabee,
Acting Commissioner.

EBH-Y.

GGA

GWF
D-614.

509-1908

J.V.H.
S.V.H.
W.C.R.
J.V.S.

DEPARTMENT OF THE INTERIOR
WASHINGTON

March 23, 1908

Office of Indian Affairs

R E C E I V E D

Mar 23 1908

File

20850

Commissioner to the Five Civilized Tribes,
Muskogee, Oklahoma.

Sir:

Inclosed herewith is a letter of February 26, 1908, from Mrs. Susan Sanders, of 1531 Pine St., St. Louis, Missouri, relative to the enrollment of her daughter, Isabelle Richter, and the latter's son, as citizens by blood of the Cherokee Nation.

Mrs. Sanders has been advised heretofore that the application for the enrollment of said persons was denied prior to the closing of the citizenship rolls on March 4, 1907, and that their enrollment is impossible under existing law; also that the Department is, under the circumstances, powerless to act and that nothing can be done in their behalf unless Congress sees fit to enact appropriate legislation.

Accordingly the Department must decline to grant Mrs. Sanders' request, which was to instruct you to set aside two eighty acre tracts of land "until this case is decided."

The instructions issued in the fall of 1907, directing the Commissioner to the Five Civilized Tribes to protect the property rights, if any, in improved lands in the Cherokee Nation claimed

-2-

by or on behalf of Isabelle Richter and her son, should be regarded as in force until countermanded.

Mrs. Sanders should be instructed to address a communication, such as the inclosed, to your office and be advised otherwise, in accordance herewith.

Very respectfully,

(Signed) Jesse E Wilson
Assistant Secretary.

Through the Indian Office.

1 inclosure.

9041-1908.

Muskogee, Oklahoma, April 1, 1908.

Mrs. Susan Sanders,
#1521 Pine Street,
Saint Louis, Missouri.

Madam:

You are advised this office is in receipt of a letter from the Secretary of the Interior, dated March 23, 1908, enclosing your letter, dated February 26, 1908, addressed to the Department relative to the enrollment of your daughter, Isabelle Richter, and grandchild, Charles H. Richter.

The Department states that you have heretofore been advised that the application for the enrollment of said persons as Cherokee citizens was denied prior to the closing of the roll on March 4, 1907, and that their enrollment is impossible under existing law; also that the Department is, under the circumstances, powerless to act and that nothing can be done in their behalf unless Congress sees fit to enact proper legislation, and that the Department must decline to grant your request, which was to instruct this office to set aside two eighty acre tracts of land "until this case is decided." The Department also states that the instructions issued in the fall of 1907 directing this office to protect the property rights,

if any, in improved lands in the Cherokee Nation claimed by or on behalf of Isabelle Richter and her son, should be regarded as in force until countermanded.

You have heretofore been advised by this office that no record could be found from which to definitely determine whether or not Isabelle Richter and her child were in possession of improved land in the Cherokee Nation, and you were requested to more particularly describe the land, if any, on which such improvements were located.

It does not appear that you have ever furnished a description sufficient for this office to determine the particular tracts of land, if any, which are being held by or on behalf of Isabelle Richter and her son, upon which their improvements are located. If improved land in the Cherokee Nation is being held by or on behalf of Isabelle Richter and her son, it will be necessary for this office to be furnished a proper description of the same before it can or will be in a position to protect their property rights. Upon receipt of information of this character the matter of the protection of their rights will be given proper attention.

Respectfully,

JOB(LS)

Acting Commissioner.

3127 Loma St.
Alhambra Hotel
St. Louis Mo.

Susan Sanders
wrote a letter
with her address
and sticking from
-2000 of her
daughter

Isabel Richter
her baby
Charles Richter

Isabel is a
sister of
Mrs Cook
H A Cook
Thomas M Cook
Florence M Cook
all enrolled

Muscogee Indian Territory, 4/12 1905

RECEIVED OF THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES

one copy of the testimony in re Isabel Richlin et al
Choctaw Citizenship taken Feb - 05

Wm Harry White
ASSISTANT TO THE COMMISSIONER.

March 9 '05

Isabel Richter
C.R. 729.

Kimball & White Alley
Asks for Contin. name.

APR 19 1903

Received from the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Isakell Richter et al

for enrollment as citizens of the Cherokee Nation.

Cherokee

No. R-773

J. L. Love
atty for applicants

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

350
370

MAR 2 8 P.M. MS



FEB 1905
MUSKOGEE, IND. TER.

REGISTERED
MAR 29 1905
VINITA, IND. TER.

~~Isabell Richter,~~
~~Vinita, Indian Territory.~~

*C. R. 799
Admission known
Removal.*

*11847
11053*

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

REGISTERED
AUG 10 1905
MUSKOGEE

OFFICIAL BUSINESS.

Penalty for private use \$300.



~~Isabell Richter,~~
~~Vinita,~~

~~Indian Territory.~~

*1287
Red to Sprites*

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155*

CHER R 150

CHER R 150

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED
NOV 13 1901

[Signature]
ACTING CHIEF

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 21, 1902.

In the matter of the application of Leonard J. Fish for the enrollment of himself and one child as Shawnee citizens of the Cherokee Nation.

Leonard J. Fish, being duly sworn and examined by Commissioner [redacted], testified as follows:

- Q What is your full name? A Leonard J. Fish.
Q How old are you? A I am 48.
Q What is your past office? A Vinita.
Q In what district do you live? A Well, I am not keeping house now, I am right outside of the city limits.
Q Well, what district do you call your home, Cherokee or Delaware? A Well I am on the east side of the Katy tracks, it is Delaware district.
Q You want to apply for enrollment as an adopted Shawnee do you?
A No, sir, I want to apply for enrollment as a registered Shawnee, or one of the Shawnees who purchased a right here.
Q One of the original Shawnees? A One of the original Shawnees, yes, sir.
Q Do you want to apply for anybody but yourself? A Yes, sir, my little boy here.
Q One child? A Yes, sir.
Q That is all, just you and one child? A Yes, sir.
Q Did you come here with the Shawnees, along back in the seventies?
A I came in the fall of '71.
Q Are you on the Shawnee roll? A Yes, sir.
Q Well, are you on the roll of 1867? A Well, I don't know whether I am or not, I was present here at the time that roll was made, but my father told me he put me down on the 1867 roll, and if you find it you will find it Jake Fish.
Q Give me the name of your father? A Paschal Fish.
Q Is he dead? A Yes, sir.
Q How long has he been dead? A I can't just give you the date; it has been 7 or 8 years ago since he died.
Q Give me the name of your mother? A Nettie Fish.
Q Is she dead? A Yes, sir.
Q How long has she been dead? A She died when I was only 11 months old.
Q Well, you came with the Shawnees away back about '70? A I came in the fall of '71.
Q And where have you lived since then? A I lived part of the time, I lived on the Verdigris River in the Cherokee Nation.
Q Then how long did you continue to live in the Cherokee Nation?
A I was here about seven years I think.
Q Then where did you go? A I went from here to Baxter Springs.
Q Where is that? A That is in Kansas.
Q How long did you stay in Kansas, or out of the Cherokee Nation?
A I can't just state that question, I was back and forth, I don't remember just how long I did stay, I was in business there at Baxter, employed as a shoemaker.
Q What were you doing there? A I was selling goods.
Q When did you move back to the Cherokee Nation? A I came back in '83 I think, somewhere along there, '83 or '82, and then I went back again.
Q How long did you stay when you came back down here in '82 or '83?
A I stayed about six months.
Q Then you went back up to Baxter Springs? A Yes, sir.
Q How long did you stay up there? A I remained up in that part of the country till three years ago, I was in the [redacted] part of the time in the Nation.
Q I would like you in the [redacted] Agency? A Well, I presume I was

Q Then did you come here? A Yes, sir.

Q Well, have you ever been readmitted to citizenship by the Cherokee authorities? A No, sir, I have not.

Q So when you went back up to Baxter Springs you stayed there about eight or nine years and then went to the Quapaw Agency? A No, sir, I don't think I was at Baxter eight or nine years, I can't say just how long.

Q About six years, and then you went to the Quapaw Agency and stayed there about eight or nine years, and then came here? A And then came here, yes, sir.

Q You were engaged in merchandising up at Baxter Springs? A I was.

Q Both times up there? A Yes, sir, I was acting as a salesman one time and one time in business for myself.

Q Well, did you used to vote up there for people when elections came around? A No, sir.

Q Did you ever come down here in the Cherokee Nation and vote?

A Yes, sir.

Q Would you do that regularly? A No, sir, not regularly.

Q Did you ever take up any land in the Quapaw Agency? A I purchased a right in the Quapaw Agency, in the Quapaw Tribe.

Q Did you register as a Quapaw? A Yes, sir.

Q You exercised then the rights and privileges of a Quapaw citizen, did you? A Yes, sir, that was the understanding when I bought my right and they took care in, some call it an adoption, it was an adoption and a purchase combined; I was their attorney for ten years, and I attended to their business for them.

Q What is the name of this child? A Joseph Paschal Tecumseh Fish.

Q How old is this child? A He will be seven years old the 7th of January.

Q He is here with you now? A Yes, sir.

Q What is the name of that child's mother? A Katie Fish.

Q Is she alive? A Yes, sir.

Q Is she living with you now? A No, sir, she is living here in town, but we are not living together.

Q When were you and she married? A We were married in 1886.

Q What is she, Cherokee or what? A Well she claims Cherokee; I can't say what she is, I don't know whether she is, her and her father claims they were Cherokees by blood but I can't state that.

Q How old is she? A I would take her for a white person, that would be my judgment.

Q Well how old is she? A She must be about 21 or 22 years old.

Q Is that all her age at this time? A I think so, yes, sir.

Q This child must have been born when its mother was 13 or 14 years old? A She may be 22, we were married when she was quite young.

Q Is she on any roll of the Cherokee Nation? A No, sir.

Q Were you ever married except to this woman? A Yes, sir.

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

Q How many times? A Twice.

Q Were both your former wives dead when you married this wife?

A No, sir, both living.

Q Did you ever have any divorce from your former wives? A I was divorced in about '83 from my first wife.

Q How about your second wife? A We were divorced by limitation under the Arkansas Statute.

Q What law can you cite that does that? A Mansfield's Digest, isn't it; I think it is in Mansfield's Digest, I don't remember the volume.

Q Well, what was the name of your first wife? A Julia Parks.

Q Where did you marry her? A In Baxter Springs, Kansas.

Q And you parted from her? A Yes, sir, we separated.

Q When did you get a divorce from her? A We had lived together five years and I got a divorce about a year after we separated.

Q Well, when was that? A Sometimes along about '85 I should judge.

Q Have you a copy of the decree of divorce? A No, sir, I haven't.
Q Where was the divorce granted? A In Kansas.

Q Well, that was your first wife; then who was your second wife?
A Ella Conquellman.

Q When did you marry her? A In about '86.

Q How long did you marry her? A We only lived together about
six or seven months.

Q And then you parted? A And then we separated.

Q Well, what were the circumstances under which you say you got
a divorce by limitation? A Well that was she had been gone for about
16 or 17 years or longer, I have never heard from her, and under the
laws of Arkansas, which relate to limitation, the time granted for a
divorce. Well now I can't say it granted a divorce but they couldn't
hold a person for a criminal prosecution because she was supposed to
be dead.

Q You married her in 1886? A Yes, sir.

Q And you say she was gone about 16 or 17 years? A Yes, sir, I
think she was gone 16 or 17 years, I never heard from her.

Q Well it is hardly 16 or 17 years now since you married that woman?
A Well probably it was somewhere along there, I don't remember
the exact date.

Q Well then if there was such a limit the time hasn't expired yet,
and if you claim lawful marriage to the woman by whom you now have
a child 7 years of age, this period of limitation hasn't yet expired?

A Why five years I understand is the limitation under the Arkansas
statute.

Q You said just now it was 16 or 17 years? A No, she has been
away that long.

Q You claim five years as the statute? A Yes, sir.

Q Well then when did you marry this woman Katie? A I married her
in 1885.

Q Well then if you married this woman Katie in 1885 you didn't
wait any five years after your marriage to the other woman in 1886;
you say you married your second wife in 1886, and now you say you
married this woman Katie in 1885, so instead of waiting till the five
years were out, you just married two at the same time? A No, sir,
there is a mistake about it some way.

Q Well, can you reconcile the mistake; tell me the facts? A Yes,
that is when I married.

Q You married your present wife in '85? A Yes, sir.

Q Have you a copy of your license? A I have, they are right here
(hands Commissioner paper.)

Commissioner: The applicants presents a license issued
by the Clerk of the United States Court, First Judicial Dis-
trict, Indian Territory, under date of January 16, 1885, auth-
orizing marriage between himself and Miss Mary C. Large, and
the certificate shows that they were united in marriage in ac-
cordance with said license on the 27th day of the same month
and year. This is filed herewith.

Q Now this Mary C. Large, that is the woman you call Katie? A Yes,
sir.

Q That C stands for Catherine, does it? A Yes, sir. (hands Com-
missioner papers) I would like to have you look over those papers
if you will, as to the birth of the child.

Q Was any application ever made to the Dawes Commission in 1890
for your admission or for the admission of this child to Cherokee
citizenship? A This child here, no, sir.

Q You present an affidavit in record to the birth, it seems, of
this child, which affidavit appears to have been made up in
September, 1900? A Yes, sir.

Q Was application made at that time for the enrollment of that
child? A No, sir, this paper, I understood that would be the proper
way to proceed; I came down here when you were here last year, to

enroll, but we were too late, there were so many others that we didn't get to make our application.

Commissioner: These papers relate entirely to the birth of the child; you will keep them for the present.

Commissioner: On consulting the Shawnee Register of the Shawnees who emigrated from Kansas and registered within two years from the 8th day of June, 1869, there is found the name of Leander J. Fish, No. 333.

The 1860 authenticated roll of Cherokee citizens examined and the applicant, Leander J. Fish, not identified thereon.

The 1896 census roll of Cherokee citizens examined and neither of applicants identified thereon.

The 1896 Shawnee pay-roll examined, and neither of applicants identified thereon.

Q Did this child ever draw any money from the Cherokee Nation? A No sir, never did.

Q Ever draw any money from the Quapaw up there? A No, sir.

Q And land ever been taken in his name up in the Quapaw reservation? A No, sir, and I will state I believe I only drew one payment here after we came south.

Q When was that? A I don't remember what year it was, I can't remember dates like some people, but I remember drawing one time.

Cherokee Representative: Where were you living in 1860? A Baxter Springs.

Q State of Kansas? A Yes, sir.

Q How long have you been living in the Cherokee Nation the last time you came here in the Cherokee Nation? A The last time I have been living here, three years.

Q Where were you living when the roll of 1896 was made? A I believe I was in Kansas City at that time, I was sick, I went up there for treatment; I went up to Kansas City.

Commissioner: The applicant applies for the enrollment of himself and one child. He is identified on the Shawnee Register, but he is not identified on any subsequent roll, all of which in the possession of the Commission have been searched for his name. A very large part of his life since he came to the Cherokee Nation at the time of the Shawnee Movement has been spent in the State of Kansas and in the Quapaw Reservation, and he states that he is on the Quapaw roll and has drawn money as a Quapaw and has taken land. It seems quite clear from the present record that the applicant has abjured whatever rights he obtained as a Cherokee, but for the further consideration of his case he will be listed as an adopted Shawnee on a doubtful card, and the final decision of the Commission will be made known to him at his postoffice address.

As for his child named in the testimony, now living and seven years of age, this child is not identified upon any roll. It remains to be seen from further consideration of the testimony if the marriage between the applicant and this child's mother was such as would entitle the child to rights as a Cherokee, provided the father was in position to convey rights, under a lawful marriage, as it must be with respect to the right to enrollment. In this connection, the applicant is desired to supply the Commission with an official copy of the decree of divorce between himself and his wife, and particular attention is called to the testimony concerning the character of his separation from his second wife. He is also desired to file with the Commission a duly authenticated affidavit of the birth of this child. At present the child will be listed upon a doubtful card with its father as a Cherokee-Shawnee, and the final decision of the Commission will be made known to the

child's father at his postoffice address.

Commissioner: When did you buy your right in the Quapaw tribe?
A In either '79 or '80.

Q And you possess that right to-day? A Yes, sir, I hold a certificate or patent to the land.

Q Along about that time, or soon thereafter, your name was put upon the Quapaw rolls? A Well, it was some time afterwards, the Department fought me like sixty.

Q Well about how long after you bought your right before your name was put on the Quapaw rolls? A Well it must have been six or seven years.

Commissioner: It will be noted in connection with the rights of the child that its father acquired whatever status may have been acquired as shown in the testimony as a Quapaw prior to his marriage to the mother of this child.

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 8th of November, 1901.

[Signature]

Commissioner.

PHOTO LITHOGRAPHED BY THE GOVERNMENT PRINTING OFFICE



B1252

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

FILED
OCT 31 1901


ACTING CHAIRMAN.

CHEROKEES BY BLOOD AND ADOPTION

Adopted Shawnee

48

Name *Grandson of Fish* Date *Oct 31* 1900.
Ninta, 17.

District _____ Year _____ Page _____ No. _____
Citizen by blood *yes* *Adopted Shawnee* Mother's citizenship *Parents* { *Heashed Fish d*
Hottie Fish d

Intermarried citizen _____
Married under what law _____ Date of marriage *Jan 27, 1895*

License *filed* Certificate *filed*
Wife's name _____

District _____ Year _____ Page _____ No. _____
Citizen by blood _____ Mother's citizenship _____

Intermarried citizen *Do not know*
Married under what law _____ Date of marriage _____

License _____ Certificate _____
Names of Children:

Names of Children:	Dist.	Year	Page	No.	Age
<i>2 Joseph P. Fish</i>					<i>7</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
	Dist.	Year	Page	No.	Age

Application by *Mr 1* *Stenographer, Bruce L Jones*

Mr 1 on Shawnee Roll

No 1 best copy of decree of divorce between Mr 1 and his first wife.

No 2 Birth cert required.

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

FILED
OCT 31 1901



ACTING CHAIRMAN.

United States of America
Indiana Territory

Personally appear before
me this 3^d day of July 1895
Dwight Clark of the ~~county~~ well
known to me to be a person
of truth and veracity and
on his oath depose and
say I was the attending
Physician and did attend
Nancy's First Wife of Leander J
Fitch. When she was delivered
of a male child on the night
of the 21st of June 1894.

Dwight Clark

Subscribed & sworn to before
me this 3^d day of July 1895

W. H. Butler
Notary Public
Filed in Sec 322/1894

Barter Springs, Kansas,

November 6th, 1880.

Received of Landry I. Fish twenty-five dollars bought at G. W. Koontzes Grocery Store this is a part or a fourth of the amount which he is to pay to the Quawpaw Indians for the adoption of himself and Julia A. Fish his wife and Reverent Pascoal Fish into their tribe.

Charley Quapaw his
 X
 mark
Signed Frank Valier, Ind.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., November 10, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.



Chief Cherokee Enrollment Division.

Sworn to and subscribed before me this 10th day of November, 1902.



Notary Public.

Cherokee R-730

Barter Springs, Kans.

Nov. 10th, 1902.

Charlie Casper

Read in merchandise from Jack Fish
twenty five dollars

Bought of G. W. Koontz
his
X
mark

Witness:
Ed H. Black.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., November 10, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment
Division of the Commission to the Five Civilized Tribes and
custodian of the records of said Division, do hereby certify that
the above and foregoing is a true and correct copy of the original
on file in the office of the said Division.



Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 10th day of November.



Notary Public.

UNITED STATES OF AMERICA.

BE IT REMEMBERED, That at the April Term A.D. 1884 of the District Court of the Eleventh Judicial District of the State of Kansas, sitting within and for the County of Cherokee and State of Kansas, begun and held in the City of Columbus, commencing on Monday Morning the 28th day of April, A.D. 1884.

Present, the Honorable George Chandler, Judge.
J. A. Whitcraft, Clerk.
W. H. Layne, Sheriff.
C. D. Ashley, County Atty.
George Gledhill, Reporter.

Among others, the following proceedings were had and entered of record on this day, to-wit:-

Julia A. Fish, Plaintiff,
vs
Leander J. Fish, Defendant. No.2729

Now on this day this cause being called the plaintiff appeared by Cawley and Hampton her Attorneys, and the Defendant by his Attorney W.M.Mathoney, and appeared, and the Court having heretofore on May 9", 1884 of the present term of this court heard all the evidence and at that time not being fully advised, did take this cause under advisement until the present time, and now the court being fully advised doth find; that at the time of the filing of plaintiffs' Petition in this cause she had been for more than one year next preceeding, an actual resident in good faith of the State of Kansas, and that she was at said time a resident of Cherokee County in said State; that the plaintiff and defendant were legally married on April 28", 1878 and are now husband and wife; that since their said marriage the plaintiff has demeaned herself as a faithful and affectionate wife, but the defendant disregarding his marital vows and duties as a husband, has been guilty of gross neglect of duty as averred in plaintiff's Petition in this cause and the Court doth further find that the maiden name of the plaintiff was Julia A.Parke, In consideration of the premises the Court doth order, adjudge and decree that the bonds of matrimony heretofore existing between the plaintiff Julia A. Fish and Leander J.Fish are hereby dissolved, vacated and set aside and the said plaintiff Julia A. Fish is divorced from the Defendant Leander J.Fish and restored to all her rights as an unmarried woman including her maiden name Julia A.Parke, by which she shall hereafter be known.

It is further ordered that the plaintiff pay the costs of this action taxed at fourteen and 45/100 dollars.

State of Kansas,
Cherokee County? SS I, J.M.Wales, Clerk of the District Court within and for the County and State aforesaid do hereby certify that the foregoing is a true, correct and complete copy of Decree of Divorce in the therein entitled cause as the same remains of record in my office in the City of Columbus, Kansas, this 31" day of May A.D.1902.

(SEAL) Witness my hand and the seal of said Court affixed at my office in the City of Columbus, this 3h" day of May A.D.1902.
J.M.Wales, Clerk Dist.Court.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., November 10, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of a certified copy on file in the office of said Division.

[Signature]

Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 10th day of November, 1902.

[Signature]
Notary Public.

This certifies that J. J. K. McDaniels,
did on the 30 day of Aug. 1895 joined in marriage Leander J. Fish
and Mary C. Large. I being a Minister authorized by the Law to
solemnize marriage.

J. J. K. McDaniels (Seal)

Subscribed and sworn to before me this 24 day of July, 1895

H. H. Butler
Notary Public.

Term expires Dec. 23d-1897.

(SEAL)

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., November 10, 1903.

I, the undersigned, Chief Clerk of the Cherokee Enrollment
Division of the Commission to the Five Civilized Tribes and
custodian of the records of said Division, do hereby certify that
the above and foregoing is a true and correct copy of the original
on file in the office of the said Division.


Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 10th day of November, 1903.


Notary Public.

CERTIFICATE OF RECORD.

United States of America, }
INDIAN TERRITORY, } SS.
First Judicial Division }

I, Joseph W. Phillips, Clerk of the United States Court
at Muskogee, Indian Territory, do hereby certify that the instrument hereto attached was
filed for record in my office the 1 day of Feb., 1902, at M.,
and duly recorded in Book D, Marriage Record, Page 188

WITNESS my hand and seal of said Court at Muskogee, in said
Territory, this 1 day of Feb., A. D. 1902

Jos. W. Phillips Clerk.
By J. S. Dodson Deputy.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T., I

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 application for enrollment of
as citizen of the Cherokee Nation.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, November 19, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment
Division of the Commission to the Five Civilized Tribes and
custodian of the records of the said Division, do hereby certify
that the above and foregoing is a true and correct copy of the
original on file in the office of the said Division.


Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 10th day of November, 1902.

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
NOV 22 1902


Notary Public.

ACTING CHAIRMAN

MARRIAGE LICENSE.

United States of America, }
INDIAN TERRITORY, } SS.
~~XXXXXXXXXXXX~~
1st Judicial Division. }

No. 3

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. Leander J. Fish, of Wyandotte, in the Indian Territory, aged 41 years, and Miss Mary C. Large, of Wyandotte, in the Indian Territory, aged 17 years, according to law, and do you officially sign and return this license to the parties therein named.

WITNESS my hand and official ^{seal} ~~of the Indian Territory~~, this 15 day of Jan'y. A. D. 1895.

Jos. W. Phillips
Clerk of the U. S. Court.

By F. L. Phillips Deputy.

CERTIFICATE OF MARRIAGE.

United States of America, }
INDIAN TERRITORY, } SS.
~~XXXXXXXXXXXX~~
Wyandotte Judicial Division)

I, ~~Minister of the Gospel~~, Do HEREBY CERTIFY, that on the 20 day of Jan., 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.

WITNESS my hand this 27th day of Jan. A. D. 1895.

My credentials are recorded in the office of the Clerk of the United States Court, Indian
Territory, Judicial division, ~~XXXXXXXXXXXX~~, Book B, Page 20.

J. M. McDaniel
A Minister of the Gospel.

In Re
Application for Enrollment
of Infant Child
Joseph P. Trail
as a citizen of the
Cherokee Nation

approved Oct. 31, 1901

W. H. C. G.
Commissioner

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

RE Application for Enrollment, as a citizen of the Cherokee Nation,

Joseph P. T. Fish, born on the 21 day of January, 1896
Name of Father: Leanda J. Fish, a citizen of the Cherokee Nation.
Name of Mother: Mary C. Fish, a citizen of the Cherokee Nation.
Postoffice: Vinita, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Notowa District.

I, Mary C. Fish, on oath state that I am 23

years of age and a citizen, by common law, of the Cherokee Nation;
that I am the lawful wife of Leanda J. Fish, who is a citizen, by
blood, of the Cherokee Nation; that a male child was
born to me on the 21 day of January, 1896; that said child has been
named Joseph P. T. Fish, and is now living.

(Must be Two Witnesses)

Witnesses: M. J. Stivers

Subscribed and sworn to before me this 14 day of Sept 1900

Notary Public signature and name

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Notowa District.

I, Jane Corpe, a midwife, on oath state that I

at the 21 day of January, 1896 that there was born to her on
said date a male child; that said child is now living and is said to have been
named Joseph P. T. Fish

(Must be Two Witnesses)

Witnesses: M. J. Stivers

Subscribed and sworn to before me this 14 day of Sept 1900

Notary Public signature and name

Supl.-C.D.#1252.

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

SUPPLEMENTAL in the matter of the enrollment of LEANDER J. FISH, ET AL., as citizens of the Cherokee Nation:

The applicant was notified by registered letter March 3, 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 22d day of March, 1902, and that on said date he would 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 22d 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. 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

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COMMISSION TO THE FIVE

FILED
APR 18 1902

 ACTING CHAIRMAN

1015

BEFORE THE COMMISSION OF THE FIVE CIVILIZED TRIBES.

In re Application of L. J. FISH to be placed on the Cherokee-Shawnee Roll of the Citizens of the Cherokee Nation, Indian Territory.

DISTRICT OF COLUMBIA }
CITY OF WASHINGTON } ss.

L. J. Fish, of lawful age, being duly sworn, upon his oath, says that he is the L. J. Fish who applied to the "Commission to the Five Civilized Tribes" to be placed upon the Cherokee-Shawnee roll of Citizens of the Cherokee Nation, Indian Territory, and that he is a Cherokee Indian by adoption from the Shawnee Tribe of Indians under the agreement of 1869.

That he resides at Vinita, Indian Territory which address he gave to said commission at the time he filed his application for to be enrolled upon said roll of citizens of the Cherokee Nation.

That he has been appraised by Messrs Chaney and Hart his Attorneys and Counsellors, of Washington, D. C. by a letter received by them from said Commission, dated April 7, 1902, that notice was mailed to his said address by said Commission March 5, 1902, stating that his said application for enrollment as a citizen of the Cherokee Nation would be taken up by said commission March 22, 1902.

That on said last named date his case was called by said Commission and there "having been no appearance on the part of the applicant, the same was deemed completed."

Affiant says, that he came to Washington, D. C. on business in January, 1902, and has been engaged on said business at said Washington from the time of his arrival here until the present time; that he was at Vinita, Indian Territory in the month of March 1902

and that he did not receive said "NOTICE" and did not know, until the information received through Chaney and Hart, aforesaid, that his case was set for hearing March 22, 1902.

Affiant also says that without he is given permission to present and submit to said Commission the proofs of his Cherokee-Shawnee citizenship in the Cherokee Nation, his rights, privileges and immunities as such citizen will be jeopardized and possibly denied altogether and also that of his children.

The affiant also further says that he will return to his home in the near future, and will appear before said Commission with his witnesses and proofs of citizenship of the Cherokee Nation to submit the same in confirmation of his rights as such citizen.

Applicant therefore asks that his case be reopened, and that a day be fixed upon which he may have opportunity to establish the claims made in his said application. And he will ever pray.

L. A. Fisk
Applicant

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

Paul N. McMillan
Notary public in and for the
District of Columbia.

My commission expires
June 25, 1905.
Notary public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 5, 1902.

In the matter of the application of Leander J. Fish et al for enrollment as citizens of the Cherokee Nation of Shawnee blood.

SUPPLEMENTAL TO D-1882.

APPEARANCES:

W. T. Matchings in behalf of applicant.
L. B. Bell in behalf of Cherokee Nation.

LEANDER J. FISH, being first duly sworn, testified as follows:

COMMISSION: What is your name? A Leander Jackson Fish.
Q What is your postoffice address, Mr. Fish? A Vinita.
Q How old are you? A I was born in '33, either '33 or '31, I can't state just exactly.
Q Did you participate in the payment which was made to the Shawnees by an act of the National Council approved March 30, 1896? A In 1896?
Q Yes. A The strip payment?
Q No, yes, they paid \$251.76 a head? A No, sir, I didn't.
Q You didn't participate in that payment? A No, sir, I didn't.
Q You have never participated in any payment made by the authorities of the Nation? A Yes, sir, I have received five payments since I came here.
Q When was that? A Well now, I don't know; I think it was in about it must have been '34 or '35, somewhere along there, I couldn't state the exact date.
Q When was the other payment? A Well that was prior to that.

There is offered in evidence a certified copy of the decree of divorce between Julia A. Fish and Leander J. Fish. The same will be filed and made a part of the record in this case..

Q Do you desire to make a statement relative to your application, Mr. Fish? A Yes, sir.
Q Just make the statement? A Well, I had some stock here, I had cattle here, and I never have receded from my rights in the Cherokee Nation, to my best knowledge, to the best of my knowledge.
MR. BELL: Where did you have your stock at? A Over on the Verdigris.
Q Who had charge of it? A Samuel Love.
Q He's dead, is not? A I couldn't say.
Q How long did he have charge of them cattle? A Well I left him in charge, I never did go get them again, I don't know what disposition he made of them.
Q That is, you left them there and never saw them afterwards? A No, sir.
Q Are you on that Shawnee roll of 1896? A Yes, sir, there's my name right here, Mr. Bell.
Q Well didn't you take an allotment over there amongst the Quapaws? A I purchased a right there, yes, sir.
Q Bought it from the - A Quapaws, yes, sir.
Q Well you took an allotment, didn't you? A By purchase, yes, sir.
Q You set up and lived there didn't you? A I was there part of the time.

I was back and forth in the Cherokee Nation and from Kansas.

Q Well who did you buy it from, the right, from the Quapaw Country or from some individual? A The tribe.

Q How it from the tribe? A Yes, sir, here's the receipt.

Q I don't believe I'll ask him any more.

COMMISSION: Is that all you desire to state? A And then in regard to this 1880 roll, did you take that down? My father told me he registered me on the 1880 roll Jake Fish, and they told me that had been answered for by a Delaware.

MR. HURCHINGS: What was your father's name? A Paschal Fish.

Q Does his name appear on the 1880 roll? I didn't see it there; when did your father die? A I disremember what year he died in.

MR. HALL: Well that Delaware is registered there as fifty years old.

The authenticated roll of 1880 examined and the applicant is not identified thereon either as Leander Fish, Jackson Fish or as Leander J. Fish or as Jake Fish.

MR. HURCHINGS: Your father's name you say was Paschal Fish?

A Yes, sir.

COMMISSION: Where were you living when the roll of 1880 was made? A I was working in Baxter Springs, Kansas, store-building.

Q How long did you continue to live in the Cherokee Nation after you came here with the Shawnees? A Well seven or eight years.

Q Where did you go then? A I went to Baxter for the purpose of getting doctor, I took sick.

Q How long did you reside there? A Well I was there off and on I expect for some twelve or fourteen years backwards and forth you know from the Territory, but I always held as my home in the Territory.

Q The greater part of that time you spent in the State of Kansas? A Greatest part of the time, I worked there then.

Q How long have you resided in the Quapaw reservation? A I was there just about like I was here, back and forth.

Q When did you secure that allotment over there? A I think it was along about 1880.

Q Has it remained in your possession ever since? A No, sir, I never was recognized as a Quapaw for years after that, the Department always claimed that I was a Cherokee.

Q Well when did you obtain possession of the allotment over there? A Well I couldn't say just when, I know it was some eight or ten years.

Q Eight or ten years ago? A After.

Q Well about how long ago has it been? A Well it must be ten or fifteen or twelve years, somewhere in there, I couldn't tell just exactly, somewhere along there.

Q Are you retaining that property by working it yourself? A I worked it part of the time myself and part of the time I rented it.

Q How many crops have you made on it? A I have made some three or four crops.

Q How many crops did you make in Kansas? A None at all, I was just under the treatment of the doctor and when I was able I was working in the store, and never been a citizen.

Q Did you exercise the right of suffrage as a citizen of the State of Kansas while you were up there? A No, sir.

Q Never voted at any of the elections either state or national? A No, sir.

Q Who is the mother of this child; what is her citizenship? A My father claims to be a Cherokee, but he has never proved up his rights is all I know; I don't know what her citizenship is, I couldn't say.

MR. HALL: Do you know what her name was? A Little name

Q Where did you find her? A On the Quapaw, they were farming there.
Q In the Quapaw country? A He told me, I think he told me he never had filed an application for him.

COMMISSION: Is that your child Joseph? A Yes, sir, that's my child.

Q That's your own child? A That's my own child, yes, sir.

Q The mother of the child isn't considered to be a citizen of the Cherokee Nation at all is she? A No, sir, I don't think she is; she claims to, but they have never made any application; they were talking of it, but I don't think they ever did.

Q Where was this child born? A He was born in '95.

Q Where? A Up on the Quapaw reservation.
Q Where were you married to this woman? A On the Quapaw Reservation, under the Quapaw agency.

Q The child was born there, was it? A Yes, sir.

Q What is the longest at any one time you have lived in the Cherokee Nation since you came here with the Shanness? A About seven or eight years, I think it was, about.

Q For how long at any one time have you been absent from the Cherokee Nation? A Well I just couldn't state; I have been absent -

Q Have you been absent for as long a period as you have been here?
A No, sir, not at any one time I haven't.

MR. BELL: Why don't you get some of those folks that know you, Mr. Fish, for a witness in this case? A Mr. Hitchings told me he didn't think I would need any witnesses.

Q There is nothing but your declaration in the matter about living here? A Well I was aiming to bring Cyrus Cornatzer down, he knows all about it; and he told me he didn't think it would be worth while, and they all knew me, me and my father, and came here and located and bought a claim over there on the Verdigris River, John Bullette knows it; he was our neighbor there, and any of those old Delawares over there will know.

Q But you see you don't account for this twelve or fourteen years absence after you stayed here six or seven years or before you left, and you have never had a home in the Cherokee Nation since have you?
A Well four years ago, going on four years ago, since I moved in.

Q Where did you move to? A Vinita.

Q You just rented a house there didn't you? A Yes, sir.

Q You never acquired any property or home or anything of that sort? A No, sir, I never purchased.

Q Well you haven't lived there continuously that four years, have you? A Well I have been gone about six or eight months, no, sir, I haven't lived there continuously; I have been gone, I went from there in January and came back about three weeks ago, I believe it was, to Washington on business.

Q Well but then was your absence from Vinita just a trip to Washington? A Yes, sir, going on four years.

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

Arthur G. Croninger.

Subscribed and sworn to before me this 14th day of June, 1902.

J. H. Renter
Notary Public.

J.P.C.

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

In the matter of the application of Leander J. Fish for the enrollment of himself and minor child, Joseph P. T. Fish, as citizens of the Cherokee Nation of Shawnee blood:

DECISION.

The record in this case shows that, on October 31, 1901, Leander J. Fish appeared before the Commission at Vinita, Indian Territory, and made personal application for the enrollment of himself and minor child, Joseph P. T. Fish, as citizens of the Cherokee Nation of Shawnee blood. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, June 8, 1902.

The evidence shows that the said Leander J. Fish settled in the Cherokee Nation in 1871 and that his name appears upon the register of the Shawnee Indians who came to the Cherokee Nation within two years from June 9, 1859, the date of the approval of the agreement between the Shawnee tribe of Indians and the Cherokee Nation.

The evidence further shows that the said Leander J. Fish resided in the Cherokee Nation for about seven years, when he removed to Kansas and resided there until about 1890; that he then removed to the Quapaw Reservation and resided therein until about 1899; that he is identified upon the Quapaw rolls and has drawn money and taken an allotment of land as a Quapaw Indian.

The evidence further shows that the said Joseph P. T. Fish was born in the Quapaw Reservation and always resided therein with his father until the year 1899; that the said Leander J. Fish and his child, Joseph P. T. Fish, are not identified upon any of the tribal rolls of the Cherokee Nation.

Paragraph 8, Section 21, of the Act of Congress approved June 25, 1898 (30 Stats., 485), 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 clearly shown by the law above quoted that it was intended that each Indian should share in the allotment of lands and distribution of moneys belonging to one tribe only.

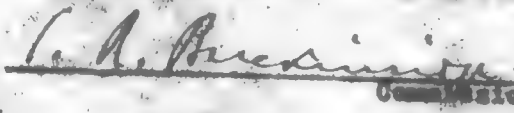
March 9 1892

It is, therefore, the order of this Commission that the application of Joseph F. Fish for enrollment of himself and wife, called, Joseph F. F. Fish, should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.



Commissioner.

Muskogee, Indian Territory,
this JUL 29 1902

COPY.

COURT OF CLAIMS.

No. 29834.

Joseph P. T. Fish, an infant, by
Leander J. Fish, his next of kin,

V.

The United States.

This case having been heard by the Court of Claims, the court,
upon the evidence, makes the following

FINDINGS OF FACT.

1.

Leander J. Fish, the father of petitioner Joseph P. T. Fish, is a Shawnee Indian by blood, and became a Shawnee-Cherokee citizen of the Cherokee Nation under the agreement with the Cherokee Nation made by the Shawnees on June 9, 1869, and his name is on the Shawnee register of 1871. In 1878 said Leander J. Fish left the Cherokee Nation, removing first to the State of Kansas and from there in 1890 to the Quapaw country, and was there adopted into and became a member of the Quapaw tribe of Indians and took an allotment of land and drew money as a Quapaw Indian and citizen of said tribe.

11.

Said Leander J. Fish, father of said claimant, was married January 20, 1895, to Mary C. Large, a white woman, in said Quapaw country; and thereafter there was born unto them the said claimant, Joseph P. T. Fish. Said Leander J. Fish, his wife and son continued to reside with said Quapaw tribe until about 1899.

III.

Neither the name of the claimant, Joseph P. T. Fish, nor his father, Leander J. Fish, appears upon any tribal roll of the Cherokee Nation other than upon the Shawnee register of 1871, as stated in finding 1. Said Leander J. Fish was not a citizen of the Cherokee Nation at the time of the approval of the act of June 28, 1898 (30 Stat. L. 503), nor was he or said claimant, Joseph P. T. Fish, ever recognized by the government of the Cherokee Nation as a citizen of said Nation otherwise than as stated in finding 1. Nor does it appear that they or either of them ever drew any money as citizens of said Cherokee Nation.

IV.

Section 2, article 1, of the Cherokee Constitution 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."

V.

Said Leander J. Fish made application for the enrollment of himself and his said son, claimant herein, as citizens of the Cherokee Nation before the Commission to the Five Civilized Tribes, but said application was rejected on July 29, 1902, which rejection was approved by the Secretary of the Interior on August 29, 1902.

VI.

No agreement appears to have been entered into between the said Cherokee Nation and the Quapaw tribe as provided by the act of June 28, 1898 (30 Stat. L. 495, 503), looking to the determination of the rights of the claimant or his said father respecting their citizenship, nor did said Leander J. Fish elect

in due time, as provided by said act, to become a citizen of the Cherokee Nation and entitled to enrollment as such for the allotment of lands of said Nation.

CONCLUSIONS OF LAW.

The court decides, as conclusion of law, on the authority of the act of June 21, 1906, making appropriation for the current and contingent expenses of the Indian Department (34 Stat. L. 225, 244), that by reason of the foregoing findings of fact Leander J. Fish, father and next friend of the claimant herein, forfeited his right of citizenship in the Cherokee Nation, and was not a citizen of said Nation on the 26th day of June, 1898; nor was his said infant son, Joseph P. Fish, claimant herein, a citizen of said Nation on said date or at any time prior thereto; and, therefore, said claimant, Joseph P. Fish, is not entitled to be enrolled as a citizen of said Nation or to participate in the allotment of lands among the citizens thereof.

BY THE COURT.

Filed March 23, 1908.

A true copy.

Test this 27th day of March, 1908.

John Randolph

Assistant Clerk Court of Claims.

[Seal]

Department of the Interior,
INDIAN SCHOOL SERVICE,

Seneca Indian Training School, I.T.,
Wyandotte, I.T., Jany. 13, 1902.

W. W. Hastings,

Atty. for Cherokee Nation.

Muskogee, I.T.

Sir:

Replying to your letter of 8th instant I have to state that the name of Leander J. Fish appears on the allotment roll of the Quapaw tribe of Indians of this agency. The name of Joseph Paschal Tecumseh Fish does not appear on any of the allotment rolls of this agency.

Very respectfully,



Supt. & U.S. Indian Agent.

COMMISSIONERS
HENRY L. BAWES,
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-1252

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 3, 1902.

Mr. Leander J. Fish,

Vinita, Indian Territory,

Sir:-

You are hereby notified that the application of yourself and one minor child

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

March 22, 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 certification of decree of divorce from your first wife.

Register.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, April 7, 1902.

Messrs. Cheney & Hart,
520 F. Street Northwest,
Washington, D. C.

Gentlemen:

The Commission is in receipt of your letter of April 1, relative to the application for enrollment as a citizen of the Cherokee Nation of L. J. Fish, stating that Mr. Fish will soon appear in person before the Commission to offer evidence in support of his application.

In reply you are advised that on March 5, 1902, a notice was sent Mr. Fish at Vinita, Indian Territory, which he gave to the Commission when he applied for enrollment, as his postoffice, stating that on the 23 day of March, his application for enrollment as a citizen of the Cherokee Nation, would be taken up by this Commission for final consideration.

On that day the case was called and there having been no appearance on the part of the applicant, the same was deemed completed and the Commission will render its decision therein as soon as practicable. When a decision is arrived at Mr. Fish will be duly notified of the action of the Commission.

You are advised that this case will not be reopened for the hearing of any additional testimony unless good cause is shown the

10 22 AM EXHIBITION

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Yusascotia

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 19 1902

Yusascotia

CO. HOWE & COMPANY

Muskogee, Indian Territory, April 19, 1902.

Messrs Chesney & Hart,

Attorneys at Law,

1320 F Street, N. W.,

Washington, D. C.,

Gentlemen:

Receipt is hereby acknowledged of your letter bearing date of April 11, 1902, enclosing an affidavit signed by J. L. Fish, relative to the application for the enrollment of himself and child as citizens of the Cherokee Nation, and asking that his case, which was set for final hearing by this Commission on the 22nd day of March, 1902, and on said date submitted to the Commission for final decision there having been no appearance either by the applicant or by his attorneys, be reopened.

In reply, you are advised that in view of the fact that Mr. Fish was unable to appear before the Commission on the 22nd day of March, 1902, having been absent from the territory and not having received the notice from the Commission that his case would be taken up on said date for final hearing, he will be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, on the 23rd day of May, 1902, for the purpose of introducing such testimony relative to his application for the enrollment of himself

CO HOLYOKE MASS U.S.A

Cherokee D 1262.

Secretary, July 29, 1902.

Visit, Indian Territory.

Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, rejecting your application for the enrollment of yourself and your child, Joseph P. T. Fish, as Cherokee citizens of Shawnee blood. There has this day been forwarded your attorney, W. T. Hutchings, Muskogee, Indian Territory, a copy of the record of proceedings had in the case, together with the Commission's decision.

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,

eedles.
Commissioner in Charge.

Enc. C. No. 18.

Register.

Cherokee D 1252.

COPY

Maskogee, Indian Territory, July 29, 1902.

V. W. Hastings,

Attorney for the Cherokee Nation,
Maskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Leander J. Fish for the enrollment of himself and his child, Joseph P. T. Fish, as Cherokee citizens of Shawnee blood.

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,

W. C. C. C.

Commissioner in Charge.

Enc. C. No. 19.

COPY

Cherokee D 2832.

Muskogee, Indian Territory, July 29, 1902.

W. T. Hutchings,

Attorney for Leander J. Fish, et al.,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the record of proceedings had in the matter of the application for the enrollment of Leander J. Fish and his child, Joseph P. T. Fish, as Cherokee citizens of Shawnee blood, together with a copy of the decision of the Commission to the Five Civilized Tribes, rejecting said application.

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,

W. T. Hutchings
Commissioner in Charge.

Register.

Enc. C. No. 20.

Cherokee D 1202.

COPY

Muskogee, Indian Territory, July 29, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Leander J. Fish for the enrollment of himself and his child, Joseph P. T. Fish, as Cherokee citizens of Shawnee blood, including the decision of the Commission, dated July 29, 1902, rejecting said application.

Very respectfully,

F. H. Ccales
Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

1 Inclosure-

C. No. 21.

Refer in reply to
the following:
Land
45882-1902.

COPY.

Department of the Interior,
Office of Indian Affairs,
Washington, August 14, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 29, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Leander J. Fish for the enrollment of himself and his minor child, Joseph P. T. Fish as citizens of the Cherokee Nation.

The applicant, Leander J. Fish, was a Shawnee Indian and settled in the Cherokee Nation in 1871. His name is on the register of Shawnee Indians who came to the Cherokee Nation within two years after June 9, 1869, the date of the approval of the agreement between the Shawnee tribe of Indians and the Cherokee Nation. He resided in the Cherokee Nation about seven years, removed to Kansas, resided there until about 1890, whereupon he removed to the Quapaw Reservation and remained there until about 1899, since which date it appears he has resided in the Cherokee Nation. His said son Joseph P. T. Fish was born in the Quapaw Reservation. The applicants names do not appear upon any of the tribal rolls of the Cherokee Nation.

The Commission declined to enroll the applicants as Cherokee citizens. The office believes that the Commission's action was correct, because they did not prior to June 28, 1898, remove to and

in good faith establish a residence in the Cherokee Nation.

It is respectfully recommended that the decision of the Commission be affirmed.

Very respectfully,

Your obedient servant,

A. C. Towner,

Acting Commissioner.

WCV

D

3 inclosures.

D. C. No. 14471-1902.

L. R. S.

51727

BAF.

ITD. 4976-1902.

DEPARTMENT OF THE INTERIOR.

Washington, August 29, 1902.

Gentlemen:

July 29, 1902, you transmitted the record and your decision of that date, in matter of the application for enrollment of Leander J. Fish and his minor child, Joseph P. T. Fish, as citizens of the Cherokee Nation of Shawnee Blood.

The evidence shows that the name of Leander J. Fish appears upon the list of Shawnee Indians who came to the Cherokee Nation within two years from June 9, 1869, the date of approval of an agreement between the Shawnee and Cherokee Indians; that from 1890 to 1899 he resided in the Quapaw reservation, I. T., and that he has drawn money and taken an allotment of land as a Quapaw Indian, and is identified upon the Quapaw rolls; that Joseph P. T. Fish was born in said reservation and resided there until 1899; that neither applicant is identified upon any Cherokee tribal roll. Referring to paragraph 8, section 21, act of June 28, 1898 (30 Stat., 495), you denied the application.

The Acting Commissioner of Indian Affairs recommends that your decision be approved. Copy of his letter of August 14, 1902, is inclosed.

The Department affirms your decision for the reasons
therein stated.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

ED.

Waskagee, Indian Territory, October 7, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Waskagee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Leander J. Fish for the enrollment of himself and his minor child, Joseph P. T. Fish, as citizens of the Cherokee Nation by Shawnee blood, was affirmed by the Secretary of the Interior on August 29, 1902.

Respectfully,

Acting Chairman.

COPY

Cherokee 3 1802.

Muskogee, Indian Territory, October 7, 1902.

W. T. Hatchings,

Attorney for Leander J. Fish, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Leander J. Fish for the enrollment of himself and his minor child, Joseph P. T. Fish, as citizens of the Cherokee Nation by Shawnee blood, was affirmed by the Secretary of the Interior on August 29, 1902.

Respectfully,

George P. ...
Acting Chairman.

COPY

Cherokee D 1282.

Washogah, Indian Territory, October 7, 1902.

Leander J. Fish,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting your application for the enrollment of yourself and your minor child, Joseph P. T. Fish, as citizens of the Cherokee Nation by Shawnee blood, was affirmed by the Secretary of the Interior on August 29, 1902.

Respectfully,

James D. ...
Acting Chairman.

Cherokee R-730

Muskogee, Indian Territory, November 18, 1902.

Leander J. Fish,
Vinita, Indian Territory.

Dear Sir:-

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application marriage license and certificate, showing your marriage on January 27, 1895, to Miss Mary C. Large; also affidavit, showing your marriage on January 20, 1895 to Mary C. Large; also certified copy of decree of divorce rendered in the case of Julia A. Fish vs. Leander J. Fish; also two receipts signed by Charley Quapaw, showing two payments of \$25.00 made by you to said Charley Quapaw.

The same are herewith returned to you, copies having been made and retained in the Commission's files.

Respectfully,

Acting Chairman.

Enc. K-30

1299-1908.

1 inclosure.

Land
29031-1908
E B H

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

CEH

August 11, 1908.

Subject:
Finding of Court of
Claims in case of
Joseph P. T. Fish.

The Commissioner

to the Five Civilized Tribes,
Muskogee, Oklahoma.

Sir:

There is inclosed copy of the findings of fact by the Court of Claims in the case of Joseph P. T. Fish, by Leander J. Fish, his next of kin, vs. The United States, the proceedings being in pursuance of an Act of Congress submitting to the Court of Claims the question as to whether Joseph P. T. Fish was entitled to enrollment as a Shawnee citizen of the Cherokee Nation. The finding of the Court, as you will observe, is adverse to Fish.

Very respectfully,

(Signed) F. M. Conser
Chief Clerk.

KH.

260
252

Removed. proceed
address unknown.

~~Mr. Leander J. Fish,~~

~~Vinita, Indian Territory.~~



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



3295

Cher K 131

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
PRYOR CREEK, I.T., SEPTEMBER 11, 1900.

In the matter of the application of Irene H. McCoy for the enrollment of herself, husband and child as citizens of the Cherokee Nation; said McCoy being sworn by Commissioner C. B. Breckinridge, testified as follows:

- Q What is your full name? A Irene H. McCoy.
Q How old are you? A 31.
Q What is your post office? A Vinita.
Q What is your district? A Delaware.
Q Who is it you wish to have put on the roll?
A My child's son.
Q What is the name of your child? A John B. McCoy.
Q How old is that child? A Two years old.
Q What is the name of the child's father? A James L. McCoy.
Q He is a Cherokee is he? A Yes, sir.
Q Is he alive or dead? A Alive.
Q Why does he not apply for the child? A He is in the Philippine Islands.
Q Is he in the Government service there? A Yes, sir.
Q Do you not wish to apply for the enrollment of your husband?
Yes sir.
Q How old is your husband? A 23.
Q From what district was he enrolled in 1890? A I could not say.
Q Is he a native of the Cherokee Nation? A Yes, sir--but I think he was enrolled at Sallisaw in 1890.
Q Has he lived in the Cherokee Nation all his life? A Yes, sir.
Q What proportion of Cherokee blood do you think he has? A One-eighth.
Q Give me the name please of your husband's father? A I do not know whether I could or not.
Q Can you give me the name of his mother? A Ellen McCoy.
Q Is your husband's father dead? A Yes, sir.
Q Has he been dead long? A I do not know. I never knew him at all.
Q Is the mother dead or alive? A Alive.
Q In what service or command is your husband in the Philippines?
A He is in the military service.
Q Do you know what regiment? A No, sir; I got it, but have not got it with me.
Q You can supply it can you? A Yes, sir.
Cm'r Breckinridge--You will be desired to supply the Commission with the name of his regiment and his company.
Q When were you married to your husband? A 1897.
Q Have you a certificate of your marriage? A No, sir.
Q Did you procure a license? A No, sir.
Q Were you married by a civil officer or Clergyman? A A Minister.
Q Did he give you a certificate of marriage? A Yes, sir.
Q Have you that? A The certificate got misplaced and I have a certificate of it.
Cm'r Breckinridge--The applicant presents a certificate from the Reverend A. H. Shelton of the Methodist Episcopal Church, stating that he united her in marriage to J. L. McCoy, her maiden name being Jane Thompson, on May 14, 1897, at the house of Judge Littlejohn, in the town of Sallisaw; and the Clergyman further states that his credentials are recorded in Book E., page 105, Tahlequah, Indian Territory. This is filed with the application.

Irene M. McCoy---2.

Your husband did not procure a license by any Cherokee or United States law, is he, sir.

Q When did your husband go to the Philippine Islands? A Last August a year ago.

Q You and he lived together as husband and wife ever since your marriage, have you? A Yes, sir.

Q Are you sure that your husband was admitted by the Cherokee Nation? A Yes, sir.

Did he come from Georgia or North Carolina originally? A I think his folks were from Georgia. I think so; but I will not be positive.

Q You are not sure then that he was born in the Cherokee Nation? A Yes, sir.

Q You say he moved back to Georgia? A No, sir, he lived in the Cherokee Nation all his life.

Q His people came from Georgia? A I think they did.

1880 enrollment; page 558, #1258, Jane McCoy, Illinois.

1896 enrollment; page 1296, #21, James McCoy, Tahlequah.

Q Your maiden name was Thompson? A Yes, sir.

Q How old are you? A 21.

Q And your marriage certificate shows that you were married on the 14th day of May, 1897? A Yes, sir.

Q What is the name of your father? A W. R. Thompson.

Q He was a white man? A Yes, sir.

Q Living or dead? A Living.

Q The name of your mother? A Dora.

Q She was a white woman? A Yes, sir.

Q Living or dead? A Living.

Gen'r Breckinridge:

The applicant applied for the enrollment of herself and child. She contemplated applying for the enrollment of her husband who is absent in the Philippine Islands in the Government service, but found that application was made for him by his mother on a former occasion when he was admitted to enrollment as a Cherokee by blood. Her marriage to her husband is established by the certificate of the Clergymen, cited in the testimony and filed herewith, and it is shown to have taken place on May 14, 1897. They have lived together as husband and wife ever since, except when necessarily separated by his absence in the military service of the Government. Her husband is duly identified on the rolls of 1880 and 1896 as a native Cherokee. Their child, John B., is too young to be upon any roll, being only two years of age, but when the Commission is supplied with a duly authenticated certificate of the birth of this child, it will be listed for enrollment as a Cherokee by blood.

Now, in regard to the application for the enrollment of the applicant herself: It is held that her marriage in 1897 was too late to entitle her to acquisition of citizenship by reason of a Cherokee marriage under the well known law of 1896, but for the consideration of any questions of right that may arise in the construction of this law, her application for her own enrollment at this time, will be placed upon a doubtful card, and will be subject to future consideration of the Commission.

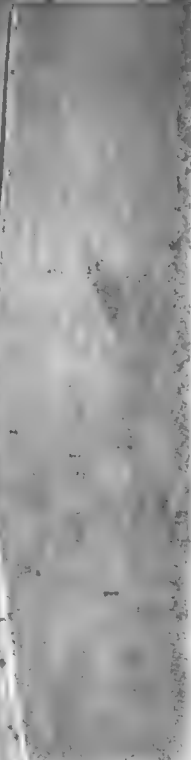
The undersigned, being first duly sworn, states that as stenographer to the Commission to the N. W. Civilized Tribes, he perfectly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 15th day of September

DEPARTMENT OF JUSTICE

FBI
SEP 1954

RECORDED COPY OF REPORT



U.S. GOVERNMENT PRINTING OFFICE: 1954

DELAWARE.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 11 1900 1900.

Name

District

Citizen by blood Year Page No.

Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Jane A. McCoy Unita, D.

District

Citizen by blood No Mother's citizenship M. Thompson - white living

Intermarried citizen Yes Parents Corra " " " "

Married under what law Date of marriage 1894

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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D255

Ation, I.T., 5/16

This certifies that I did in the town of Dallas, and of Judge Little Johns unite in matrimony bonds J.B. McCoy and Irene Thompson, on the May 14th, 1897, and that I gave them a certificate of the same.

My credentials is duly recorded in Book N., page 165.
Tallequah, I. T.

Yours

A.H. Shelton,
Pastor M.E. Church.

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

Muskogee, I. T., February 8, 1902.

I, the undersigned, 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 Irene H. McCoy, as a citizen of the Cherokee Nation.

(signed) T.B. Needles,
Commissioner.

"R"

D 255

Department of the Interior,
Commission to the Five Civilized Tribes,
Washington, D. C., February 21, 1908.

In the matter of the application of Irene H. Hickey, to be enrolled as a citizen of the Cherokee Nation.

Applicant was notified by registered letter on the 4th instant that her case would be taken up by the Commission for final consideration on February 21, 1908, and that she could on said day appear before the Commission, and an opportunity would be given her to introduce any further testimony affecting her application.

She has been called three times and fails to respond either in person or by attorney; and the case is closed.



Commissioner.

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

In the matter of the application of Irene H. McCoy 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 September 11, 1900, Irene H. McCoy appeared before the Commission at Fryer Creek, Indian Territory, and made application for the enrollment of her minor child, John B. McCoy, as a citizen by blood of the Cherokee Nation. The said John B. McCoy has been differently classified and is not embraced in this decision. It does not appear very clearly that the said Irene H. McCoy made application for her own enrollment, but inasmuch as her case was developed by the examiner in the field it is considered advisable to treat her as an applicant, under the general power and duty of the Commission to pass upon the rights of all possible claimants to enrollment.

The evidence shows that the said Irene H. McCoy was lawfully married on May 14, 1897, to J. L. McCoy, alleged to be a citizen by blood of the Cherokee Nation.

Section 21, of the Act of Congress approved June 28, 1897 (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 11, of the same Act shows that said rolls are to contain the names of those only who are entitled to share in the lands of the Cherokee Nation, and is as follows:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the Commission heretofore appointed under Acts of Congress, and known as the 'Dewee Commission', shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same;"

An Act of the Cherokee National Council approved December 16, 1895, provides:

"That from and after the passage of this Act, all non-citizens who may marry Cherokees by blood, Delaware or Shawnee by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people of Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 344 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood, who may marry Cherokees by blood, Delaware, or Shawnee by blood, who are recognized citizens. And all laws or parts of law conflicting herewith, are hereby repealed.

It is, therefore, the opinion of this Commission that the appli-

action for the enrollment of said Irene H. Hedy to a school by
intermarriage of the marriage shall be denied, and it is so
ordered.

THE COMMISSIONER TO THE SUPERINTENDING SCHOOL OFFICER.

[Handwritten signature]
SCHOOL OFFICER.

[Handwritten signature]
C. H. Bredin
Clerk of School

Dated at Newburgh, I. T.

this _____

P

AD 255

COMMISSION

FILED
FEB. 4 1902



ACTING CHAIRMAN

COMMISSIONERS
HENRY L. DAVIS,
TAMM DIXON,
THOMAS B. WHEELER,
C. R. BOWENHOOSE.

ALLISON L. AYLESWORTH,
SECRETARY.

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

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 10th, 1902

Mrs. Irene H. McGeay,

Vinito, Indian Territory,

Madam:-

You are hereby notified that the application of **yourself**

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the **11th** day of **February**, 1902.

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

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

Charles D-222,
Register.

Yours truly,

Acting Chairman.

COPY.

McKague, Indian Territory, July 29, 1902.

Irene H. McCoy,

Yukon, Indian Territory.

Indian

There is herewith transmitted a copy of the record of proceedings had in the matter of the application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, together with a copy of the decision of the Commission to the Five Civilized Tribes, rejecting your said application.

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,

Needles

Commissioner in Charge.

Register.

Enc. C. No. 12.

copy

Sketches D 233.

pt.

Muskogee, Indian Territory, July 27, 1902.

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

Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Irans H. McCoy for the enrollment of herself 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,

ccales

Commissioner in Charge.

Enc. C. No. 13.

COPY:

Cherokee, Indian Territory, July 29, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Irene H. McCoy for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, including the decision of the Commission, dated July 29, 1902, rejecting said application.

Very respectfully,

D. Nease
Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

1 Inclosure-

C. No. 14.

Refer in reply to
the following:
Land
45882-1902.

COPY.

Department of the Interior,
Office of Indian Affairs,
Washington, August 16, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 29, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Irene H. McCoy for enrollment as an intermarried citizen of the Cherokee Nation.

It is shown by the record that applicant was married May 14, 1897 to J. L. McCoy, who was alleged to have been a citizen of the Cherokee Nation by blood.

The Commission believes that Irene H. McCoy should not be enrolled because of her marriage after the passage of the Act of December 16, 1895 which provides that persons-non-citizens- who married Cherokees thereafter, should not acquire rights of property, lands or money belonging in common to the Cherokee people.

The offices agrees with the Commission, and respectfully recommends that it's decision be affirmed.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

WCV
D

3 inclosures,

51782

51782

Department of the Interior,
Washington.

RAF.

ITD.5032-1902.

August 29, 1902.

L. R. S.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

July 29, 1902, you transmitted the record and your decision of that date, in matter of application for enrollment of Irene H. McCoy as an intermarried Cherokee citizen.

The evidence shows that applicant was married on May 14, 1897, to J. L. McCoy, an alleged citizen by blood of the Cherokee Nation. The act of the Cherokee National Council of December 16, 1895, provides that noncitizens thereafter marrying Cherokees by blood, "shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people." The applicant is a white woman. You denied her application.

The Acting Commissioner of Indian Affairs forwarded the papers August 16, 1902, and recommended that your decision be approved. A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

Thos. Ryan,
Acting Secretary.

ED.

1 inclosure.

Cherokee D 236.

COPY.

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 Irene H. McCoy for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Yours truly,

Wm. D. Dwyer
Acting Chairman.

Cherokee D 255.

COPY

Muskogee, Indian Territory, September 17, 1902.

Irene H. McCoy,

Vinita, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision of late July 29, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Yours truly,

Jane Dixby.
Acting Chairman.

CHEROKEE

R-731

Department of the Interior.

Commission to the Five Civilized Tribes.

Enrollment

In the Matter of the Allotment of the Lands
of the Choctaws and Chickasaws.

Irene H. McClay

allot:

*infered from [unclear]
See Cherokee [unclear]*

NO. 101

Ledger No. 18

Page 475

R-732

Cher R 732

Cher R 732

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., December 13, 1900.

In the matter of the application of John L. C. Fields for enrollment as a Cherokee citizen; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A John L. C. Fields.
Q What is your age? A 53.
Q What is your postoffice address? A Vinita.
Q What district do you live in? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation? A By marriage, yes sir.
Q Who do you desire to enroll? A Myself.
Applicant presents a duly authenticated copy of a marriage license and marriage certificate certifying that he was married to one Sarah Schrimsher, a native Cherokee, on the 29th day of September, 1876.
Q Did your wife die before 1880? A Yes sir, she died in '78.
Q Is your name on the roll of 1880? A Yes sir.
Q Were you living in the Cherokee Nation in 1880? A Yes sir. I wasn't here in 1886.
Q When did your wife die? A In '78.
Q Have you married since? A Yes sir, I married Elizabeth Queen, a Cherokee citizen by blood.
Q A Cherokee citizen by blood? A Yes sir.
Q Have you any certificate of marriage to her? A ~~Yes~~, No sir.
Q Have you a marriage license? A No sir, I married her as a citizen of the Cherokee Nation.
Q When? A In 1886.
Q Any certificate of marriage at all? A No sir.
Q Is she living? A No sir.
Q Have you married since? A No sir.
Q When did she die? A She died in '89; Jan. 15th.
Q Where did you marry? A On her farm close to mine at Big Cabin Creek.
Q Was her name Queen when you married her? A She had married a man by the name of Foster; sometimes she went by the name of Kelley. Her first husband was a Kelley.
Q Where do you live? A My home is on Big Cabin Creek at present.
Q How long have you lived in the Cherokee Nation? A I lived in the Cherokee Nation from 1873 until 1888.
Q Continuously? A Yes sir.
Q Where have you lived since that? A I left hereunder the doctors order to leave for my health, and travelled for about 38 months on crutches
Q When did you return to the Cherokee Nation after you left it in 1888? A About eight days ago, but while I was gone I had left all my effect here in the Cherokee Nation.
Q Been living during that time outside of the Cherokee Nation? A Yes sir, but during the time of my absence I had property and my effects were here. I owned a farm in the Cherokee Nation during that time.

Commissioner Needles-

John L. C. Fields presents a certificate of marriage and a license certifying that he was married to one Sarah Schrimsher in the year 1876. Her name is not found upon the roll of 1880, he averring that she died in 1878. He avers that he was married afterwards to one Elizabeth Queen, a Cherokee citizen by blood, in the year 1886. Her name cannot be found upon the roll of 1880. The name of said John L. C. Fields cannot be found upon the Census roll of 1896, nor any of his wives. He avers that his last wife, Elizabeth Queen, died in the year 1889. He also avers that he removed from the Cherokee Nation in the year 1888, where he had lived from the date of his first marriage in 1876; and on account of his health and did not return to the Cherokee Nation until eight days ago. He also avers that his effects were left in the Cherokee Nation.

Department of the Interior

2- S.L.O.P.

By reason of the testimony as to residence, also as to the fact that whether he was or was not of his own free will, and the unexplained roll of land, or the unexplained land, or the judgment as to the correctness of the same, it shall be suppressed, and his name shall be placed upon a list of land.

E. G. Rothenberger, being duly sworn, states that he subscribes to the testimony to the fact that the above is a full, true and correct transcript of his stenographic notes in said case.

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

E. G. Rothenberger
D. B. [Signature]
Commissioner.

DEC 19 1900

127 W. 1st St. St. Louis, Mo. 1900

"B"

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
DEC 13 1900



ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
DEC 13 1900

[Signature]
ACTING CHAIRMAN

[Large handwritten flourish]
" "

Enclosure 197

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" "

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given from the Department of the Treasury

October 1940

J.T.C. C.
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UNITED STATES DEPARTMENT OF THE TREASURY

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the Director of the Bureau of the Census

B. W. Alberty

Assistant Secretary
 Bureau of the Census

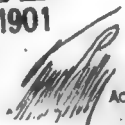
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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JAN 31 1901



ACTING CHAIRMAN.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., January 30, 1901.

Supplementary testimony in the case of John L. G. Fields.

Witness, William Kelley, being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A William Kelley.
Q How old are you? A 35.
Q What is your postoffice address? A Vinita.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q You know John L. G. Fields? A Yes sir.
Q Did you know his last wife, one Elizabeth Queen? A Yes sir.
Q Is she living? A No sir.
Q Was she ever married before she married Mr. Fields? A Yes sir.
Q Who to? A She was married three times before she married him.
Q To whom was she married in 1880? A She was Elizabeth Bowen.
Q What was her husband's name? A Max Bowen.
Q Was he living when she married Mr. Fields? A I don't know whether he was or not. I guess he was.
Q Did they have a divorce? A I don't know that.
Q What relation are you to Elizabeth Bowen or Queen? A Her son.
Q You know that Elizabeth Queen or Bowen was married to John L. C. Fields? A Yes sir.
Q How do you know that? A I saw the ceremony.
Q Who married them? A A preacher by the name of Williams.
Q Is he living? A No sir, he's dead.
Q Did Mr. Fields live with Elizabeth Bowen until she died? A He left her before she died.
Q He left her here in the Cherokee Nation? A Yes sir.
Q She died while he was away? A Yes sir.

By W.W.Hastings, representative of the Cherokee Nation-

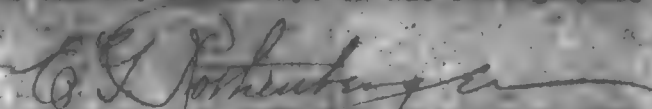
- Q Were they separated? A I don't know whether they were or not.
Q Did he live with her clear up to the time he left the country?
A I think he did. I don't know I was away from home.
Q That is your information? A Yes sir. I never heard that they were separated. She looked for him back as long as she lived, I know that.
Q How long did she live after he left? A About one year as well as I remember.
Q Is she a Cherokee by blood? A Yes sir.
Q What was her name in 1880? A Elizabeth Bowen.

Commissioner-

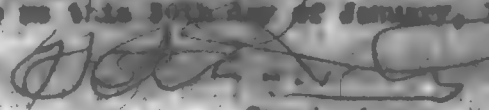
- Q You know why Mr. Fields left? A No sir, I don't know.
Q You know where he went to? A He went to California.
Q About when was that? A I don't know whether it was in '85 or '86; somewhere along there.
Applicant- Before I gave the wrong date, I left here in 1886, the 5th day of May, and she died the 15th day of January, following; the next year.
Q You staid away until eight days before you appeared before the Commission? A Yes sir, I was taken down sick.
1880 roll; page 229, #349, Lizzie Bowen, Delaware district.

2- J.L.O.P.

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



Subscribed and sworn to before me this 30th day of January, 1904



Commissioner.

1965

Completed to the five classified subjects; I collected, recorded and
I Mr. Guechinson, go forward carefully just as recommended in the
New Orleans

as ordered by the Commission. I had collected many more in my
experience, it is a matter of fact that I collected, recorded and
I had collected and recorded many more in my
experience, it is a matter of fact that I collected, recorded and

Living Areas of Chicago
A. No sir I only have information in the neighborhood of
Chicago
B. You don't know anything about it?
A. Yes

Chicago
C. How long is the Chicago River?
A. I could tell you that.
B. He has no idea of it?
A. No sir I don't know.

Chicago
D. How long is the Chicago River?
A. I could tell you that.
B. He has no idea of it?
A. No sir I don't know.

Chicago
E. How long is the Chicago River?
A. I could tell you that.
B. He has no idea of it?
A. No sir I don't know.

Chicago
F. How long is the Chicago River?
A. I could tell you that.
B. He has no idea of it?
A. No sir I don't know.

Chicago
G. How long is the Chicago River?
A. I could tell you that.
B. He has no idea of it?
A. No sir I don't know.

Chicago
H. How long is the Chicago River?
A. I could tell you that.
B. He has no idea of it?
A. No sir I don't know.

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A. I could tell you that.
B. He has no idea of it?
A. No sir I don't know.

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A. I could tell you that.
B. He has no idea of it?
A. No sir I don't know.

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K. How long is the Chicago River?
A. I could tell you that.
B. He has no idea of it?
A. No sir I don't know.

Chicago
L. How long is the Chicago River?
A. I could tell you that.
B. He has no idea of it?
A. No sir I don't know.

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
COMMUNICATIONS SECTION

RECEIVED
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C. D-965.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., March 13, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of John L. C. Fields for the enrollment of himself as a citizen of the Cherokee Nation.

Appearances:

W. W. Hastings, attorney for the Cherokee Nation.

The applicant was notified by registered letter February 25, 1903, 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, I. T., on the 13th day of March, 1903, and that on said date he might, if he desired, appear before the Commission, either in person or by attorney, when an opportunity would be given him to introduce any additional testimony affecting his application. He was further notified that the representative of the Cherokee Nation would also on said date be afforded an opportunity to introduce any testimony tending to disprove his right to enrollment as a Cherokee citizen, but that said representative would first be required to notify him of his intention of so doing. Receipt has not been acknowledged of the Commission's letter.

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

MR. HASTINGS: What is your name? A. W. Daniel.

Q. What is your age? A. Fifty-seven.

Q. Where do you live? A. Vinita, Indian Territory.

Q. How long has Vinita been your postoffice? A. Since 1877.

Q. Are you well acquainted in and about Vinita? A. Yes sir.

Q. I will ask you whether or not notice was sent you to be served upon this applicant, Fields, by the representative of the Cherokee Nation. A. Yes sir.

Q. Did you make any inquiry around about the town of Vinita for this applicant? A. Yes sir.

Q. Did you find him? A. No sir.

Came now the representative of the Cherokee Nation, and moves the Commission to be permitted to introduce testimony as to the residence of this applicant, and it having been shown that notice could not be had upon him by the witness upon the stand.

BY COMMISSION: In view of the fact stated the testimony will be received.

MR. HASTINGS: Mr. Daniels, have you made any inquiry as to whether or not this applicant, Fields, lives in or around the town of Vinita?

A. Yes sir.

Q. Does he? A. The information that I get is that he does not.

Q. What is your information as to where he lives? A. At this time?

Q. Yes. A. The information I get, I could not find his post office. They said he had went West in December last.

Q. It is your information that he does not live in this country?

A. Yes sir, it is.

Q. He appeared before the Commission in December 1900, last December, a year ago, how long did he remain here when he came, if you knew?

A. The information I got in reference to his being here, he had been here about a month before he made application for enrollment, in the neighborhood of Vinita, and he left that neighborhood last December.

Q. He stayed there a year, or was it the same December that he left?

A. It might have been the same December.

Q. He must have left December a year ago, it was in December of 1900 that he applied.

A. He certainly left shortly after he applied, after he came back to Vinita. The information I got was that he remained there about a month and left last December.

Q. Do you know this man personally?

A. I did know him twelve or thirteen years ago, but if I saw him when he was here I did not recognize him. He has been away from the country for twelve or thirteen years.

Q. Did you know him when he lived in this country before?

A. Yes sir.

Q. Did he have a wife at that time?

A. He had been living with a woman as his wife. My information was that they had been separated a year or so before he left the country.

Q. What became of her? A. She afterwards died.

Q. Before or after he left? A. After he left, I believe.

Q. Did you make any inquiry as to whether this applicant was at Big Cabin? A. Yes sir.

Q. How far is Big Cabin from Vinita? A. You mean from the Creek?

Q. I mean the Creek? A. About two miles or two and a half.

Q. What was the result of your investigation with reference to his farm? A. He has none. As the information I obtained.

Q. Were you requested by the representative of the Cherokee Nation to make this investigation? A. Yes sir, I was.

Q. For the purpose of making a statement as to its truth?

A. Yes sir, that is what I made the investigation for.

BY COMMISSION: You have known this man for twelve years?

A. No sir, I have not known him, I didn't recognize him if I saw him.

Q. You don't know whether he left the Cherokee Nation?

A. The information I got was that he had left the Cherokee Nation.

Q. Do you know where he went to?

A. Some said he went to California, and some said he was in the Choctaw Nation. In inquiring for the post office address, but no one was able to give it.

Q. No one knows where he is. He may be in the Indian Territory, but no one knows. A. No one knows.

Q. He has no farm in Big Cabin, in the vicinity of Vinita?

A. I could hear of none.

Q. How long is Big Cabin Creek? A. It heads in the State of Kansas, and empties into the Grand River about five miles from Vinita.

Q. You don't know whether he has a farm anywhere along the Creek?

A. No sir, I only made inquiries in the neighborhood of where he lived twelve or thirteen years ago.

The applicant having this date, to-wit: the 13th day of March, 1902, been called, and failing to respond, either in person or by attorney, it is deemed that this case is completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

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

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

In the matter of the application of John L. C. Fields for enrollment as a citizen by intermarriage of the Cherokee Nation:

DECISION.

The record in this case shows that on December 15, 1900, John L. C. Fields appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, January 30, 1901; also further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 13, 1902.

The evidence shows that John L. C. Fields was lawfully married under a Cherokee license and in accordance with the laws of the Cherokee Nation on September 29, 1876, to Sarah Schrimsher, a citizen by blood of the Cherokee Nation, and that they lived together as husband and wife until her death, in 1878. There is some evidence as to a subsequent marriage of the said John L. C. Fields to one Elizabeth Queen, supposed to be a citizen by blood of the Cherokee Nation, but proof of such marriage is not made by the evidence.

The evidence further shows that the said John L. C. Fields lived in the Cherokee Nation from 1873 until 1888, when he left said nation and removed to California; that he has not resided in the Indian Territory since the year 1888 and was not residing therein on June 28, 1898, nor at the date of this application. He is not identified upon any of the tribal rolls of said nation.

Paragraph 9, Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides:

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

It is, therefore, the opinion of this Commission that the application for the enrollment of John L. C. Fields as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this 10 16 1902

Urnala Jan 25 1901

This is to certify that
I took Cherokee census
of 1880 & that I enrolled
Mr D. L. Fields as an
adoption citizen knowing
him to be one.

Respectfully
D. L. Thompson

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

ALLISON L. AYLESWORTH,
SECRETARY

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

CHICK

ADDRESSES ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 25, 1902.

Mr. John L. C. Fields,

Vinita, Indian Territory,

Sir:-

You are hereby notified that the application of yourself

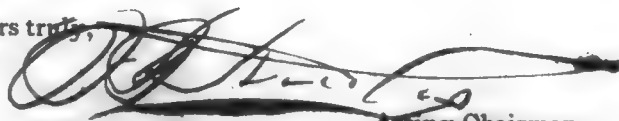
for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 13 day of March, 1902.

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

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

Cherokee D-965
Register.

Yours truly,



Abner Chaires

Commissioner in Charge.

221

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-965.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ON THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 16, 1902.

John L. C. Fields,
Vinita, Indian Territory.

Sir:

There is herewith inclosed the record of proceedings had in the matter of your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commission rejecting your said application.

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.

Register.

H-54.

COPY

Division 2-2022

Washington, Indian Territory, July 24, 1902.

W. T. Mackinnon, Esq.,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith enclosed the opinion of the Commission to the Five Civilized Tribes, rejecting the application of John L. G. Fields for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The opinion, 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 soon known to you as soon as the Commission is informed of the same.

Respectfully,

Tamms Dixey.

Acting Chairman

Enc. B-55.

COPY.

Circular 2-988.

Langley, Indian Territory, July 18, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of John L. G. Fields for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including the decision of the Commission, dated July 16, 1908, rejecting said application.

Respectfully,

Tame Kirby

Acting Chairman

Through the Commissioner
of Indian Affairs

2 Enclosure.
2-84.

Refer in reply to
the following:
Land.
42,718-1902.

(COPY)

Department of the Interior,
Office of Indian Affairs,
Washington, July 30, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed, herewith, a communication from the Acting Chairman of the Commission to the Five Civilized Tribes, dated July 16, 1902, forwarding the application of John L. C. Fields, for enrollment as an intermarried citizen of the Cherokee nation.

The commission in its decision of July 16, 1902, quotes from the provisions of section 21 of the Curtis Act relative to persons settling in the nation, in good faith, in which they claim citizenship, and holds that the applicant is not entitled to enrollment as an intermarried citizen.

The evidence in this case shows that the applicant was married on September 29, 1876, to Sarah Schrinsher, a citizen, by blood, of the Cherokee nation; that said marriage was performed in accordance with the laws of the Cherokee nation, and that they lived together as husband and wife until the death of the wife, in 1878.

The record also contains evidence relative to a subsequent marriage between the applicant and Elizabeth Queen, an alleged citizen of the Cherokee Nation.

The record further shows that the applicant lived in the Cherokee Nation from 1873 until sometime during the year 1888 when

he removed from said nation to California; that he has not resided in said nation since the year 1888, and that he did not reside there at the date of his application.

Inasmuch as the record plainly shows that the applicant was not a resident of the Cherokee nation on June 28, 1898, the office believes that the decision of the commission rejecting the claimant is correct, and recommends its approval.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

(G. A. W.)

P.

2965
D. C. No. 13538-1902.

L. R. S.

49035

BAF.

ITD. 4640-1902.

DEPARTMENT OF THE INTERIOR.

Washington, August 16, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

On July 16, 1902, you transmitted the record in the matter of the application for enrollment of John L. C. Fields as an inter-married Cherokee citizen.

It appears from the evidence that applicant was married under a Cherokee license, on September 29, 1876, to Sarah Schrimsher, a Cherokee citizen by blood, and that they lived together until her death in 1878. There is some evidence as to a subsequent marriage of applicant to Elizabeth Queen, "supposed to be a citizen by blood of the Cherokee Nation," but the evidence is not conclusive. The applicant left Indian Territory in 1888 and was not residing therein on June 28, 1898, and he is not identified on any tribal roll of the nation. You denied the application.

The letter of July 30, 1902, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

D. L.

Cherokee N. B. C.

COPY.

Washkoga, Indian Territory, September 2, 1902.

John L. C. Fields:

Washkoga, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior August 16, 1902.

Respectfully,

Tamo Brown
Acting Chairman.

Cherokee II 193.

COPY.

Washington, Indian Territory, September 2, 1902.

W. W. Eastman,
Attorney for the Cherokee Nation,
Washington, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date July 10, 1902, rejecting the application of John L. C. Fields for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior August 16, 1902.

Respectfully,

J. M. Smith
Acting Chairman.

104

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 B-942

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

McIntosh, Indian Territory, November 11, 1902.

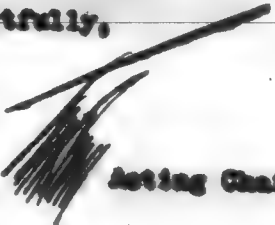
John L. G. Fields,
Vinita, Indian Territory.

Dear Sir:-

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application certified copy of marriage license and certificate, showing the marriage on September 29, 1876 between Louis Fields and Sarah Schrimsher.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Respectfully,


Acting Chairman.

Enc. M-197

D.C.10011

I.T.D. 4640-1902
7182-1903.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

JP FHE LRS

March 28, 1904.

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

Gentlmen:

August 16, 1902, the Department affirmed your decision rejecting the application of John L. C. Fields for enrollment as an intermarried citizen of the Cherokee Nation.

On September 21, 1903, you requested that the case be remanded, in order that it might be readjudicated by you in accordance with the opinion of the Assistant Attorney General of March 16, 1903, in the Yeargain case. In its letter of October 7, 1903, the Indian Office concurred in your suggestion.

As it is shown that the applicant left the Cherokee Nation in 1888, and was not residing there June 28, 1898, and as he appears to have had no effects there for a number of years, the Department sees no reason to disturb its decision.

Respectfully,

(signed) Thos Ryan

Acting Secretary.

R-742

Department of the Interior

Commission to the Five Civilized Tribes



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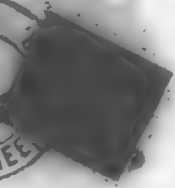
Indian Territory.

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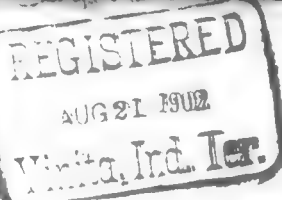


Department of the Interior

Commission to the Five Civilized Tribes
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



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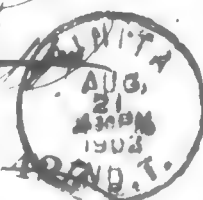
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Department of the Interior

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Cher R 733

Cher R 733

Cher. by Intermarriage.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 9th, 1901.

In the matter of the application of Dallas Emmons for enrollment as a Cherokee citizen by intermarriage; said Emmons being sworn and examined by Commissioner Needles, testified as follows:

- Q. What is your name? A. Dallas Emmons.
Q. What is your age? A. 37.
Q. What is your post office address? A. Chetopa, it has been.
Q. To that your post office address at present? A. My present post office address is Memphis, Tennessee.
Q. You apply for enrollment as a Cherokee citizen? A. I have been enrolled.
Q. By the Dawes Commission? A. No, sir, previous to that.
Q. Well, you apply now to be enrolled by this Commission as a Cherokee citizen? A. Yes, sir.
Q. Have you ever been recognized as a Cherokee citizen by the Cherokee authorities? A. Yes, sir.
Q. Does your name appear upon any of the rolls of the Cherokee Nation? A. Yes, sir.
Q. What rolls? A. '80.
Q. Who do you desire to enroll besides yourself? A. No one, my children is all grown.

1880 Authenticated roll of Cherokee citizens examined and applicant's name found thereon, page 251, #883, Dallas Emmons, Delaware district, adopted white.
1896 census roll of Cherokee citizens examined and name of applicant not found thereon.

- Q. Are you married? A. Yes, sir.
Q. What is your wife's name? A. Hannah E.
Q. Is she a citizen? A. She is not now, she is a citizen of the Wyandottes.
Q. Is she living? A. Yes, sir.
Q. Was she your wife when you enrolled in 1880? A. No, sir, her name is Dora Fish.
Q. Is she living? A. No, sir.
Q. Since that you have been married? A. Yes, sir.
Q. Was your former wife living when you married? A. No, sir, she is dead.
Q. Where are you residing now? A. I am residing in Memphis.
Q. How long have you lived in the Cherokee Nation? A. I resided in the Cherokee Nation since 1880 until '93.
Q. Is your present wife a Cherokee citizen? A. No, sir, she is a Wyandotte; she has a place adjoining Isaac Zanes right close to Shawnee.
Q. Since 1885 you have not been a resident of the Cherokee Nation? A. Well, not all the time, I have been back and forth.
Q. You haven't had your family here? A. No, sir.
Q. Did you live all the time from 1880 until 1885 in the Cherokee Nation? A. Yes, sir, the bigger part of the time.
Q. Well, what part of the time? A. Well, I was up there on a place for three or four years and went up to Kansas City, Kansas, and stayed a couple of years I guess and came back and since then I have been railroading and took my family away.
Q. You were a Cherokee Representative? A. Yes, sir.
Q. Where were you living in 1880? A. I was living close to Shawnee.
Q. How long did you live there? A. I lived there for four years.
Q. How long did you go? A. I left and went up in Kansas and

was up there.

Q When did your wife die that you were living with in 1860?

A My wife died in '79.

Q Died before 1860? A Yes, sir.

Q You left in 1864 and went to Kansas? A Hold on a minute; I came to Chetopa and took up that place in '70, instead of '66, I was there from '70.

Q I am talking about the year of 1860, I am not particular about before that time; you left there about 1864? A Yes, sir.

Q And you went to Kansas? A Yes, sir, I was on the railroad and I followed the railroad, took me away.

Q You haven't lived in the Cherokee Nation to make your home since '84, A No, sir, not permanently.

Q Where is your wife? A My wife now is in Memphis, but she has got a place there in Shawnee.

Q How long have you been living there with her? A I have been living there with her for the last six years.

Q Has that been her post office address? A Yes, sir, that has been her post office address for the last six years.

Q It has been yours? A Yes, sir.

Q Where did you marry at? A I married her in Wyandotte, Kansas.

Q What year? A In the year '61, I think, 20 years ago.

Q How long had you known her prior to that time? A Well, she was a first cousin of my first wife and I had known her before I was married the first time.

Q In '84 you went back up to Kansas? A Yes, sir.

Q And from there you drifted around, to Tennessee? A Yes, sir, right on a railroad.

Q Did your present wife ever live here with you on a farm? A No, sir.

Q Then you have not lived here since '81? A I haven't lived here from '81; that is to say lived here.

Q Your wife claims to be part Wyandotte? A Yes, sir.

COM'R NEEDLES: Dallas Emmons applies for the enrollment of himself. He is duly identified upon the authenticated roll of 1860 as an intermarried white. He cannot be identified upon the census roll of 1896 or any other one in the possession of the Commission. He avers that his first wife by whom he claims citizenship died in 1879. He afterwards, about 1881, married Hannah

Zane, whom he claims to be a Wyandotte. He avers that he has not been a permanent resident of the Cherokee Nation since about the year 1860. By reason of the fact of the testimony as to his residence and also the fact as to his intermarriage, the authorities of the Cherokee Nation claiming that intermarriage with any other than Cherokee citizens by blood forfeit the right of citizenship, final judgment as to the enrollment of said Dallas Emmons will now be suspended and his name will be placed upon a doubtful card awaiting the further consideration of the Commission.

When the decision of the Commission is arrived at you will be notified at your post office address.

---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 hereof.

Subscribed and sworn to before me this 26th day of 9th, 1901.

Commissioner.

DEPARTMENT OF THE INSURANCE
COMMISSION TO THE

FI
OCT 9

ACTING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION.

57

Date Oct. 9th 1904

Name Dallas E. Emmons

District Delaware Year 1890 Page 251 No. 883

Citizen by blood No Mother's citizenship

Intermarried citizen Yes

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

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

Application by No. 1.

Stenographer of O. Ross.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita I. T. October, 10th 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Dallas
Emmons for enrollment as a Cherokee citizen by blood, Cherokee case
D. 1338.

Appearances:

Messrs Hastings and Baugh for the Cherokee Nation.
Applicant present in person.

DALLAS EMMONS being first duly sworn by Commissioner T. B. Needles,
testified as follows on his own behalf:

Q What is your name? A Dallas Emmons.

Q Are you the Dallas Emmons who applied on yesterday for enrollment
as a Cherokee citizen by blood? A Yes sir.

Q I understand that you now desire to make some further statement
in support of your application? A Yes sir.

Q Well just state what it is you desire to say. A In the first
place you have me down here as a white man --inter-married; the fact
of the matter is that was adopted as a Shawnee Indian into the tribe
previous to coming to this country in 1868 or '9 I can't say which
it was now. I was adopted into the Shawnee tribe of Indians.

Q Have you any proof of that fact? A Yes sir, I have the papers in
the case, signed by the Chief, assistant Chief and by the Clerk of
the Council; Charles Bluejacket was the Chief and the Clerk of the
Council was Cyrus Gornatzer's father.

Q Have you those papers with you? A No sir not now.

It is desired that you supply them or certified copies.

Q Anything more that you want to state? A I took up a claim in 1870
and improved it and Abe Mills has taken care of it ever since for me;
it is on Russell Creek.

Q In the Cherokee Nation? A Yes sir.

Q How many acres? A I took in, I suppose a hundred acres.

Q You hold a title to that now do you? A Yes sir I have got it and
he has kept it for me ever since.

Q Have you received any rents or profits from it? A I have once, I n
never had a settlement with him only once about six years ago and he
stated that he had put all the rents in the place and had taken in m
more land, and I was perfectly willing for him to do that for at that
time I had three children and was entitled to more land.

Q What is your business? A I follow railroading, I have all the time;
I gave up a position to come here in 1870 and take my claim.

Q Are you an engineer? A No sir, I am in the Bridge Department.

(By Mr. Hastings)

Q You never have received any rents from that land within the last
six years? A No sir.

Q In fact you have never received any rents at all except in the
way of land and improvements? A Yes sir, I received money once.

Q How much? A Eighty odd dollars.

Q You have never called on him since for rents? A No sir, because in
his writings he has always said that he was putting the rents in the
land.

Q When was the last time that you saw the place? A Six years ago.

Q Did you see it then? A Yes sir.

Q From 1870 until six years ago you had never received any rents
had you? A No sir.

Q And since that time you have not? A No sir.

Q What direction from Russell creek is that place? A On the right
hand side of the rail road.

Q On the east or west side? A On the west I guess it is, it is on the
right hand side going to Chetopa.

Q That is on the east side. A Well I have not paid any attention to
that.

Q You are a white man? A Yes sir.

RECORDED
INDEXED
OCT 11 1901
U.S. DEPARTMENT OF THE INTERIOR

Q You married a Shavonee? A Yes sir.
Q That is when you were adopted? A Yes sir.
Q Your Shavonee wife died and then you married a white woman? A No sir
I married a Wyandott.
Q Well, she didn't claim any Shavonee rights? A No sir.
Q By the Commission?
A Your purpose in having this place improved was for the benefit of
your children? A Yes sir, then I had three and now they have all died.
Q All of them? A One is still living, Theodore.

This testimony will be filed in your case.

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

Chas von Weise

Subscribed and sworn to before me this the 10th of October, 1901.

Commissioner.

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OCT 11 1901
U.S. DEPARTMENT OF THE INTERIOR

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COMMISSIONERS.
HENRY L. DAVIS,
TAMM BENT,
ARNOLD S. MCKENNON,
THOMAS E. FIBBLE.
ALBION L. ATLENWORTH, Secretary.

DEPAR

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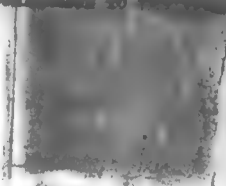
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COMMISSIONERS.
HENRY L. DAVIS,
TAMM BENT,
ARNOLD S. MCKENNON,
THOMAS E. FIBBLE.
ALBION L. ATLENWORTH, Secretary.

[Handwritten signature]
 ACTING CHAIRMAN

DEPARTMENT OF I

COMMISSION TO



Original.

Shawnee Council
Johnson County Kansas Oct 4 1868

To all whom it may concern

This is to certify that Dallas
Emmons was legally married to
Eudora A Fish a member of the
Shawnee Tribe of Indians ^{May 2 1868} and

regularly adopted a member of
said Tribe of Indians with all
the rights titles and privileges and
immunities of said Tribe of Indians
from and after the day and date
first above written in testimony

whereof we have hereunto set
our names

Graham Rogers
Charles Tucker

Attest
S. M. Corns
Council Clerk

West Chief
of the
Shawnee
Tribe of
Indians

If the reason this certificate does not show the date
of marriage, I did not know it.

10/12/28

Transmitted to the Bureau of Indian Affairs
at the Bureau of Indian Affairs
Washington, D. C.
October 12, 1928

This application should be referred to the
Bureau of Indian Affairs for their consideration.
The applicant should be advised that the
Bureau of Indian Affairs is the only
agency in the Department of the Interior
which has jurisdiction over the
lands of the Indians.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

OFFICE OF THE COMMISSIONER OF INDIAN AFFAIRS
WASHINGTON, D. C.
October 12, 1928

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

10/12/28

Mr. Commissioner of Indian Affairs

10/12/28

Supl.-C.D.#1222.

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

SUPPLEMENTAL in the matter of the enrollment of **DALLES HEMONS**
as a citizen of the Cherokee Nation:

The applicant was notified by registered letter March 3, 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 22d 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 further testimony affecting his case. The applicant has this day, to-wit: the 22d 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 above proceedings and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

J.H.

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

In the matter of the application for the enrollment of Dallas Emmons as a citizen by Shawnee adoption of the Cherokee Nation;

D E C I S I O N .

The record in this case shows that on October 9, 1901, Dallas Emmons appeared before the Commission at Vinita, Indian Territory, and made personal application for his enrollment as a citizen by Shawnee adoption of the Cherokee Nation. Further proceedings in the matter of said application were had at Vinita, Indian Territory, October 10, 1901.

The evidence shows that the said Dallas Emmons was lawfully married to Eudora A. Fish, a Shawnee by blood, on May 2, 1868; that they lived together as husband and wife until the death of said wife, in 1879; that the said Dallas Emmons is duly identified upon the 1871 roll of adopted Shawnees and, also, upon the 1880 authenticated roll of the Cherokee Nation.

The evidence further shows that in 1881 the said Dallas Emmons was lawfully married to one Hannah Kane, a Wyandotte, and that since that time they have lived together continuously as husband and wife.

The evidence further shows that the said Dallas Emmons lived in the Cherokee Nation from 1870 until 1881, when he removed from said nation; that he has not resided in the Indian Territory since 1881; that he was not residing in said territory on June 26, 1898, nor at the date of this application.

Paragraph 9, Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats. 495) provides:

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

It is, therefore, the opinion of this Commission that the application of Dallas Emmons for his enrollment as a citizen by Shawnee adoption of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[Signature]
Acting Chairman.

[Signature]
Commissioner.


[Signature]
Commissioner.

Muskogee, Indian Territory,
this _____

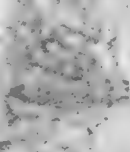
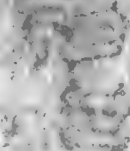
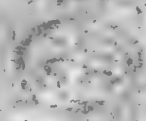
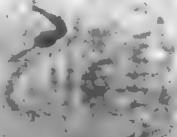
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MAR 3 1962



ACTING



COMMISSIONERS
HENRY L. DAWES,
TAMM SIXBY,
THOMAS B. NEEDLES,
C. R. BRECKENRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING
Cherokee D-1858

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

March 3,

1902.

Mr. Dallas Buege,

807 Barkdale, Ave., Memphis, Tennessee,

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 22, 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 certified copy of act of Executive Council admitting you to Cherokee citizenship.

Register.

Yours truly,

Special Agent in Charge.

COPY.

Charles DeLoach.

Manager, Indian Territory, July 14, 1908.

William Brown,
Care of Bartlesville Agency,
Bartlesville, Oklahoma.

Sir:

There is herewith inclosed the record of proceedings had in the matter of your application for the enrollment of yourself as a citizen by naturalization of the Cherokee Nation, together with the decision of the Commission rejecting your said application.

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,

Charles DeLoach.

Acting Chairman.

Register.

Enc. 2-44.

COPY.

Charles DeLoach.

Mustang, Indian Territory, July 24, 1906.

V. V. Hastings, Esq.,
Attorney for Cherokee Nation,
Mustang, Indian Territory.

Sir:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes regarding the application of William James for the enrollment of himself as a citizen by Cherokee adoption 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,

James D. Dick

Acting Chairman.

Inc. 2006.

COPY.

Charles D. Bell.

Enclage, Indian Territory, July 15, 1908.

The Honorable,

The Secretary of the Interior

Sir:

There is herewith transmitted the report of proceedings had in the matter of the application of Dallas Hanson for the enrollment of himself as a citizen by House adoption of the Cherokee Nation, including the decision of the Commission, dated July 15, 1908, rejecting said application.

Respectfully,

Tame Diddy

Acting Chairman.

Through the Commissioner
of Indian Affairs:

1 inclosure.
E. C.

Refer in reply to
the following:
Land.
42,718-1902.

(Copy)

Department of the Interior,
Office of Indian Affairs,
Washington, July 30, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed, herewith, a report from the Acting Chairman of the Commission to the Five Civilized Tribes, dated July 16, 1902, forwarding for the Department's consideration, the record relative to the application of Dallas Emmons for enrollment as a citizen of the Cherokee Nation, as an adopted Shawnee.

The record in this case shows that Dallas Emmons was lawfully married to Eudora A. Fish, a Shawnee by blood, on May 2, 1866, that they lived together as husband and wife until the death of said wife in 1879; that the applicant, Dallas Emmons, is identified upon the 1880 Cherokee roll and also upon the 1871 roll of adopted Shawnees.

The evidence further shows that in 1881 Dallas Emmons was lawfully married to Hannah Zane, a member of the Wyandotte tribe and that they have since lived together as husband and wife.

The record in the case also shows that in 1881 the applicant removed from the Cherokee nation and that he has not resided within the limits of the Cherokee Nation, or the Indian Territory, since that year.

The commission quotes from section 21 of the Curtis Act relating to enrolling persons who have removed to and in good faith

settled in the nation in which they claim citizenship, and holds that the applicant is not entitled to enrollment as an adopted Shawnee of the Cherokee Nation.

Although the applicant's name appears on the 1880 roll the office does not believe that he is entitled to enrollment for the reason that he removed from the Cherokee nation during the year 1881 and has not resided in said nation and the Indian Territory since that date. This being true, the decision of the commission is correct and should be approved.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

(G. A. W.)

P.

D. C. No. 13545-1902.

L. R. S.

49032

EAF.

ITD. 4643-1902.

DEPARTMENT OF THE INTERIOR.

Washington, August 16, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

July 16, 1902, you transmitted the record in the matter of the application for enrollment of Dallas Emmons as a citizen by Shawnee adoption of the Cherokee Nation.

The evidence shows that applicant was married to a shawnee by blood, on May 2, 1868, and that they lived together until the death of his wife in 1879; that in 1881 the applicant married a Wyandotte woman, with whom he has ever since lived; that he has not resided in Indian Territory since the year 1881; that he is identified on the 1871 roll of adopted Shawnees and the authenticated Cherokee roll of 1880. Section 21 of the act of June 28, 1898 (30 Stat., 495), declares that "No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship," and you, therefore, denied the application.

The Acting Commissioner recommends approval of your decision. Copy of his letter of July 30, 1902, is inclosed.

The Department affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

D. L.

51238

March 2 1902.

COPY

Washington, Indian Territory, September 2, 1902.

Dallas Emons,

107 Bartendale Ave.,

Langston, Oklahoma.

Sir:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 16, 1902.

Respectfully,

Acting Chairman.

Charter D. 1236.

COPY

Washington, Indian Territory, September 2, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Washington, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting the application of Dallas Emmons for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 16, 1902.

Respectfully,

John H. ...

Acting Chairman.

Cherokee R-755.

Tahlequah, Indian Territory, May 8, 1905.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

In the matter of the application of Anna E. Lyons for enrollment as a citizen of the Cherokee Nation, Cherokee R-755, there is herewith transmitted the original record, together with the testimony taken at Vinita on April 25, 1905, in accordance with directions contained in departmental letter of March 20, 1905, reopening the case.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

Enc. R-27.

D.C. 10013

JP THE LRS

I.T.D. 4643-1902
7162-1903.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

March 28, 1904.

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

Gentlemen:

August 16, 1902, the Department affirmed your decision rejecting the application of Dallas Emmons for enrollment as a citizen of the Cherokee Nation.

On September 21, 1903, you requested that the case be remanded, that it might be readjudicated by you in accordance with the opinion of the Assistant Attorney General of March 16, 1903, in the Yeargain case. The Indian Office concurred in your suggestion in its letter of October 7, 1903.

In view of the opinion of the Assistant Attorney General of December 29, 1903, in the case of Allie Williams, and his opinion of March 12, 1904, in the cases of Julia A. Moore, et al., and Mary L. Strickland, et al., the Department finds no reason to disturb its decision of August 16, 1902.

Respectfully,

(signed) Thos Ryan

Acting Secretary.



Cher R 734

Cher R 734

100

2

The first part of the document is a letter from the Secretary of the Board of Directors to the Board of Directors. The letter is dated 10/10/1910 and is addressed to the Board of Directors. The letter discusses the financial condition of the company and the proposed budget for the year 1911. The letter also discusses the proposed changes to the company's bylaws and the proposed changes to the company's charter.

The second part of the document is a report from the Board of Directors to the Board of Directors. The report is dated 10/10/1910 and is addressed to the Board of Directors. The report discusses the financial condition of the company and the proposed budget for the year 1911. The report also discusses the proposed changes to the company's bylaws and the proposed changes to the company's charter.

The third part of the document is a resolution of the Board of Directors. The resolution is dated 10/10/1910 and is addressed to the Board of Directors. The resolution approves the proposed budget for the year 1911 and the proposed changes to the company's bylaws and the proposed changes to the company's charter.

The fourth part of the document is a resolution of the Board of Directors. The resolution is dated 10/10/1910 and is addressed to the Board of Directors. The resolution approves the proposed budget for the year 1911 and the proposed changes to the company's bylaws and the proposed changes to the company's charter.

The fifth part of the document is a resolution of the Board of Directors. The resolution is dated 10/10/1910 and is addressed to the Board of Directors. The resolution approves the proposed budget for the year 1911 and the proposed changes to the company's bylaws and the proposed changes to the company's charter.

Applicant on doubtful card
wife on rejected card.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. October, 17th 1890.

In the matter of the application of Joseph K. Martin for the enrollment of himself and wife as Cherokee Citizens. He being duly sworn before the Commission testified as follows-

- Q What is your name? A. Joseph K. Martin.
Q What is your age? A 41.
Q What is your post office address? A. Tyler, Texas.
Q Where do you reside? A. I consider that I reside in the Cherokee Nation.
Q What district do you reside in? A. Cowasagoowa.
Q For whom do you apply for enrollment? A. Myself and wife.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
Q By blood? A. Yes sir.
Q What degree of blood do you claim? A. From 1/8 to 1/16.
Q Does your name appear on the 1880 authenticated roll? A. No sir.
Q Then by what right do you claim Cherokee citizenship? A. By re-admission.
Q Have you a certificate to that effect? A. Yes sir.

Applicant presents a certified copy of an act of the Cherokee Council re-admitting Patsie M. Martin and others to Cherokee Citizenship. Said act having passed the Senate on the 26th of November, 1890 and approved by J. B. Hayes, Principal Chief on December, 4th 1890, and certified to by J. T. Parks, Executive Secretary of the Cherokee Nation under the great seal of the Cherokee Nation, admitting among others one Joseph K. Martin to Cherokee citizenship.

- Q Are you the identical Joseph K. Martin mentioned in this certificate
A Yes sir.
Q What is the name of your wife? A. Dora Martin.
Q What was her name before you married her? A. Hunt.
Q Is she a white woman? A. Yes sir.
Q What is her age? A. 39.
Q Have you a certificate of your marriage to her? A. Yes sir.

Applicant presents a certificate of marriage certifying that he was married to Dora Hunt on December, 30th 1878 according to the laws of the State of Texas.

- Q Does the name of your wife appear on this certificate of re-admission? A. No sir.
Q Was she ever admitted by the Cherokee Council or the constituted authorities of the Cherokee Nation? A. I dont think she was.
Q You have no evidence to present as to that fact have you? A. No sir.
Q You apply then for yourself and wife only? A. Yes sir, I had a daughter but she died.
Q Your wife is a white person? A. Yes sir.
Q Mr. Martin, you say that you reside in the Indian Territory? A. Yes sir.
Q. When did you remove to the Indian Territory? A. In 1895.
Q Have you been living here continuously ever since that time? A. A Yes sir this way, I came here and located on a homestead and have had a tenant on that homestead ever since, and I have been temporarily in Texas, and it is a notorious fact that I am a citizen of the Cherokee Nation; I dont participate in the elections of Texas, and consider this my home.
Q You are 41 years of age? A. Yes sir
Q And were born and raised in the state of Texas? A. Yes sir.

Q Did you ever participate in the rights of citizenship in the state of Texas? A. Not since I was admitted to Cherokee citizenship.

Q. Since 1866 you have not served on a jury or voted in Texas? A. No sir and don't pay poll tax.

Q What is your post office address? A. Tyler Texas, am a book keeper there.

Q Have you any family besides yourself and wife? A. No sir, we had a daughter but she is dead.

By Gale Starr, Cherokee representative.

Q Is it not a fact that you are temporarily here and permanently in Texas? A. No sir.

Q Where were you living on the 26th of June 1866? A. I consider that I was living here.

Q What is the fact, not what you consider? A. This is my home.

Q What I want to know is, where were you living on June 26th 1866? A I consider, in the Cherokee Nation. And furthermore I was not in the Territory when the roll of 1866 was gotten up and I applied to this Honorable body, the Dawes Commission, and their decision was that our citizenship was good as we were on the roll, and there was no contest by the Cherokee Nation.

By the Commission.

Q Do I understand you to say that you applied to the Dawes Commission in 1866? A. Yes sir either in '66 or '67, it was when they were staying at Fort Gibson.

Q Have you a certificate of your admission by the Dawes Commission? A No sir.

1894 roll, page 248, No. 2853, Joseph K. Martin, Cooweescoowee.

The name of Joseph K. Martin appears on the pay roll of 1894. He presents a duly authenticated copy of an act of the Cherokee Council certifying that he was admitted to Cherokee citizenship in 1866. He now applies for the enrollment of himself and wife. He presents no evidence whatever as to the admission of his wife Bera Martin, he having been married to her in the year 1878 according to the marriage certificate presented by him. He swears also that he was admitted to citizenship by the Dawes Commission in 1866, but the records now in the possession of this Commission do not show his name among those admitted by said Commission. The testimony as to his removal and residence in the Cherokee Nation is not satisfactory. His application as to his wife Bera Martin will be rejected and the final decision as to his own application for enrollment will be placed on a doubtful card awaiting further evidence as to his residence in the Cherokee Nation and as to his admission by the Dawes Commission in 1866 as the full records of the said Commission are not now accessible being on file in the General Offices at Muskogee.

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

Chas von Weise

Subscribed and sworn to before me this the 17th of October, 1890.

[Signature]

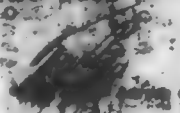
Commissioner.

D617

2

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
OCT 27 1908



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Main vertical text column, possibly a list of names or a report title.

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Fourth vertical text column, possibly a list of names or a report title.

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SUPPLEMENTAL

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. October, 17th 1900.

In the matter of the application of Joseph K. Martin for the enrollment of himself and wife as Cherokee citizens. He being duly sworn testifies as follows to the Commission.

- Q What is your name? A. Joseph K. Martin.
Q. You were admitted in 1890 and did not remove to the Territory until 1895? A. Yes sir.
Q How long did you live in the Territory after you removed here in 1895? A. I was in the Territory
Q That is not what I want, did you reside in the Territory and if so how long? A. I consider that I did.
Q What do you consider a residence? A. Where I bring my property and my household goods and my family.
Q Did you actually bring your household goods and wife to the Territory when you came here? A. I moved some of them.
Q Your wife never did come here with you? A. No sir.
Q She never came here at all? A. No sir.
Q You have just been here backwards and forwards and lived in Texas? A Yes sir she has lived in Texas.
Q Is it not a fact that you have never lived here? A. I consider that I have lived here.

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

Chas von Weise

Subscribed and sworn to before me this the 17th day of October, 1900.



Commissioner.

5/18

B

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 17 1900

[Handwritten signature]

CHIEF CLERK

R

C. D-618

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., March 5, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Joseph K. Martin for enrollment as a Cherokee citizen.

Appearances:

W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 13, 1902, that his application for enrollment 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 5th day of March, 1902; 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 application. Applicant was further notified to supply the Commission with a certified copy of the act re-admitting him to citizenship in the Cherokee Nation.

Receipt has been acknowledged of the Commission's letter, and the applicant this day, to-wit: 5th of March, 1902, having been called three times and failing to respond either in person or by attorney it is directed that the case be closed and that same be reported to the Commission for final decision based upon the evidence now of record.

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

M.D. Green

An act to readmit Fanny M. Martin and others to Cherokee
Citizenship.

Be it enacted by the National Council, That Fanny M.
Martin, her children and grandchildren be and they are hereby re-
admitted to all the rights and privileges of Cherokee citizenship
by virtue of Cherokee blood, viz:

William F. Martin	age	45	years
James A. "	"	34	"
Joseph "	"	31	"
John A. "	"	27	"
George A. "	"	25	"
Frank B. "	"	24	"
Isabella C. Martin	"	20	"
Thomas "	"	14	"
	Grandchildren		
Annie L. Martin	"	14	"
Thomas A. "	"	12	"
Ola "	"	8	"
Lela F. "	"	6	"
William H. "	"	4	"
Josephine J. Martin	"	3	"
Pearl "	"	15	"
Mary Browning Martin	"	5	"
Avis R. "	"	2	"
Robert L. "	"	6	months

Provided that none of the rights herein granted shall accrue to any
of the persons herein named until they remove permanently locate in
the Cherokee Nation.

Passed the Senate Nov. 25th, 1890

A. H. Berwood	E. D. Ball
Clerk of Senate	President of Senate.
Concurred in by the Council Dec. 1st, 1890.	
Wm. P. Thompson	Wm. H. Barker
Clerk Council	Speaker Council
Approved Dec. 4th, 1890	
J. E. Hayes, Prin. Chief.	

Executive Department, Cherokee
Nation.

I hereby certify that the above and foregoing is a true and
correct copy of the laws shown by the records of this office read-
mitting Fanny M. Martin, children and grandchildren.
J. F. Parks,
Executive Secretary.

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

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.



Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 26 day of September, 1902.



Notary Public.

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

In the matter of the application of Joseph K. Martin for the enrollment of himself as a citizen by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on October 17, 1900, the applicant, Joseph K. Martin, appeared before the Commission at Nowata, Indian Territory, and then and there made personal application for the enrollment of himself as a citizen by blood of the Cherokee Nation, and for the enrollment of his wife, Dora Martin, as a citizen by intermarriage of the Cherokee Nation. At the conclusion of the evidence offered at that time the name of Joseph K. Martin was placed upon a doubtful card for further consideration of the question of his residence in the Cherokee Nation. His wife, Dora, has been listed on Rejected Card Field No. 821.

It appears from the evidence in support of this application that Joseph K. Martin was admitted to citizenship in the Cherokee Nation by an act of the National Council approved December 4, 1890, under the name of Joseph Martins. He is identified on the 1894 Pay Roll of the Cherokee Nation. It further appears that in 1893 he came to the Cherokee Nation, and "located a homestead", and has had a tenant thereon ever since, but it does not appear that he has removed to and in good faith settled in the Cherokee Nation or Indian Territory since his admission to citizenship.

The authority of the Commission herein is defined in Par. 9, Sec. 21, of the act of Congress, June 25, 1898 (30 Stats., 495):

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

It is therefore the opinion of this Commission that Joseph K. Martin is not lawfully entitled to be enrolled as a member by

blood of the Cherokee Tribe of Indians in Indian Territory, and that
the application for his enrollment as such should be refused, and it
is so ordered.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

[Handwritten signature]
COMMISSIONER

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COMMISSIONER

McKeesee, Indian Territory,
this SEP 20 1902

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D618
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 24 1902

~~XXXXXXXXXX~~
ACTING CHIEF

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.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 13, 1902.

Mr. Joseph K. Martin,

Tyler, Texas.

Sir:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 5th day of March, 1902.

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

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

You are required to supply the Commission with a certified copy of act of admission.

Yours truly,

CherokeeD-618
Register.

Acting Chairman.
XXXXXXXXXXXX

Commissioner in Charge.

Cherokee D 618.

CO.

Muskogee, Indian Territory, September 28, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Joseph E. Martin for the enrollment of himself as a citizen by blood of the Cherokee Nation, including the decision of the Commission, dated September 20, 1902, rejecting said application.

Respectfully,

J. E. Martin
Acting Chairman,

Through the

Commissioner of Indian Affairs.

Enc. C. No. 25.

Cherokee D 616.

Muskogee, Indian Territory, September 22, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 20, 1902, rejecting the application of Joseph K. Martin 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. 34.

Cherokee D 618.

CC

Muskogee, Indian Territory, September 22, 1902.

Joseph K. Martin,
Tyler, Texas.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation, together with a copy of the Commission's decision, dated September 20, 1902, rejecting your said application.

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

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

Respectfully,

Acting Chairman.

Enc. C. No. 33.

Register.

COPY.

Refer in reply
to the following:
Land.
57701-1902.

Department of the Interior,
Office of Indian Affairs,
Washington, Oct. 6, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made September 22, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Joseph K. Martin for the enrollment of himself as a citizen by blood of the Cherokee Nation, and for the enrollment of his wife, Dora, as a citizen of said nation by intermarriage. The question of the rights of the applicant's wife is not considered in this record.

Applicant was admitted to citizenship in the Cherokee Nation by an act of its national council on December 4, 1900 under the name of Joseph Martin, and his name appears on the 1894 strip payment roll. It appears that he came to the Cherokee Nation in 1893 and located a homestead; that he has had a tenant thereon ever since, but has not himself resided in the Cherokee Nation, his natural residence having been all the time in the State of Texas.

The Commission rejected the application and the office respectfully recommends that its decision in this case be affirmed.

Very respectfully,
Your obedient servant,
A. C. Tonner,
Acting Commissioner.

WCV
D

3 inclosures.

19766-1902.

Department of the Interior, CMR.

ITD 6157-1902.

Washington, October 22, 1902.

L. R. S.

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

Gentlemen:

The Department is in receipt of the record of proceedings had in the application of Joseph K. Martin for the enrollment of himself as a citizen by blood of the Cherokee Nation, and for the enrollment of his wife, Dora, as a citizen of said nation by inter-marriage, transmitted by you September 22, 1902. The Wife's application is not considered in this record.

It appears that said Martin was admitted to citizenship in the Cherokee Nation by an act of its national council, December 4, 1890, under the name of Joseph Martin; that he is identified on the 1894 Pay Roll of said nation; and that in 1893 he came to the Cherokee Nation, locating a homestead, on which he has had a tenant ever since reside, but he himself has never removed to and in good faith settled in the Indian Territory since his admission to citizenship. By his failure to do so you have rejected his application for enrollment, under the provisions of Paragraph 9, section 21, of the Act of June 28, 1898 (30 Stat., 495).

Reporting in the matter, October 6, 1902, the Acting Commissioner of Indian Affairs recommends that your decision be approved.

-2-

The Department finds no cause to disturb your said decision and it is accordingly affirmed.

Copy of the Acting Commissioner's letter is inclosed.

Respectfully,

E. A. Hitchcock.

Secretary.

EMD.

1 inclosure.

COPY.

Cherokee D. 618.

Muskogee, Indian Territory, November 11, 1902.

W. V. 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 Joseph K. Martin for the enrollment of himself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 22, 1902.

Respectfully,

James Pixby
Acting Chairman.

COPY

Cherokee D 618.

Muskogee, Indian Territory, November 11, 1902.

Joseph K. Martin,
Tyler, Texas.

Dear Sir:

You are hereby advised that the Commission's decision, of date September 20, 1902, rejecting your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 22, 1902.

Respectfully,

Tame Dixie
Acting Chairman.

(COPY)

JP

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

FHE

I.T.D. 6157-1902
7162-1903

April 6, 1904.

LRS

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

Gentlemen:

October 22, 1902, the Department affirmed your decision rejecting the application of Joseph K. Martin for enrollment as a citizen of the Cherokee Nation.

On September 21, 1903, you requested that the case be remanded, in order that it might be readjudicated by you in accordance with the opinion of the Assistant Attorney General of March 16, 1903, in the Yeargain case. In its letter of October 7, 1903, the Indian Office concurred in your suggestion.

In view of the opinion of the Assistant Attorney General of December 29, 1903, in the case of Allie Williams, and his opinions of March 12, 1904, in the cases of Julia A. Moore et al., and Mary L. Strickland et al., the Department finds no reason ~~for~~ to disturb its decision of October 22, 1902.

Respectfully,

(signed) Thos Ryan
Acting Secretary.

(MFM)

Cher R 735

Cher R 735

Doubtful Cherokee by blood.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. October, 16th 1890.

In the matter of the enrollment of Patsie M. Martin as a Cherokee Citizen. She being duly sworn attested as follows before Commissioner Breckinridge.

- Q. What is your name? A. Patsie M. Martin.
Q. How old are you? 66.
Q. What is your post office? A. Nowata.
Q. What district do you live in? A. Gocweeocowee.
Q. Who is it that you want put on the roll? A. Myself, children and grand-children.
Q. Are your grand-children the same name as yours? A. Some of them are and some are not.
Q. How many children have you of your own that you want enrolled? A. 8.
Q. Are all eight of them under 21 years of age? A. They are all over that.

WE WILL THEM MAKE YOUR OWN APPLICATION FIRST AS YOUR CHILDREN WILL HAVE TO MAKE THEIR OWN APPLICATIONS AS THEY ARE OF AGE.

- Q. Are you a Cherokee by blood? A. Yes sir.
Q. How long have you lived in the Cherokee Nation? A. I lived here until I was 15 years old and then I moved to the state of Texas; I have been living in the Cherokee Nation two years now in the Spring.
Q. While you were out of the Cherokee Nation you say you lived in Texas? A. Yes sir.
Q. How long had you lived in Texas before you returned to the Cherokee Nation? A. 50 years.
Q. Were you admitted to citizenship by the Cherokee Commission or Council when you came back two years ago? A. No sir it was 11 years ago that I was admitted.
The applicant presents an official copy of an act of the Cherokee Council which admitted Patsie Martin and others to Cherokee citizenship, said act being approved December, 4th 1890. It admits Patsie Martin, her children and grand children to all the rights and privileges of Cherokee citizenship by virtue of Cherokee blood, provided that none of the rights herein granted shall in any manner accrue to them until their removal into the Cherokee Nation.

- Q. This you claim as your right to citizenship? A. Yes sir.
Q. You were admitted in 1890 and removed here 2 years ago? A. Yes sir.
Q. Have you lived here ever since? A. Yes sir.
Q. At what time two years ago did you come here? A. In March 1890.
Q. Then it will be 2 years next March? A. Yes sir.
The applicant is shown to have been admitted to Cherokee citizenship in December, 1890; she was living at that time in the State of Texas. She came to the Cherokee Nation in March 1892 and has lived here ever since. Previous to coming here she had lived in Texas for 50 years. For the further consideration of her case under the provision of the Cherokee law of December 4th 1890 requiring persons admitted and re-admitted to citizenship to come and settle in the Cherokee Nation within six months after their admission or re-admission, and for the further consideration of her application under the provisions of the Curtis Bill, her application for enrollment will be placed on a doubtful card, she being classed as a Cherokee by blood.

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

Subscribed and sworn to before me this the 16th of October, 1890.

Chas. von Meise
R. H. S.
Commissioner.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 16 1900



ACTING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 16 1900 1900.

Name Nowata St.

District _____

Citizen by blood _____ Year _____ Page _____ No. _____

Intermarried citizen _____ Mother's citizenship _____

Married under what law _____

License _____ Date of marriage _____

Who's name Patey M. Martin Certificate _____

District _____

Citizen by blood No Admitted 1890 Year _____ Page _____ No. _____

Intermarried citizen No Mother's citizenship _____

Married under what law _____

License _____ Date of marriage _____

Names of Children: _____ Certificate _____

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 _____

[Large handwritten signature/initials across the children's table]

An Act to readmit Patsey M. Martin and others to Cherokee Citizenship

Be it enacted by the National Council, that Patsey M. Martin, her children and grand children be and they are hereby re-admitted to all the rights and privileges of Cherokee citizenship by virtue of Cherokee blood, viz:

William P. Martin-----	age	35 years.
James A. Martin-----	"	34 "
Joseph K. "-----	"	31 "
John M. "-----	"	27 "
George A. "-----	"	25 "
Frank B. "-----	"	24 "
Isabella C. "-----	"	20 "
Thomas "-----	"	14 "

Grand Children.

Annie L. Martin-----	age	14 years
Thomas A. "-----	"	12 "
Ola "-----	"	8 "
Lela E. "-----	"	6 "
William H. "-----	"	4 "
Josephine J. "-----	"	2 "
Pearl "-----	"	10 "
Mary Browning "-----	"	6 "
Avis R. "-----	"	2 "
Robert L. "-----	"	6 mos.

Be it further enacted that John Brassfield be and he is hereby readmitted to all the rights and privileges of Cherokee citizenship by virtue of Cherokee blood; and, Be it further enacted that John R. H. Daugherty be and he is hereby readmitted to all the rights and privileges of Cherokee citizenship by virtue of Cherokee blood.

Provided, that none of the rights herein granted shall accrue to any of the persons herein named until they remove and permanently locate in the Cherokee Nation.

Passed the Senate Nov. 26th. 1890
 A. H. Norwood
 Clerk of Senate.
 Concurring in by Council Dec. 1st. 1890
 Wm. P. Thompson
 Clerk Council.

L. B. Bell
 President of Senate.

Wm. H. Barker,
 Speaker Council.

Executive Department, Cherokee Nation

February, 24, 1902.

I, J. T. Parks, hereby certify that I am custodian of the records of this office, and that the foregoing is a true and literal copy of the Act of the National Council entitled; "An Act to readmit Patsey M. Martin and others to Cherokee citizenship", as appears of record in this office.

In testimony whereof I hereunto set my hand and affix the seal of the Cherokee Nation the day and years first above written.

(Signed) J. T. Parks,
 Executive Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., November 24, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes, and custodian of the records of said division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.


Chief Clerk Cherokee Division.

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


Notary Public.

Supl.-C.D.#607.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., March 4, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the enrollment of
PATSY M. MARTIN, as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 13, 1902, that her application for the enrollment of herself as a Cherokee citizen would be taken up for final consideration by the Commission at its offices in Muskegee, Indian Territory, on the 5th day of March, 1902. The applicant this day, to-wit: the 4th day of March, 1902, appears by her attorneys Mellette & Smith, Vinita, Indian Territory. By agreement with the representative of the Cherokee Nation present the case is taken up for final consideration.

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

Commission to Mr. Mellette: Is there any statement you desire to make relative to the case.

Mr. Mellette: The applicant by her attorneys desires to file a certified copy of her readmission.

Commission: The document will be filed.

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

The applicant will be allowed 15 days in which to file a brief in the case, one copy with the Commission and one copy with the representative of the Cherokee Nation.

---oooOOOooo---

I hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the proceedings had in this case on the above date and that the foregoing is a true and complete transcript of my stenographer notes thereof.

J. Rescan
Stenographer.

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

In the matter of the application of Patsie M. Martin for the enrollment of herself as citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 16, 1890, the applicant, Patsie M. Martin, appeared before the Commission at Nowata, Indian Territory, and then and there made personal application for the enrollment of herself as a citizen by blood of the Cherokee Nation. Further proceedings were had in this case on March 4, 1902 at Muskogee, Indian Territory.

It appears from the evidence in support of this application that Patsie M. Martin was admitted to citizenship in the Cherokee Nation by an act of the National Council on December 1, 1890. It further appears that Patsie M. Martin did not remove to and settle in the Cherokee Nation or Indian Territory until the month of March 1899.

The authority of the Commission herein is defined in Par. 3, Sec. 21, of the act of Congress June 23, 1898 (30 Stats., 495):

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

It is therefore the opinion of this Commission that Patsie M. Martin is not lawfully entitled to be enrolled as a member by blood of the Cherokee Tribe of Indians in Indian Territory, and that the application for her enrollment as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this SEP 20 1902

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JUNE 15, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of PATSIE M. MARTIN as a citizen by blood of the Cherokee nation.

APPEARANCES:

Applicant appears in person.
Cherokee nation by J. C. Starr.

It appears from the records of the Commission that on October 16, 1900, the applicant, Patsie M. Martin, appeared before the Commission and made application for the enrollment of herself as a Cherokee by blood. That on September 20, 1902, the Commission rendered its decision refusing the application for her enrollment, which action was approved by the Secretary of the Interior on October 22, 1902, and that on November 19, 1904, the Department remanded the matter of this application for rehearing.

JOHN M. MARTIN, being first duly sworn, testified as follows:

BY THE COMMISSION:

- Q What is your name? A John M. Martin.
Q Are you the person who swore to an affidavit on October 17, 1904, and which was filed with the Secretary of the Interior, on a motion for review of the proceedings in the case of Patsie M. Martin? A Yes sir.
Q What is your post office address? A Nowata, Indian Territory.
Q Are you related to Patsie M. Martin? A Yes sir, I am her son.
Q Is Patsie M. Martin living? A Yes sir.
Q Where is she living? A At Nowata, Indian Territory.
Q How old is Patsie M. Martin? A 72 years old.
Q What is the state of her health? A She is in bed most of the time.
Q How long has she been that way? A 3 or 4 years.
Q Where were you born? A In Texas in Rusk County.
Q Are you a Cherokee by blood? A Yes sir.
Q Are you on the final roll? A Yes sir.
Q Your mother lived in Texas, didn't she? A Yes sir.
Q And she was admitted by Act of the Cherokee Council? A Yes sir.
Q Readmitted to citizenship? A Yes sir.
Q On December 4, 1890.
Q Is your mother the identical person that was readmitted at that time? A Yes sir.
Q Was she residing in Texas at that time when she was readmitted?
A No sir.
Q Where was she living? A In Tahlequah District, Cherokee nation.
Q With whom was she living? A With her sister, Mrs. Nancy Dial. I moved her from Texas here, we both came together and arrived at Pryor Creek on October 11, 1890.

- Q Where has she been living since then? A She has been living since then almost all of the time at Nowata; part of the time she was living in Tahlequah District with her sister.
- Q Has she got a permanent home of her own? A No sir, she lives with her daughter at present.
- Q Did she ever have a permanent home in the Cherokee Nation?
- A Yes sir.
- Q Where? A First at Lenapah and then she has a farm about seven and a half miles northwest of Nowata.
- Q Your mother appeared before the Commission on October 16, 1900, and at that time she testified that she removed to the Cherokee Nation in March, 1899, what do you know about that? A I know that is not correct, in March, 1899, she moved a herd of cattle from Texas to the Territory, the last of her property that she had in Texas.
- Q Did she ever return to Texas from the time she moved here in 1890? A She visited several times in Texas since 1890.
- Q Who did she visit? A Her sons, she has two sons living in Texas yet. I think it was in December, 1890, I procured a town lot for her in Lenapah and in the early part of 1891 built her a house on that lot, in 1894 she traded that house for a house and lot in Nowata, and in 1898 traded the house in Nowata for a farm about seven miles northwest of Nowata in the Cherokee Nation, and owns that farm yet.
- Q When she moved here in 1890, did she have a permanent home in Texas? A Yes sir, she has that yet, that is she has a farm, in 1890 when we moved we brought personal effects, such as bedding.
- Q From 1890 down to September 1, 1902, that covers a period of twelve years, how much of that time did she live in Texas?
- A She was in Texas about half of her time. I have been furnishing her myself for support ever since 1886, that is, I have had charge of her business since then and have yet.
- Q If she has a farm down in Texas how does she want any support?
- A I have charge of her farm too. Those cotton farms in Texas are not very prosperous, the income is not very great.

BY MR. STARR:

- Q Near what town in Texas is this farm located? A Kilgore, about three miles and a half north.
- Q Who lived on this farm from 1890 until 1899? A Four or five different families of negroes. One by the name of Ranshall, one by the name of Mingo Jeffries.
- Q Are these negroes laborers on that farm? A Tenants, yes sir.
- Q Did Patsie M. Martin have a house that she once lived in on that farm? A Not on her own farm, no sir.
- Q Where was her house? A She lived with her husband, whose farm joined her own farm, from about 1851 or 1852 until 1890.
- Q Is her husband living yet? A No sir.
- Q When did he die? A He died in March, 1895.
- Q Where was he living at the time he died? A On his farm with Kilgore with one of his sons.
- Q Did Patsie Martin live with her husband until he died? A No sir, both father and mother were retired from active service in 1886. In 1886 father was burnt out in business and since that time I have had the support of him as long as he lived, and mother since that time.
- Q With whom did Patsie Martin live with after 1890 up to 1899 in Texas, who did she make her home with there? A She didn't make her home with anybody there, she was with her sons a part of the time.

- Q What is the number of the lot and the block in Lenepah that you say that you bought? A I couldn't tell without a map, they didn't have any lot numbers and blocks at the time this lot was purchased.
- Q Who did you sell it to? A John Kinney.
- Q Do you know the lot number and block number in Nowata? A I would have to have a map of the town.
- Q Who did you sell it to? A To Ben J. Scover and he sold it to Joe Bowers and he owns it yet.
- Q How long has Patsie Martin lived since she has been in the Cherokee Nation since 1890? A She lived a part of the time with Nancy Dial.
- Q Where was she living in 1890? A In Tahlequah District.
- Q With whom? A Nancy Dial.
- Q How long did she stay there? A She was there most of the time for a year.
- Q Where did she go from that place? A She went back to Texas and was there a little while.
- Q How long did she stay in Texas? A Probably two or three months.
- Q Then where did she go? A She came to Nowata.
- Q How long did she stay at Nowata? A I don't know the exact amount of time she was there most all of the time, she visited back and forth with the different members of her family so often I don't know the exact period.
- Q When she was at Nowata who did she live with? A Me and my brothers, there are three of us at Nowata, and a portion of the time with another brother at Talala.
- Q She didn't have a home of her own up there? A Yes sir.
- Q Did she ever keep house to herself up there at Nowata? A She hasn't kept house since 1886.
- Q Has Patsie Martin live at any other point in the Cherokee Nation other than Nowata and Lenepah and this place you have mentioned in Tahlequah District? A Yes sir, I think she was a part of the time near Pryor Creek.
- Q When was she near Pryor Creek? A That was about 1890 or 1891, I don't remember the exact date, stopping at Laguhlin's, his wife was a niece of mother's.

BY THE COMMISSION:

- Q You say that Patsie Martin's husband died in 1895 in Texas?
A Yes sir.
- Q Was Patsie Martin and her husband divorced? A No sir.
- Q Did they separate? A No sir.
- Q He lived up to 1895 in Texas did he? A Yes sir he was here in the Cherokee Nation a few times.
- Q Did he ever come to the Cherokee Nation? A No sir, not to make it his home, he expected that he would but he didn't, his health had been falling very bad, and he didn't leave Texas.
- Q How many children has Patsie Martin got on the final roll?
A She had eleven all together, nine are living.
- Q Are they all on the final roll? A No sir there are two in Texas not on the roll and one in Montana not on the roll.
- Q All the others on the roll? A Yes sir.
- Q How old is the youngest child? A He is about 25 or 26.
- Q How old is the oldest? A He is 50 or more, I couldn't tell you his exact age.
- Q How old are you? A I am 42.
- Q Did your mother have any separate property from her husband?
A Yes sir.
- Q For how long? A She had gold money before she married father, I don't know how much.
- Q Did they have separate real estate? A Yes sir.

BY MR. STARR:

- Q Who is living in your father's house now? A One of the sons, F. B. Martin.
- Q Has he lived in it ever since your father died? A No sir, he has had charge of father's property, he has had different tenants on the place, on a year he had a man named Wilkins. The property stands yet, in 1899 mother moved her cattle from Texas, she had been owning cattle for a number of years. She moved them to Nowata and has them there yet.
- Q What else did she move at that time besides her cattle? A Nothing at all, I went down and helped move them myself.
- Q Did you get a deed for these two lots that you bought in Nowata and Lenapah? A I don't think we did, the lot in Lenapah I bought from Jim Tittle, at that time there was no such a thing as a deed in the Cherokee nation.
- Q Who furnished the money to pay for that lot in Lenapah? A Mother did.
- Q Who furnished the money to pay for the lot in Nowata? A The house and lot at Lenapah was exchanged for the house and lot at Nowata.
- Q How much did you pay for the lot at Lenapah? A I don't remember, I think it was \$20.00 or \$30.00, some small amount.
- Q Who did you buy it from? A A man by the name of Tittle.
- Q What Tittle was it, his first name? A James Tittle.

COMMISSION:

This matter will be continued to June 29, 1905, at nine o'clock A. M.

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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 3rd day of July, 1905.

Edward Morris
Notary Public.

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FILED
JUL 1905
COMMISSION TO LIVE TRIGGS

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Washgton, D.C., June 29, 1904.

SUPPLEMENTAL PROCEEDINGS.

In the matter of the application for the enrollment of
Patsie M. Martin as a citizen by blood of the Cherokee Nation,
Card No. Cherokee B-738

APPEARANCES:

For the Cherokee Nation, W. W. Hastings, Attorney.

LELIA H. RICHARDS being duly sworn, testified as follows:
COMMISSION:

- Q What is your name? A. Lelia H. Richards.
Q How old are you? A. I am 20.
Q What is your postoffice? A. Nowata.
Q Do you know Patsie M. Martin? A. Yes, sir.
Q What relation is she to you? A. A cousin.
Q Cousin? A. Yes sir.
Q How long have you known Patsie Martin? A. I first met her
in '93.
Q Where did you then meet her? A. At Vinisa.
Q What was she doing there at that time? A. She was there to
enroll in the Old Settler's enrollment.
Q Have you seen her frequently since then? A. Yes, sir, I have
seen her at a distance.
Q Do you know where she has been residing? A. At Nowata,
Q Altogether? A. No, sir, not altogether, she has been at
Pryer Creek and around, but at Nowata most of the time.
Q Did she have a home of her own there, at Nowata? A. No sir, she has been with her daughter, Mrs. McGonick.
Q How long has she been living there? A. Why, she has been
with her most of the time she has been here.
Q You knew nothing about her before 1903? A. Why, I knew who
she was, and I knew she was out here.
Q But of your own knowledge you knew nothing about her prior to
'93? A. No, sir.

BY MR. W. W. HASTINGS:

- Q Where was Patsie M. Martin living when you saw her in '93?
A. I suppose she was living in Nowata. I don't know where she
was living then.
Q Living in Nowata? A. There in Nowata, or in Pryer Creek.
Q Do you know that she was living at either one of those places?

Patsie M. Martin, Cherokee B-735--42

- A. Well, I think she was at Fryer Creek, with her sister.
- Q Had you ever seen her before? A. No sir.
- Q You knew she had been living in Texas? A. Yes, sir.
- Q Do you know when she came up here? A. Yes, sir, she came up in '90. She came to Fryer Creek in '90.
- Q Did you see her in the year '94? A. No, sir, I don't think I did.
- Q Did you see her in 1895? A. Yes, sir, I seen her in '95
- Q Where did you see her? A. I saw her and her daughter-in-law pass my house one time.
- Q Where did you live? A. At Newata.
- Q Where was she going? A. From town down to Mr. George Martin's.
- Q Did you see her in 1896? A. No, I don't know. I think I haven't seen her since then at all.
- Q Have not seen her since 1895? A. I think it was 1895 I saw her.
- Q You are not right positive about that? A. Why, yes; I was living in one of Mr. Martin's houses at that time, when I saw her. Did you saw '95? I don't think I saw her in '95.
- Q Did you see her in '93? A. Yes sir, in '93 I was living in Vinita at that time. And it was last year I saw her, not 1905.
- Q Did you ever see her between 1893 and last year? A. No sir, I don't think I have.
- Q Then there is twelve years that you have not seen her?
- A. No sir, but I was living up at Vinita, most of the time, myself.
- Q You say she is a cousin of yours? A. Yes sir.
- Q First cousin? A. No sir.
- Q What degree? A. Second or third, I think.
- Q Mr. Martin appeared before the Commission on October 16, 1900, and upon that date testified "I have been living in the Cherokee Nation two years now in the spring." Are you prepared to dispute that statement of hers under oath?
- A. No, sir. In '90 was the first I know of her being here.
- Q You don't know of your own personal knowledge where she has been living between 1893 and 1905? A. I have heard. She's been with her daughter most of the time.
- Q You don't know whether she has been back to Texas or not?
- A. She has been back to Texas on visits, but she did not stay.
- Q But you never saw her between '1893 and 1905?
- A. It was last year I saw her.
- Q I beg pardon, it was last year you said--1904?
- A. No sir, I don't think I saw her again after 1893 until last year, 1904.
- Q Then you don't know she did not stay in Texas? A. Yes sir, I heard of her being here.
- Q On October 16, 1900, Patsie M. Martin stated under oath in answer to this question-"You were admitted in 1890 and removed here two years ago?" Answer--"Yes sir." +-"Have you lived here ever since?" Answer--"Yes, sir."--"At what time two years ago did you come here? Answer--"In March 1899". "Then it will be two years next March? Answer "Yes, sir ." Now, are you prepared to dispute those statements of the applicant herself made under oath to this Commission?

COMMISSION:

I do not think that that is a fair question, Mr. Hastings. This witness has testified positively that she met Patsie M Martin in 1893, and she knows nothing at all about her whereabouts since that time, and as a matter of fact states that in 1893 she did not know where she was living, only that she met her, and I do not think that is a fair question.

Patsie M. Martin, C. R.-73843

- Q. Well, On October 16, 1900, Patsie M. Martin stated under oath in answer to this question-"You were admitted in 1890 and removed here two years ago?" Answer--"Yes, sir." "Have you lived here ever since? Answer--"Yes, sir". "At what time two years ago did you come here?" Answer, "In March 1898". Then it will be two years next March?" Answer--"Yes sir." Are you prepared to dispute these statements of the applicant heresepf made under oath to this Commission?

A. I am not.

Questions addressed to Witness by Mr. John M. Martin, on behalf of applicant:

- Q Do you know of any house having been built for a home for Patsie M. Martin in the Cherokee Nation at any time since 1890?
A. Yes sir, I knew that they had a lot, they got it from my father, J. M. Piddle, and the two boys built a house on it and my understanding was that they built it for their mother, and then afterwards they sold their place and traded it for the lot in Newata and then my understanding was they traded that on their place.

By MR. W. W. HASTINGS:

- Q How do you know that? A. I saw the house, and the boys were clerking for my father at that time.
Q When did you see the house? A. When they were building it.
Q When? A. In 1891.
Q But you never did see Patsie Martin living in it? A. No sir.
Q You don't know of your own personal knowledge that she ever did live in it? A. No sir, she never lived there.

By Commission:

- Q This lot upon which the house was built belonged to whom?
A. To J. M. Piddle, my father.
Q And you were living at home at Lenapah at that time?
A. Yes sir, living at Lenapah.
Q How you don't know yourself who this lot was sold to by your father? A. My understanding was it was bought----
Q I am talking about that lot, do you know to whom your father sold that lot, whether to Patsie Martin or the boys?
A. No, I suppose it was sold to both parties.
Q You did not see any papers drawn, were not there when any bargain was made, but you understood that the boys bought this lot for a home for Patsie Martin?
A. Yes, sir, I understood that it was bought and the house built for Patsie Martin.

BY MR. MARTIN:

- Q Who did you hear say that the house was built for Patsie Martin?

MR. HASTINGS: I object to that as being hearsay.

COMMISSION: Objection noted: You may answer.

- A.. I Have heard the boys say they built it for their mother.
Q What boys? A. The Martin boys-John Martin and his brother.

Comes now the Representative of the Cherokee Nation and moves that this be stricken from the record. It is hearsay as the present witness testifies that the person she heard make the above remark is present and has testified before in this case.

Patsy Martin -C.R. 7354

Mr. MARTIN:

- Q. Did you hear anyone else say at the time the house was built who the house was built for. A. No sir, I don't remember anyone.
- Q. Did you hear your father say anything about who this lot was sold to and the house built for?

Mr. HASTINGS: Objected to as being hearsay and inadmissible.

- A. My father said, I heard my father say---
- Q. Did you hear your father say who the house was built for, or who the lot was sold to? A. I don't remember

BY COMMISSION:

- Q. Do you remember the time that John M. Martin came from Texas to Lenapah? A. Yes sir, he came to Vinita, and went from Vinita to Lenapah.
- Q. Who was with him? A. He was alone. His mother stopped at Pryor Creek.
- Q. Do you know whether his mother ever came to Lenapah? A. I have heard she came; I did not see her.
- Q. Do you know whether she lived with John M. Martin? A. I have heard she was there, but I was at Nowata.
- Q. At Lenapah? A. No, not at Lenapah, then. John Martin and his brother were clerking for my father there.
- Q. But Patsie Martin did not come there? A. She stayed with her sister at Pryor Creek.
- Q. Did you hear it said at the time this lot was bought that John Martin and his brother were going to build a home for Patsie Martin? A. No, I do not remember that.
- Q. How large a place is Lenapah? A. A small place.
- Q. If Patsie Martin had lived at Lenapah you would have known it would you not? A. Yes sir.
- Q. You moved from Lenapah to Vinita? A. We moved from Vinita to Lenapah, and my mother took sick and we moved back to Vinita.
- Q. And then did you go to Nowata? A. That was after I was married in '95, I moved to Nowata.
- Q. When you came to Nowata in '95 did you see Patsie Martin there? A. No sir.
- Q. Do you know whether she was living there? A. No sir, I don't know.
- Q. Do you know whether she had a house there? A. No, sir, I don't think she did.
- Q. You never were at her house and she was never at yours? A. No sir.
- Q. Is Nowata a small town? A. Yes sir, a small place.
- Q. How large? A. I do not know how many inhabitants.
- Q. Do you know most of the people? A. Yes, sir. I knew most all the old residents.
- Q. Is John M. Martin living there? A. Yes, sir.
- Q. In a house to himself? A. Yes sir.
- Q. You never saw his mother there? A. No sir, I never did.
- Q. His mother does not live there? A. She lives out in the country with her daughter, I know.

JOHN M. MARTIN, being duly sworn, testifies as follows:

By COMMISSION:

- Q. Your name is John M. Martin? A. Yes sir.
- Q. You have testified in this case before? A. Yes sir.

Patsie M. Martin C. R. 715--40

- Q You are a son of the applicant, Patsie M. Martin.
A. Yes sir.
- Q Do you desire now to make any supplemental statement to what you have already given? A. Yes sir.
- Q. You may state it? A. I wish to state that in 1891, immediately after the house mentioned had been built, at Lenapah for a home for Patsie Martin, on account of a negro war trouble in that neigh borhood, Patsie M. Martin decided that it was not a suitable locality in which to live, and decided to move elsewhere within the Cherokee Nation, and did so, afterwards establishing her home at Nowata, part of the time with and at the home of J. M. and G. A. Martin, and later with her daughter, Mrs. McGmick, at which place she still resides.

BY MR. HASTINGS:

- Q She never did occupy that house at all then?
A. At Lenapah? No sir.
- Q Who owns it now? A. I don't know who owns it now.
- Q What disposition was made of it? A. It was exchanged for a house and lot in Nowata to a man named John Kinney.
- Q Who did the exchanging? A. I did.
- Q Did you make the bill of sale to Kinney? A. I don't know whether a bill of sale was made; I think not.
- Q Did you require one for the property at Nowata? A. No sir.
- Q Who owns the property at Nowata? A. Joe Bowers owns it at this time.
- Q When did he acquire it? A. In 1898.
- Q Who from? A. J. B. Stoble.
- Q From whom did he acquire it? A. From Patsie Martin.
- Q Herself, individually? A. Yes sir.
- Q Who did the trading for Patsie Martin? A. I did.
- Q She did not appear there, in all this trading?
A. I have done all her business since 1886.
- Q When did she go back to Texas? --after she first came here?
A. I think it was four or five or six months after she first came that she went back the first time.
- Q Did she have children living in Texas? A. Yes sir.
- Q What part of Texas did she live in? A. Gregg County.
- Q When did she go back to Texas the first time?
A. It was about the year 1891.
- Q With whom did she live in Texas when she went back there?
A. She did not live with anyone, she visited there.
- Q You know she did not live? A. Of course she isn't dead; she is my mother and I have had full control over her affairs since 1886, and know what she has done.
- Q She has other children? A. Yes sir.
- Q She is not living with you now? A. No sir.
- Q How long has it been since she lived with you?
A. Five or six years.
- Q And you had full control over her business when she did not live with you? A. Yes sir.
- Q How long did she remain that first time she went back to Texas?
A. Five or six months.
- Q Did she have a farm there? A. Yes sir, has it yet.
- Q Did she go back to this farm? A. Yes sir.
- Q Who is living on it now? A. Negro tenants.
- Q How long did her children live on it?
A. Her children never did live on it.
- Q Where did they live--adjoining it? A. Yes, on some land that belonged to my father, adjoining that place.
- Q. When did your father die? A. In 1896.

Fatsie M. Martin, C. R-735-46

- Q Where? A. In Texas
- Q Were your father and mother living together?
A. Well, they were not separated.
- Q They never were divorced? A. No sir.
- Q Your father never was in this country? A. Yes, he had been here several times.
- Q But he never came here to live? A. No, but he has been here several times.
- Q Your father owned a farm down there? A. Yes sir,
And lived there? A. He lived with one of his sons.
- Q Your father and your mother owned farms adjoining down there, and lived together as husband and wife until his death in 1885? A. Yes sir.
- Q Where does your mother live now? A. With her daughter, Mrs. McCamick, at Nowat.
- Q What children has she down there now? A. J. K. Martin and P. H. Martin---
- Q Where does J. K. Martin live now? A. In a little town on the Cotton Belt railroad, he has recently moved there, I believe the town is Linwood.
- Q Does your mother have personal property in Texas?
A. Yes, cattle and horses
- Q She has them there yet? A. No not now, she has shipped them out.
- Q Did your mother come here in 1890, as she testified?
A. Yes sir. She came here with some cattle in 1890; at a time prior to that, some two or three months, she had gone to Texas from Indian Territory for the purpose of moving her cattle to Texas.
- Q And her cattle had been in Texas all the time up to that time, on her farm in Texas? A. Part of them had.
- Q Now, how long had she been here the last time prior to going to Texas to remove her cattle, which you say she did some two or three months before March 1899? A. About eight years
- Q Now, Mr. Martin, I don't want to contradict you, but on your own statement, in answer to my question, How long had she been here prior to that time---A. I have no accurate record of that; I don't know.
- Q You don't know about that? A. No.
- Q You are not prepared to testify on that point?
A. Yes, I am testifying on that.
- Q You are testifying on something you don't know-then? What are you going to swear about that?
A. To the best of my knowledge.
- Q Well, now, to the best of your knowledge, what do you swear about that? A. That she was here eight years.
- Q Do you swear that she never was--never had been--in Texas for eight years prior to that time? A. No, sir.
- Q Now, how long had she been in the Indian Territory, continuously, before she went after these cattle? A. That I could not tell.
- Q About how long? A. I don't know; I kept no account of her whereabouts.

BY COMMISSION:

- Q Between 1890 and 1899, Mr. Martin, how much of that time did your mother actually spend in the Indian Territory?
A. I am of the opinion that she spent about one half of the time
- Q And the other half in Texas? A. About that, yes sir.

COMMISSION:

Mr. Martin have you any further testimony to offer with respect to the enrollment of Fatsie M. Martin as a Cherokee by blood? A. No, sir.

Patsie M. Martin C. R-735--47

Q Mr. Hastings, has the Cherokee Nation any further testimony to offer in this case? A. The Cherokee Nation thinks the testimony submitted is sufficient and is therefore willing to submit the same upon the record.

This case will now be closed and a decision will be rendered on the record as now made up.

C A S E C L O S E D .

Lucy M. Bowman, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she correctly reported the proceedings had in the above entitled cause on the first above mentioned date, and the foregoing is a full true and complete transcript of her stenographic notes therein.

Lucy M. Bowman

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

Myron White,
Notary Public.

Cherokee R 736
Cherokee D 607

Department of the Interior,
Commissioner to the Five Civilized Tribes,
Muskegee, I. T. August 9, 1905.

In the matter of the application for enrollment as a
citizen by blood of the Cherokee Nation of Patsie M. Martin.

ON BEHALF OF THE COMMISSIONER:

The attorney for the Cherokee Nation, W. W. Hastings, announces that he has no testimony to introduce in the matter of the application for enrollment as a citizen by blood of the Cherokee Nation of Patsie M. Martin, in rebuttal to that introduced on behalf of applicant on June 29, 1905, and has no further testimony to introduce in said case, and the same will be closed and a decision prepared on the evidence heretofore introduced.

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

Lucy M. Bowman

Subscribed and sworn to before me this 9th day of August, 1905.

Myron White
Notary Public.

C.T.B.

Cherokee I 798

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

In the matter of the application for the enrollment of
Patsie M. Martin as a citizen by blood of the Cherokee Nation.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That at Nowata, Indian Territory, on October 16, 1900, Patsie M. Martin appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of herself as a citizen of the Cherokee Nation. Further proceedings were had in the matter of said application on March 6, 1902, at Muskogee, Indian Territory.

The records further show that on September 20, 1902, the Commission to the Five Civilized Tribes rendered its decision herein, denying said applicant the right to enrollment as a citizen by blood of the Cherokee Nation, and that, on October 22, 1902, (I.T.D. 6006-1902), said decision was duly affirmed by the Department; that on September 21, 1903, said Commission requested the Department to remand said case for readjudication in accordance with the opinion of the Assistant Attorney-General of March 16, 1903, in the Yeorgain case, and that on March 15, 1904 (I.T.D. 6086-1903, 7122-1903), said request was denied by the Department; and that, thereafter, on November 12, 1904, a motion to reopen having been filed by the attorney for the applicant, said case was remanded by the Secretary of the Interior, for readjudication (Departmental letter I.T.D. 11720-1904). Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on June 16, June 22, and August 9, 1905.

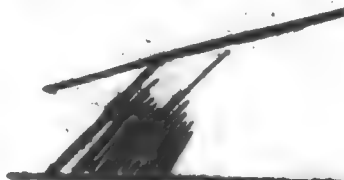
THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Patsie M. Martin, is a Cherokee by blood, that she was born in the Cherokee Nation about the year 1834, and resided therein until she was fifteen years of age; that at the age of fifteen she removed to the State of Texas, where she afterward married, and continued to reside until the year 1899; that both the applicant and her husband owned and controlled valuable property in the State of Texas until the time of her husband's death, in March, 1898, and that said applicant still owns a farm in said State.

The evidence further shows that in 1890 said applicant, together with other members of her family, was admitted to citizenship in the Cherokee Nation by the legally constituted authorities of said Nation; and that said applicant, after her admission to citizenship in the Cherokee Nation in 1890, made frequent visits to her children in the Cherokee Nation, but did not remove to and permanently locate in said Nation until 1899.

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

"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 in 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, ORDERED AND ADJUDGED: That, under the provisions of the Act of the Cherokee National Council above noted, and of Section Twenty-one of the Act of Congress approved June 20, 1898, (30 Stat., 456), Patsie M. Martin is not entitled to enrollment as a citizen by blood of the Cherokee Nation, and her application for enrollment as such is accordingly denied.



COMMISSIONER

Dated at Muskogee, Indian Territory,

this OCT 5 - 1905

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

In the matter of the application for the enrollment of PATSIE M. MARTIN as a citizen by blood of the Cherokee Nation.

Cherokee D 607 (R 735).

The Commission on September 20, 1902, found that the applicant Patsie M. Martin was not entitled to be enrolled as a citizen of the Cherokee Nation for the reason that under Section 21 of the Act of Congress of June 28, 1898, which provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship;....." that the applicant had not theretofore removed to and in good faith settled in the nation. Let's see what the testimony is upon this one question. It seems that Patsie M. Martin was admitted to citizenship by an Act of the Cherokee National Council on December 1, 1890, and, therefore, a question of compliance with the Act of December 4, 1894, requiring people previously admitted to return to the Cherokee Nation within six months thereafter, and the additional question as to whether or not she had removed to and in good faith settled in the Nation on June 28, 1898.

Patsie M. Martin appeared before the Commission on October 16, 1900, at Nowata, Indian Territory. She testified that she was 56 years of age at that time, and when inquired by the Commission as to how long she had lived in the Cherokee Nation she answered as follows:

"Q How long have you lived in the Cherokee Nation? A I lived here until I was 15 years old and then I moved to the state of Texas; I have been living in the Cherokee Nation two years now in the Spring."

"Q While you were out of the Cherokee Nation, you say, you lived in Texas? A Yes, sir."

"Q How long had you lived in Texas before you returned to the Cherokee Nation? A 50 years."

Then the record recites that the applicant presented a certificate of admission by the Cherokee Council approved December 4, 1890, and this certificate provides that none of the rights therein granted shall accrue until the applicant removes to the Cherokee Nation. Following this are the additional questions:

"Q You were admitted in 1890 and removed here two years ago? A Yes, sir."

"Q Have you lived here ever since? A Yes, sir."

"Q At what time two years ago did you come here? A In March, 1899."

"Q Then it will be two years next March? A Yes, sir."

Following this examination will be found the recapitulation of the facts by Commissioner Breckinridge in the field at Nowata, in the presence of Patsie M. Martin, reciting the above facts, and they must have been fully understood by Patsie M. Martin. It will be observed that the whole of her examination was as to the time of her return to the Cherokee Nation. In the first place she said that she had left the Cherokee Nation when she was 15 years old and had remained in the State of Texas for 50 years and that she was now 66 past, which would have made her return in the Spring of 1899.

In the second place she swears in October of 1900 that she had been here two years in the coming spring, which would have made her come here in the Spring of 1899. In the third place she swears positively that she came here in March, 1899, and she never has appeared before the commission to dispute this under oath. The only witness who has appeared before the commission tending to refute this is John M. Martin. He makes a most unsatisfactory witness. He has a convenient memory, but it is so convenient that he forgets just these things which are against him, which he should and must know. The Commissioner will not believe for a minute that he does not know how long his mother had been in Texas previous to her coming to this country in March, 1899, yet under oath he swears he does not, and it will be observed that during all of this cross-examination he seeks to evade the fact of the length of time that his mother resided in Texas. He tries to leave the impression that he was looking after his mother's business affairs. But that could not be true, because his mother had a farm in the State of Texas. Reference is made to the testimony of John M. Martin taken before the Commission at Muskogee, June 29, 1905, at the bottom of the second page of his testimony, wherein the question is asked, referring to the State of Texas:

"Q Did she have a farm there? A Yes, sir, has it yet."

"Q Did she go back to this farm? A Yes, sir."

"Q Who is living on it now? A Negro tenants."

"Q How long did her children live on it? A Her children never did live on it."

"Q Where did they live, adjoining it? A Yes, on some land that belonged to my father, adjoining that place."

"Q When did your father die? A In 1895."

"Q Where? A In Texas."

"Q Were your father and mother living together? A Well, they were not separated."

Further on down in the examination this question was asked:

"Q Your father and your mother owned farms adjoining down there and lived together as husband and wife until his death in 1895? A Yes, sir."

Now, it is quite clear that Patsie M. Martin never complied with the Act of December 4, 1894, and it is quite clear that she never "settled in good faith" as provided in the Act of June 28, 1898, in the Cherokee Nation until March, 1899.

The attorney for applicant attempts to leave the impression that Patsie M. Martin was depending upon her son to take care of her and that she and her husband were in depressed financial circumstances, whereas the very opposite is true, because the testimony shows that they not only owned farms, both of them, in the State of Texas, but that they owned quite a lot of personal property, including cattle, the last of which she did not remove until 1899, which clearly and completely refutes the idea that John M. Martin was her agent to look after her business affairs, because he swears he lived in the Cherokee Nation, whereas her farms and all of her personal property, including her cattle and household effects, were in the State of Texas.

The testimony shows that this woman lived with her husband, was not divorced, and was living with him when he died in 1895, and it is an elementary principle of law that the domicile of the husband is that of the wife and one around which the attorney for applicant cannot get. She lived there with him until he died, she continued

to live there until March, 1898, and she owns property there to
this day. She was self-sustaining and in addition to the farm, had
personal property in Texas.

During all of this controversy, as this applicant first ap-
peared before the court, she testified in a positive language that
she came here in March, 1898, and that her applicant had never
seen it to have her re-introduced to her own statement.

We submit that under the Act of December 4, 1894, and under the
Turtin Bill that the applicant is not entitled to be enrolled as a
citizen of the Cherokee Nation.

Respectfully submitted,

Signed 1000 Hastings
Attorney for the Cherokee Nation.

✓

D607

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
FEB 24 1902



ACTING Chairman

COMMISSIONERS,
HENRY L. DAVIS,
TAMM BENT,
THOMAS S. NEEDLES,
C. R. BUCHANAN.

ALLISON L. AYLESBORTH
SECRETARY

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

ADDRESSES ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 15, 1902.

Mrs. Patsy H. Martin,

Nowata, Indian Territory,

Madam:-

You are hereby notified that the application of yourself

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

the 5th day of March, 1902,

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

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

You are required to supply the Commission with certified copy of act of admission.

Cherokee D-607
Register.

Yours truly,

Acting Chairman:
XXXXXXXXXXXX

XXXXXXXXXXXX

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 4 1892

[Handwritten signature]

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

2095

10

COMMISSIONERS:

HENRY L. DAVIS,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRACKENRIDGE.

ALLISON L. AYLWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Amesbury I J 3/24/02

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
Patsy M. Martin for enrollment as
Freedmen of the Cherokee Nation.

Attys

No. 21607

Mellott Smith

Attys

57701

Indian Office

17

1902

The Honorable,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

September 22, 1902.

SUBJECT:

Transmitting record in the matter of the application for the enrollment of Patsie M. Martin as a citizen of the Cherokee Nation, Cherokee D. 6079.

OCT 6 1902

DEPARTMENT OF THE INTERIOR
MAR 1904
with No. 1740

No. of inclosures

Through the

Gen. C. No. 11.

Commissioner of Indian Affairs.

Acting Chairman.

rejecting said application.

Respectfully,

including the decision of the Commission, dated September 30, 1902, enrollment of herself as a citizen by blood of the Cherokee Nation, had in the matter of the application of Patsie M. Martin for the
There is herewith transmitted the record of proceedings
Sir:

COMMISSIONERS.
HENRY L. DAWES.
TAMM SIXBY.
THOMAS S. NEEDLES.
C. E. BRACKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE CIVILIZED TRIBES. Cherokee D 607.

Bel. 100001 SS

Cherokee D 607
Civilized Tribes
Department of the Interior
Washington, D. C.
September 22, 1902

1

Maskogee, Indian Territory, September 22, 1902.

The Honorable,
The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Patsie M. Martin for the enrollment of herself as a citizen by blood of the Cherokee Nation, including the decision of the Commission, dated September 20, 1902, rejecting said application.

Respectfully,



Acting Chairman.

Through the
Commissioner of Indian Affairs.

Enc. C. No. 11.

Cheerokee D 607.

COPY

Muskogee, Indian Territory, September 22, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 20, 1902, rejecting the application of Patsie N. Martin 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.

Enc. C. No. 10.

Cherokee D 607.

COPY.

Muskogee, Indian Territory, September 22, 1908.

Edgar Smith,

Attorney for Patsie M. Martin,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 20, 1908, rejecting the application of Patsie M. Martin for the enrollment of herself as a citizen by blood of the Cherokee Nation.

You have heretofore been furnished with a copy of the record of proceedings had in the case.

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

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

Respectfully,

Acting Chairman.

Enc. C. No. 9.

Register.

Cherokee D 607.

COPY

Muskogee, Indian Territory, September 22, 1902.

Estlin W. Martin,

Nowata, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 20, 1902, rejecting your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation.

There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

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

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

Respectfully,

Tamie Dixey.
Acting Chairman.

Enc. C. No. 8.

Register.

COPY.

Refer in reply to
the following:
Land
57701-1902.

Department of the Interior,
Office of Indian Affairs,
Washington, Oct. 4, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made September 22, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Patsie M. Martin for enrollment as a citizen by blood of the Cherokee Nation.

The record shows that applicant was admitted to citizenship in the Cherokee Nation by an act of its national council on December 1, 1890, but that she was a non-resident of the Cherokee Nation until March, 1899, when she removed to and settled in that nation.

It was the opinion of the Commission that she was not entitled to be enrolled because she was not on June 28, 1898 a resident of the Cherokee Nation.

The office agrees with the Commission in this matter and respectfully recommends that its decision be affirmed.

Very respectfully,
Your obedient servant,

A. C. Tonner,
Acting Commissioner.

WCV
D

3 inclosures.

COPY.

Cherokee B 607.

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 Fatsie M. Martin for the enrollment of herself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 22, 1903.

Respectfully,

Tams Bixby.
Acting Chairman.

COPY.

Cherokee B. 497.

Muskogee, Indian Territory, November 11, 1902.

Edgar Smith,

Attorney for Fatsie M. Martin,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, of date September 20, 1902, rejecting the application of Fatsie M. Martin for the enrollment of herself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 22, 1902.

Respectfully,

Wm. D. Dyer
Acting Chairman.

COPY.

Cherokee D 607.

Nowata, Indian Territory, November 11, 1902.

Patsie M. Martin,

Nowata, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, of date September 20, 1902, rejecting your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 23, 1902.

Respectfully,

Jane Bixby
Acting Chairman.

Cher. R 735

Muskogee, Indian Territory, November 24, 1902.

Patsie M. Martin,

Newata, Indian Territory.

Dear Madam:

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application, a certified copy of an act of the Cherokee National Council, re-admitting you and others to citizenship in the Cherokee Nation.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Acting Chairman.

Enc. N 5

D.C. 8895-1904.

J.P. FHE LRS

Department of the Interior,

I.T.D. 6086-1902
7162-1903.

Washington.

March 18, 1904.

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

Gentlemen:

October 22, 1902, the Department affirmed your decision rejecting the application of Patsie M. Martin for the enrollment of herself as a citizen by blood of the Cherokee Nation.

On September 21, 1903, you requested that the case be remanded for readjudication by you, in accordance with the opinion of the Assistant Attorney General of March 16, 1903, in the Yeargain case.

The Department does not consider that the facts in the case warrant its being remanded in view of the opinion of the Assistant Attorney General of December 29, 1903, in the case of Allie Williams.

It appears that the applicant was 66 years of age at the time the testimony in the case was taken in 1900. It is shown that she was admitted to citizenship in the Cherokee Nation December 1, 1890, and that she did not remove to and settle in the Cherokee Nation or Indian Territory until March, 1899.

Respectfully,

Signed. Thos Ryan

Acting Secretary.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

W. C. F.
Y. P.
JHE

D. C. 45437-1904

WASHINGTON. November 19, 1904.

I. T. D. 11730-1904.

LRS

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

Gentlemen:

November 15, 1904, the Acting Commissioner of Indian Affairs transmitted a communication from Mr. Henry White, Columbian Building, this city, submitting a motion for review in the matter of the application of Patsie Martin for enrollment as a citizen of the Cherokee Nation.

On October 22, 1902, the Department affirmed your decision rejecting the applicant, and on September 21, 1903, you requested that the case be remanded for readjudication in accordance with the opinion of the Assistant Attorney General in the Yeargain case. On March 25, 1904, you were advised that the facts in the case did not warrant it being remanded, in view of the opinion of the Assistant Attorney General in the case of Allie Williams.

The record shows that the applicant was 66 years of age at the time the testimony in the case was taken in 1900; that she was admitted to citizenship in the Cherokee Nation on December 1, 1890, and that she did not remove to and settle in the Cherokee Nation or Indian Territory until 1899.

...from the affidavit submitted in support of said motion for review that the applicant removed to the Cherokee Nation in October, 1900, and continued thereafter to reside and have his main abode...

...motion is hereby granted, and you will be holding the applicant, his attorney, and the attorney for the Cherokee Nation. The record and motion for review are enclosed herewith. You will conduct a rehearing in the matter and submit the proceedings with your recommendation.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

2 inclosures.

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

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

Opinion

REFER IN REPLY TO THE FOLLOWING:
Cherokee R-735.
" D-607.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 3, 1904.

Patsie M. Martin,
Nowata, Indian Territory.

Dear Madam:

The Commission is in receipt of Departmental letter of November 19, 1904, granting the motion for a rehearing in your case and directing that you be given an opportunity to appear before the Commission and introduce further testimony in support of your application for enrollment as a citizen of the Cherokee Nation.

You are, therefore, hereby 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 such testimony as you may desire in support of your said application.

For your information there is herewith enclosed a copy of the Department's letter above referred to.

Respectfully,

Register.
Enc. D-7.


Chairman.

COPY.

Cherokee R-735
D-607.

Muskogee, Indian Territory, December 3, 1904.

William Henry White,

Attorney for Patsie M. Martin,

416 Fifth St., N. W., Columbian Building,

Washington D. C.

Dear Sir:

The Commission is in receipt of Departmental letter of November 19, 1904, granting the motion for rehearing in the case of Patsie M. Martin, Cherokee R-735, and directing that she be given an opportunity to appear before the Commission and introduce further testimony in support of her application for enrollment as a citizen of the Cherokee Nation.

The applicant has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Friday, December 23, 1904, and introduce such testimony as she may desire in support of her application.

For your information there is herewith enclosed a copy of the Department's letter above referred to.

Respectfully,

SIGNED: *Tams Biaby*
Chairman

COPY.

Cherokee R-735
D-609.

Muskegee, Indian Territory, December 8, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogah, Indian Territory.

Dear Sir:

The Commission is in receipt of Departmental letter of November 19, 1904, granting a motion for rehearing in the case of Patsie M. Martin, Cherokee R-735, and directing that she be given an opportunity to appear before the Commission and introduce further testimony in support of her application for enrollment as a citizen of the Cherokee Nation.

The applicant has, therefore, this day been directed to appear before the Commission at its offices in Muskogah, Indian Territory, at nine o'clock A. M., on Friday, December 23, 1904, and introduce such testimony as she may desire in support of her said application. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

For your information there is herewith enclosed a copy of the Department's letter above referred to.

Respectfully,

SIGNED:

James Dixby
Chairman

Enc. D-8.

COPY

Case No. 2-407
P-324

Muskogee, Indian Territory, January 12, 1905.

William Henry White,

Attorney for Patsie M. Martin,

Columbian Building, 416 5th St., N. W.,

Washington, D. C.

Dear Sir:

The Commission is in receipt of your letter of December 30, 1904, asking that the date for taking testimony in the case of Patsie M. Martin be set for the last week in January, 1905, as you expect to be in the Territory on that date.

In reply you are advised that said case has been set for trial before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Monday, January 30, 1905, and the applicant this day notified to appear on said date and introduce testimony in support of her said application for enrollment as a citizen by blood of the Cherokee Nation.

Respectfully,

Register.

(SIGNED).

Tame Bixby.
Chairman.

COPY.

Cherokee D-607
R-735.

Muskogee, Indian Territory, January 12, 1905.

J. M. Martin,

Nowata, Indian Territory.

Dear Sir:

As per request contained in your telegram of December 23, 1904, you are advised that the case of your wife, Patsie M. Martin, applicant for enrollment as a citizen by blood of the Cherokee Nation, has been reset for trial before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Monday, January 30, 1905, and you are requested to appear before the Commission on said date and introduce testimony in support of your wife's said application for enrollment.

Respectfully,

Register.

(SIGNED)

Tams Bixby
Chairman.

COPY

Cherokee R-736.

Muskogee, Indian Territory, March 20, 1906.

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

Dear Sir:

The Commission is in receipt of your letter of March 25, 1905, asking to be advised as to the status of the application for the enrollment of Patsie M. Martin as a citizen by blood of the Cherokee Nation.

In reply you are advised that an examination of the papers in this case shows that the Commission's decision rejecting the application for the enrollment of the said Patsie M. Martin as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 13, 1902; that this case was remanded on November 12, 1904 for a further hearing, since which time the Commission has not yet rendered a new decision therein.

Respectfully,

(SIGNED). *Tams Bixby.*
Chairman.

RD 35- INDEX

COMMISSION TO FIVE TR.			
No.	Received	AL Book	Pa
23024	1905 MAY 6 1905		

White, Wm. Henry,
Washington, D. C.,
May 2, 1905.

Wants copy of testimony in
Cherokee case of Patsie
Martin, et al.

CHEROKEE ENROLLMENT

WILLIAM HENRY WHITE,
Attorney at Law,
COLUMBIAN BLDG., 510 5TH ST., N. W.,
Washington, D. C.

May 2, 1908.

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

Gentlemen:

Will you please send me copy of testimony taken on
December 23, 1904, or subsequent thereto, in re application of
Patsie Martin, et al., for enrollment as Cherokee citizens.

Very respectfully,

William Henry White

Cherokee B-735.

Muskogee, Indian Territory, July 12, 1908.

William Henry White,
Cathedral Building,
416 5th Street, N. W.
Washington, D. C.

Dear Sir:

As requested in your letter of July 5, 1908, there are inclosed you herewith copies of supplemental testimony of June 18 and June 29, 1908, in the matter of the application for the enrollment of Patsie M. Martin as a citizen by blood of the Cherokee Nation.

There is also inclosed a receipt for the testimony which you will please sign and return to this office.

Respectfully,

Incl. ENC-7.

Commissioner.

Cherokee Nation

1900

COPY

Easton, Indian Territory, August 12, 1900

W. V. Hastings

Attorney for the Cherokee Nation

Easton, Indian Territory

Dear Sir:

There is inclosed herewith a copy of supplemental proceedings had on August 9, 1900, in the matter of the application for the enrollment, as a citizen by blood of the Cherokee Nation, of Patsie H. Martin.

Respectfully,

SENDS
(SIGNED)

W. O. B...
Attorney for the Cherokee Nation

100
East. 1-00

Cherokee R-735,

D-307.

COPY.

Muskogee, Indian Territory, August 11, 1906.

William Henry White,

Attorney for Patsie M. Martin,

Columbian Building,

416 Fifth Street, N. W.,

Washington, D. C.

Dear Sir:

There is inclosed herewith a copy of supplemental proceedings had on August 9, 1906, in the matter of the application for the enrollment, as a citizen by blood of the Cherokee Nation, of Patsie M. Martin, together with a receipt for same which you are requested to sign and return to this office,

Respectfully,

Truenedy

M. O. Beall
Acting Commissioner.

LMB

2 Incl. B-41

Cherokee R-735,

D-807.

copy.

Muskogee, Indian Territory, August 11, 1908.

V. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental proceedings had on August 9, 1908, in the matter of the application for the enrollment, as a citizen by blood of the Cherokee Nation, of Patsie M. Martin.

Respectfully,

SIGNED:

J. M. O'Beall
Acting Commissioner.

LMB

Incl. B-48

Cherokee B-738.

COPY.

Muskogee, Indian Territory, October 5, 1905.

Patsie H. Martin,

Nowata, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 5, 1905, rejecting your application for enrollment as a citizen by blood of the Cherokee Nation. There has heretofore been furnished your attorney, William Henry White, Washington, D. C., a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commissioner's decision.

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

Respectfully,

SIGNED,

James D. Smith
Commissioner.

Incl. 3-28
Register

COPY

Cherokee R-735.

Muskogee, Indian Territory, October 5, 1905.

William Henry White,

Attorney for Patsie Martin,

Columbian Building,

416 Fifth Street, N. W.,

Washington, D. C.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 5, 1905, rejecting the application for the enrollment of Patsie M. Martin as a citizen by blood of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings.

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

Respectfully,

ESSENT

Incl. B-29
Register

John S. Bixby
Commissioner.

Cherokee R-735,

COPY.

Muskogee, Indian Territory, October 5, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 5, 1905, rejecting the application for the enrollment of Patsie W. Martin 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 this office is advised of the same.

Respectfully,

SIGNED.

Tame Blahy
Commissioner.

Incl. 8-30

COPY.

Muskogee, Indian Territory, October 8, 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 Patsie M. Martin as a citizen by blood of the Cherokee Nation, including the Commissioner's decision dated October 5, 1905, rejecting said application. This case was remanded to the Commission to the Five Civilized Tribes for further hearing and readjudication November 19, 1904 (I.T.D. 11730-04).

Respectfully,

RECEIVED

Tame Dixby

Commissioner.

Incl. 2-31

Through the

Commissioner of Indian Affairs.

(C O P Y)

Land
6085-1905.

Copy

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS

WASHINGTON, Nov. 11, 1905.

The Honorable,
The Secretary of the Interior

sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated October 5, 1905, transmitting the record of the application for enrollment as a citizen by blood of the Cherokee Nation, of Patsie M. Martin:

October 5, 1905, the Commissioner decided adversely to the applicant.

The record shows that on October 22, 1902, (I.T.D. 6086-03) the Department affirmed the decision of the Commissioner to the Five Civilized Tribes adverse to the applicant, that on November 19 1904 (I.T.D. 11730-04), the case was remanded by the Department for rejudication. The record shows that the applicant is a Cherokee by blood; that she was born about 1834 in the Cherokee Nation, and resided therein until 15 years of age; that at 15 she removed to the state of Texas, married there and continued to reside in Texas until the year 1899; that both applicant and her husband owned and controlled valuable property in Texas until her husband's death

in March 1898, and that the applicant still owns a farm in that state.

It is further shown that in 1899, the applicant was legally admitted to citizenship in the Cherokee Nation; and that after her admission she made frequent visits to her children in that Nation, but did not remove to, and permanently locate in the Nation until 1899.

In view of the record and of the fact that the applicant did not permanently locate in the Cherokee Nation within six months of the date of her readmission thereto, the approval of the Commissioner's decision adverse to the applicant is recommended.

Very respectfully,

C. F. LADDEN
Acting Commissioner

M.M.M.-NL.

D. C. 580225, 1905

I.T.D. 14944-1905

Y.P.
KLB

L R S

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

November 17, 1905.

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

Sir:

October 5, 1905, you transmitted the record in the matter of the application of Patsie M. Martin for her enrollment as a citizen by blood of the Cherokee Nation.

Reporting November 11, 1905, the Indian Office recommended that your decision, adverse to the applicant, be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation and your decision dated October 5, 1905, is hereby affirmed.

Respectfully,

(Signed,) THOS. H. W.
First Assistant Secretary

1 inclosure.

Cherokee R-735.

COPY.

Muskogee, Indian Territory, November 27, 1905.

Patsie M. Martin,

Nowata, Indian Territory,

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five civilized Tribes, dated October 5, 1905, rejecting your application for enrollment as a citizen by blood of the Cherokee nation, was affirmed by the Secretary of the Interior on November 17, 1905.

Respectfully,

(SIGNED)

John W. Rodgers
Acting Commissioner

LS

Cherokee R-735.

COPY.

Muskogee, Indian Territory, November 27, 1905.

William Henry White,
Attorney for Patsie M. Martin,
416 Fifth Street, N. W.,
Washington, D. C.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated October 5, 1905, rejecting the application for the enrollment of Patsie M. Martin as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 17, 1905.

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

Respectfully,

(SIGNED)

Geo. D. Rodgers
Acting Commissioner.

Incl. S-206

Cherokee R-755.

COPY.

Muskogee, Indian Territory, November 27, 1905.

W. W. Hastings,

Attorney for the Cherokee nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated October 5, 1905, rejecting the application for the enrollment of Patsie M. Martin as a citizen by blood of the Cherokee nation, was affirmed by the Secretary of the Interior on November 17, 1905.

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

Respectfully,

SIGNED.

Geo W. Rodgers
Acting Commissioner.

Incl. S-207

V

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

AUG 11 1895



COMMISSIONER

Trudoe 728 Indian Territory, _____ 100 5

RECEIVED OF THE COMMISSIONER TO THE FIVE CIVILIZED

TRIBES one copy of the testimony in Cherokee P 735

Patsie M Martin (let of 6/15 & 6/29/05)

J. H. White
Attorney for Applicant.

Kaskadee, Indian Territory, 8/15 1905

RECEIVED OF THE COMMISSIONER TO THE FIVE CIVILIZED

TRIBES one copy of the testimony in Patience M. Martin

Cher P. 735 (Dupl 8/9/5)

James Henry White
ATTORNEY FOR APPLICANT

Further testimony taken
in this case 2/6-1900

7

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

RETURNED TO WRITER.

unknown

REGISTERED NUMBER *72*

REGISTERED

PERSONAL
CHECK

Patsie M. Martin,

~~Nowata, Indian Territory.~~



Cher R 736

Cher R 736

DOUBTFUL AS to husband Arthur Brown.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. October, 15th 1900.

In the matter of the application of Rebecca Brown for the enrollment of herself, wife and one child into Cherokee citizenship. She being duly sworn by the Commission testified as follows.

- Q What is your name? A. Rebecca Brown.
 - Q What is your age? A. 37.
 - Q What is your post office address? A. Nowata, I. T.
 - Q What district do you live in? A. Georgeasawee.
 - Q Are you a recognized citizen of the Cherokee nation? A. Yes sir.
 - Q By blood? A. Yes sir.
 - Q What degree of blood do you claim? A. 1/16.
 - Q For whom do you apply? A. Myself, husband and one child.
 - Q Where is your husband? A. He is at home?
 - Q Can't he come here? A. No sir.
 - Q Why? A. Got in some trouble and can't come here.
 - Q What was your name before you married your husband? A. Rebecca Pierson.
 - Q Have you a marriage license and certificate? A. Yes sir.
- Applicant presents a marriage license and certificate showing that she married one Arthur J. Brown a citizen of the United States on the 7th day of October, 1891.
- Q Does your name appear on the authenticated roll of 1890? A. No sir.
- Applicant presents a certificate of admission to Cherokee citizenship in cases Nos. 30 & 36, said certificate being issued by the Citizenship Commission of the Cherokee Nation at Tahlequah and dated June 27th 1878, and signed by John Chambers as president and O. P. Spawer and George Downing as members of the Commission and by E. L. Nicholson as clerk thereof, and certifying that among others one Rebecca Pierson was admitted to Cherokee citizenship by said Commission on June 7th 1878.

- Q Are you the identical Rebecca Pierson that is mentioned in this certificate? A. Yes sir.
- Q What is the name of your child? A. Mable A.
- Q How old is this child? A. 6 years.
- Q Is this child alive and living with you? A. Yes sir.
- Q What is your husband's name? A. Arthur J. Brown.
- Q How old is he? A. 38 years.
- Q Is he a white person? A. Yes sir.
- Q Is he your first husband? A. Yes sir.
- Q Are you his first wife? A. Yes sir.
- Q How long have you lived in the Cherokee Nation? A. I was born and raised here.
- Q How long has your husband lived here? 13 years.
- Q Is he here now? A. No sir.
- Q How long has he been gone? A. About a year.
- Q Do you know when he is coming back? A. No sir.
- Q Have you parted from him? A. No sir.
- Q You say that the reason he is not in the country is because he is in some trouble and has to stay out of the country? A. Yes sir. He is in trouble.
- Q You have not lived any where else but in the Cherokee Nation, your- self? A. No sir.
- Q Have you heard from your husband since he went away? A. No sir.

1896 roll, page 117, No. 100, Rebecca Brown, Georgeasawee.
 1896 " " 206 " 110 Arthur J. Brown " "
 1896 " " 117 " 870 Mable Brown " "

The name of Rebecca Brown appears on the census roll of 1890 as well as her child Mable Brown. Proof as to her citizenship and residence is offered which is more particularly recorded in the testimony. She has also produced satisfactory evidence as to her marriage to her present husband Arthur J. Brown, the applicant states that he has become involved in some trouble which caused him to leave the country, but that she has continued to remain here. They all

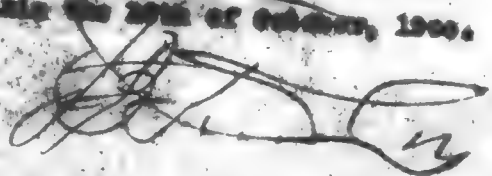
RECORDS

In the case mentioned above, the name and number of the year
as indicated in the proceedings, and the name of the year
for enrollment as indicated in the proceedings, shall be duly listed
with as to the date of the proceedings, and the date of the
final judgment as to the name and number of the year
and shall be placed in a separate list as indicated above.

That you will please duly review the same and if necessary of the
Commission to the State Commission, and if necessary in full, you
the proceedings in the above cases and the date of the proceedings
and correct procedure of the proceedings as indicated above.

Chauvaise

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



Commissioner.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 16 1900



ACTING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION.

(78) **Name** Arthur J Brown **Date** Oct 15 1900 1900.
District COOWEESCOOWEE. **Year** 1890 **Page** 296 **No.** 110
Citizen by blood no **Mother's citizenship**
Intermarried citizen yes
Married under what law

License **Date of marriage**
Wife's name [Signature]
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
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Husband of Rebecca Brown

0587

No. 701.

Rebecca Brown, Plaintiff.

vs.

A. J. Brown, Defendant

-o-o-o-

Certified Copy of Report of
Master in Chancery and Order
of Court.

6

C D 587-

In the United States Court in the Indian Territory,
Northern District, at Wagoner.

Rebecca Brown, Plaintiff.

vs.

No. 701.

A. J. Brown, Defendant.

L. F. Parker, Jr. Master in Chancery respectfully show to the Court under the general order of reference I have examined the pleadings and have taken the testimony of the witnesses in person and find the facts to be as follows:-

First;- Complaint was filed June 25th, 1902, service had by publication which is satisfactory, although irregularly shown by the affidavit of the publisher.

Second;- The plaintiff resides at Nowata I.T. within the Northern District of the Indian Territory, and has resided within this district for more than one year before the date this action was commenced. The defendant is a non-resident of the Indian Territory.

Third;- Plaintiff and defendant were married to each other on the 19th of October, 1891 at Alluwe, Ind. Ter. and lived together as husband and wife from the date of said marriage until July 1899, during all of which time they lived happily together and each performing all the duties incumbent upon them the marriage relation and were apparently contented.

Fourth;- He, the defendant was a farmer by occupation, but a short time before the separation he was appointed Administrator for an estate and with the money thus placed in his hands, and that which he obtained by mortgaging his property he started into the livery business; he was not successful and became desperate. His fall was a rapid one, late hours, intoxication and other excesses soon made a dissolute character and a drunkard of him, and finally he consorted and paraded the streets in company with lewd women to the shame and disgrace of his family until finally on the 26th of July 1899, his transactions as administrator having been discovered, he hurriedly left Nowata, and wilfully deserted his wife and children, since which time he has not communicated with any of them, nor

in any way provided for them but has continuously remained apart ^{and away} from them. Of the four children born of this marriage only one survives, named Mabel six years of age, and now with her mother, the plaintiff, who has since said date labored for the support of herself and said child.

Plaintiff is a woman of excellent reputation in the community, and the premises considered I recommend a divorce be granted in accordance with the prayer of the complaint, and that she be given the care and custody of the child Mabel.

This cause of divorce occurred within the jurisdiction of this court and within the last five years.

Respectfully submitted.

L.F.Parker, Jr.,

Master in Chancery.

Endorsed; Filed in Open Court Nov 15, 1901.

Chas. A. Davidson Clerk Northern Dist. Ind. Ter.

Now on the 30th day of November 1901, the same being one of the regular days of the regular November, 1901 term of the United States Court for the Northern District, of the Indian Territory, at Wagoner, present the Honorable Joseph A. Gill Judge and Court having opened in due form of Law, the following proceedings amongst others were had:-

701.

Rebecca Brown, Plaintiff.

vs.

A. J. Brown, Defendant.

Now on this day this cause coming on to be heard on the evidence and the report of the Master heretofore filed by the Plaintiff Rebecca Brown against the defendant A. J. Brown on the 25th day of June 1901, and that on the said date she caused to be issued and published in the Wagoner Sayings a Warning Order warning the defendant A. J. Brown to appear and make his defense to said Cause of action, and that on said date the Clerk of the U. S. Court of the Northern District of the Indian Territory appointed Thomas J. Lillard as attorney for the non-resident defendant who makes report that he has made diligent enquiry and has been unable to find or communicate with the said defendant.

And it further appearing to the Court from the evidence and the report of the Master heretofore filed in this case, that the plaintiff and defendant were married to each other on the 19th day of October 1891, at Alluwe I.T., and that they lived together as husband and wife until July 1899 at which time the defendant left and abandoned the plaintiff without any reasonable or just cause and that he has continued to absent himself from the said date for the space of whole year before the commencement of this action and that this cause of divorce occurred within the Northern District of the Indian Territory and within the last five years and the Master in Chancery having reported that a decree be granted to the plaintiff it is therefore considered that the report of the master in Chancery, should be and the same is hereby affirmed. It is therefore considered ordered and adjudged by the Court that the Bonds of Matrimony heretofore entered into by and between the plaintiff and defendant and still subsisting by and the same are hereby dissolved, set aside and held for naught and the plaintiff is hereby restored to all the right of an unmarried person.

Joseph A. Gill. U. S. Judge.

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

ss.

I, Chas. A. Davidson Clerk of the United States Court for the Northern District of the Indian Territory, do hereby certify that the foregoing is a full true and correct copy of the Report of the Master in Chancery and the Decree of the Court in Cause numbered 701, and entitled Rebecca Brown, Plaintiff vs. A. J. Brown, defendant, as the same appears from the file and records of my office in Wagoner, Indian Territory. In Testimony whereof I have hereunto set my hand and caused to be affixed the seal of the said Court at Wagoner, aforesaid, this 24th day of February, A.D. 1902.

Chas. A. Davidson
Clerk.

By

W. H. Hunter

Deputy Clerk.

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APR 12 1902

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C D 587

Department of the Interior
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 8, 1908.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Arthur J. Brown for enrollment as a Cherokee citizen.

Appearances:

W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 15, 1908, that his application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory on the 5th day of March, 1908; and that on said date he might appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any further testimony affecting his application.

J. C. STAHR, being first duly sworn and being examined testified as follows:

BY W.W.HASTINGS:

Q What is your name? A J. C. Starr.

Q What is your age? A 31 years.

Q You are stenographer for the Cherokee attorney? A Yes sir.

Q Have you made any effort to get wires upon Arthur J. Brown, the applicant in this case? A Yes sir, I have.

Q State what you have done? A I have registered letters to Mrs. Brown who made application for Arthur J. Brown, to three different post-offices and never received any return; and I have written letters trying to locate Arthur J. Brown, and have been unable to do so, and was advised by different parties that he was trying to keep out of the way of the United States Marshal; for that reason I could not find his present post-office address.

BY MR. HASTINGS: Comes now the Cherokee Nation and moves to be permitted to introduce a copy of the decree of divorce between his former wife, Rebecca Brown and the applicant, showing that the divorce was granted to her on the ground of abandonment, and also that no service at that time could be had upon him, and that service had to be had by him by publication.

BY COMMISSION: The request of the Cherokee Nation will be complied with and the document made part of the record.

The applicant having this day been called three times and failing to respond either in person or by attorney, it is directed that the case be closed and that same be submitted to the Commission for final decision, based upon the evidence now of record.

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

M. D. Green

H.H.L.

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS.

In the matter of the application of Rebecca Brown for the enrollment of herself and minor child, Habel A. Brown, as citizens by blood of the Cherokee Nation, and for the enrollment of her husband, Arthur J. Brown, as a citizen by intermarriage of the Cherokee Nation.

DECISION.

—

The record in this case shows that on October 15, 1900, the applicant, Rebecca Brown, appeared before the Commission at Nowata, Indian Territory, and that she there made personal application for the enrollment of herself and her minor child, Habel A. Brown, as citizens by blood of the Cherokee Nation, and for the enrollment of her husband, Arthur J. Brown, as a citizen by intermarriage of the Cherokee Nation. Rebecca Brown and her child, Habel A. Brown, are listed for enrollment in Cherokee Roll Case No. 4887, and the matter of the application for their enrollment is not considered at this time. At the conclusion of the testimony taken in this case on October 15, 1900, the name of Arthur J. Brown was placed upon a Rebuttal Card because no satisfactory proof regarding his actual residence was made. Thereafter on March 8, 1901, at Muskogee, Indian Territory, further evidence in the matter of the application for the enrollment of Arthur J. Brown was introduced.

It appears from the evidence in this case that the applicant, Arthur J. Brown, a citizen of the United States, was married, on October 19, 1898, under the laws of the Cherokee Nation, to "Neddie Sherman", a citizen of the Cherokee Nation, who was admitted to citizenship in the Cherokee Nation by the President on the 14th day of the Cherokee Nation on June 9, 1898. The applicant,

Cherokee D 887 - 2 -

Arthur J. Brown, is identified on the Cherokee census roll of 1896.

It further appears from the evidence that Arthur J. Brown had lived in the Cherokee Nation about twelve years, but on the date of this application and for about a year prior thereto he had been absent on account of some trouble.

It further appears from the evidence that on the 30th day of November, 1901, a divorce, on the ground of abandonment, was granted in favor of Rebecca Brown against Arthur J. Brown.

Section 687 of the Compiled Laws of the Cherokee Nation of 1898 provides:

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

The authority of the Commission herein is defined in Paragraph 1, Section 21, of the Act of Congress, June 28, 1906. (30 Stats., 495.)

It is therefore the opinion of this Commission that Arthur J. Brown is not lawfully entitled to be enrolled as a member by intermarriage of the Cherokee Tribe of Indians in Indian Territory and that the application for his enrollment as such should be refused and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


G. A. Reed
Commissioner.

Muskogee, Indian Territory,

this SEP 20 1902

COMMISSIONERS,
HENRY L. DAVIS,
TAMM BERRY,
THOMAS B. HIGGINS,
C. R. BROWNTHORPE.

ALLISON L. SYLVESTER,
SECRETARY.

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

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory,

February 13, 1902.

Mrs. Rebecca Brown,

Randall, Indian Territory,

Madam:-

You are hereby notified that the application of Arthur J. Brown

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 5th day of March, 1902.

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

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

You are required to supply the Commission with certificates of readmission.

Cherokee D-587
Register.

Yours truly,



Arthur C. Brown

Commissioner in Charge

Cherokee D 587.

Muskogee, Indian Territory, September 22, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Rebecca Brown for the enrollment of her husband, Arthur J. Brown, as a citizen by inter-marriage of the Cherokee Nation, including the decision of the Commission, dated September 20, 1902, rejecting said application.

Respectfully,

James Birby
Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enc. C. No. 38.

Cherokee D 587.

Muskogee, Indian Territory, September 22, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 20, 1902, rejecting the application of Rebecca Brown for the enrollment of her husband, Arthur J. Brown, as a citizen by intermarriage of the Cherokee Nation.

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

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

Respectfully,

Jame Dixby.

Acting Chairman.

Enc. C. No. 37.

Cherokee D 587.

Muskogee, Indian Territory, September 22, 1902.

Rebecca Brown,

Ramona, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of your husband, Arthur J. Brown, as a citizen by intermarriage of the Cherokee Nation, together with a copy of the Commission's decision, dated September 20, 1902, rejecting your said application.

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

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

Respectfully,

Acting Chairman.

Enc. C. No. 36.

Register.

Refer in reply to
the following:
Land
57701-1902.

Copy.
Department of the Interior,
Office of Indian Affairs,
Washington, Oct. 6, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made September 22, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Rebecca Brown for the enrollment of herself and her minor child, Mabel, A., as citizens by blood, and for the enrollment of her husband, Arthur J. Brown, as a citizen by intermarriage, of the Cherokee Nation.

The Commission listed Rebecca and Mabel A. Brown for enrollment, and their applications are not passed upon in this case.

The record shows that Arthur J. Brown, a citizen of the United States, was married, on October 19, 1891, to Beckie Pierson, a Cherokee citizen who was admitted to citizenship June 7, 1878. The name of Arthur J. Brown appears on the 1896 roll. He resided in the Cherokee Nation for about 12 years and about October 9, 1899 he left because of some difficulties in which he became involved. On November 30, 1901 his wife secured a divorce from him on the ground of abandonment.

It is the opinion of the Commission that the applicants are not entitled to enrollment. The office agrees with this opinion and respectfully recommends that the Commission's decision be affirmed.

Very respectfully,
Your obedient servant,
A. C. Tehner,
Acting Commissioner.

WCV-B
3 inclosures.

19757-1902.

I.T.D.6154-1902.

Department of the Interior,
Washington,

J. P.

L.R.S.

WHR.
October 22, 1902.

The Commission

to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

The Department has considered the case involving the application of Rebecca Brown for the enrollment of her husband, Arthur J. Brown, as a citizen by intermarriage of the Cherokee Nation, D 587, received with your letter of September 22, 1902, and the Acting Commissioner of Indian Affairs' letter of October 6, 1902.

It appears that Arthur J. Brown, a white citizen of the United States, was married under Cherokee law October 19, 1891, to the person who makes the application for his enrollment, a recognized citizen of the Cherokee Nation. He is identified on the Cherokee census roll of 1896. "On account of some trouble" he abandoned his family and left the Nation about a year prior to the application for his enrollment. On November 30, 1901, a divorce, on account of abandonment, was procured by his wife.

Referring to Section 667 of the Cherokee Compiled Laws of 1892, you rejected the application.

The Acting Commissioner recommends that your decision be affirmed.

-2-

Finding no reason to disturb your decision it is hereby affirmed.

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

Respectfully,

E. A. Hitchcock.

Secretary,

ED.

1 inclosure.

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 587.

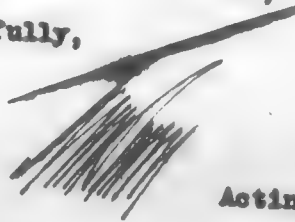
Muskegee, Indian Territory, November 11, 1902.

Arthur J. Brown,
Ramona, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, of date September 20, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 22, 1902.

Respectfully,



Acting Chairman.

COPY.

Cherokee D 587.

Muskogee, Indian Territory, November 11, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, of date September 20, 1902, rejecting the application of Arthur J. Brown for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 22, 1902.

Respectfully,

Jerns Bixby.
Acting Chairman.

Reg. No. 101

Muskogee

2411
1440



Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, \$300.

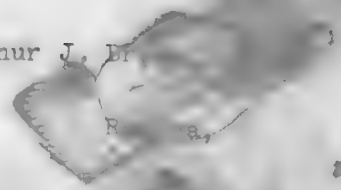
Rebecca Brown



Indian Territory.

2-587

Arthur J. Brown



Unclaimed

Indian Territory

Reg. No. 54/54

from to writer
Unclaimed



Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, \$300.

Mrs. Rebecca Brown,

Ramona, Indian Territory.

1-3

Cher R 737

Cher R 737

Department of the Interior,
Commission to the Five Civilized Tribes,
Bartlesville, I. T., October 9, 1900.

In the matter of the application of Dady Tucker for the enrollment of herself and six children as Cherokee citizens; she being sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your name? A. Dady Tucker.
Q How old are you? A I'm 32.
Q What is your postoffice? A. Ramona.
Q What is your District? A Cooweescoowee.
Q Who is it you want to put on the roll? A Myself and six children.
Q Husband? A No sir, no husband.
Q Are you a Cherokee by blood? A No sir, my husband was a Cherokee by blood.
Q You are a white woman,--intermarried? A Yes sir.
Q When were you married to your husband? A I was married to him about 17 years ago.
Q Have you a certificate of your marriage? A Yes sir.
By the Commissioner-

The applicant presents an official copy of the record of Men-tague County, Texas, showing that license was issued by the County Clerk, April 7, 1884, for marriage between herself and her husband, she being at that time Dady Huff and her husband's name being given as Daniel Tucker. The certificate shows that they were united in marriage by John Rowan, Justice of the Peace, on the 17th day of the same month and year. These documents are of record within the County states and this official evidence is filed herewith.

- Q Is your husband dead? A Yes sir.
Q He was a Cherokee, was he? A Yes sir.
Q How long has he been dead? A Four years this last April.
Q Did you and he live together as husband and wife from the time of your marriage until he died? A Yes sir.
Q Did he live all the time in the Cherokee Nation? A No sir, he was readmitted back here in '87.
Q Have you a certificate of his admission? A No sir, Mr. Johnson, he can tell you about it.
Q Have you lived in the Cherokee Nation ever since your husband was admitted in September, '87? A Yes sir.
Q Did he live here continuously from the time of his admission until his death? A Yes sir.
Q You have not remarried since his death? A No sir.
Q Give me the names please of your children? A Thomas T. Tucker.
Q How old? A 16 years.
Q Next child? A Walter W. Tucker.
Q How old is he? A 14.
Q Next child? A Nellie Tucker.
Q How old is she? A 11.
Q Next child? A Hilliard Monroe Tucker.
Q How old? A 8.
Q Next child? A Viola.
Q How old is she? A 7.
Q Next child? Esther.
Q How old? A She's 5.
Q Next child? A That's all.

1896 roll; page 326, #1006, Dady Tucker, Cooweescoowee.
1896 roll; page 270, #4851, Thomas T. Tucker, Cooweescoowee.
1896 roll; page 270, #4852, Wesley Tucker,
1896 roll; page 270, #4853, Nellie Tucker,
1896 roll; page 270, #4854, Monroe Tucker,
1896 roll; page 270, #4855, Viola "
1896 roll; page 270, #4856, Esther "

Witness Sworn: William Johnson, being sworn and examined by Commissioner Breckinridge, testified as follows:

2- D.T.

- Q Give me your name? A William Johnson.
Q What is your age? A 40.
Q How long have you lived in the Cherokee Nation? A 24 years.
Q Do you know this lady here, Mrs. Tucker? A Yes sir.
Q Did you know her husband, Daniel Tucker? A Yes sir.
Q Was he always called Daniel Tucker or did he have another name?
A He was called Dan, but signed his name E. A. J. Tucker.
Q His rightful name was E. A. J. Tucker, but this Daniel Tucker,
are really one of the same person? A Yes sir.

Commissioner-

re-direct.

The applicant applies for the enrollment of herself and six children. She states that her husband was admitted to citizenship by the Cherokee Commission in September, 1887; that she and her husband lived in the Cherokee Nation from the time of his admission until his death, some four years ago; that she has continued to live in the Cherokee Nation since his death and that she has not remarried. She states that she is a white woman and her husband a Cherokee, and she has filed herewith official evidence of her marriage to her husband in the State of Texas in 1884. She states that they have lived together as husband and wife from the time of their marriage until his death. She is identified on the roll of 1896. She is desirous to supply the Commission with official evidence of her husband's admission in '87, as she claims. To await this evidence, and for further consideration of her rights arising thereunder, her application for enrollment will be taken under consideration and will, at present, be placed upon a white card. Her six children named in the testimony are all identified with her on the roll of 1896. They will be listed now as Cherokee by blood upon a white card with their mother to await the evidence of their father's admission to citizenship in 1887. They are all miners at this time and they are all living at this time.

- Q These children are all living now, are they? A Yes sir.
Q You were never married to your husband under Cherokee law after he was re-admitted to citizenship? A No sir.

E. G. Rothenberger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized tribes, he reported in full all proceedings in the above case, and that the foregoing is a true and complete translation of his stenographic notes in said case.

(signed) E. G. Rothenberger.

Subscribed and sworn to before me this 10th day of October, 1900.

(signed) C. R. Breekinridge

Commissioner.

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

George R. Smith

Subscribed and sworn to before me this the 19th day of November, 1902

B. O. Jones
Notary Public

CHEROKEES BY BLOOD AND ADOPTION.

Copy

Date Oct 9 1900.

Name Raimona J. J.
District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

Licenses 1324 Certificate _____

Wife's name Nedy Tucker

District Madison Year 1896 Page 376 No. 1006

Citizen by blood M. Mother's citizenship _____

Intermarried citizen Yes

Married under what law _____ Date of marriage 1884

Licenses copy filed Oct 9 Certificate copy filed Oct 9/00

Names of Children:

No.	Name	Dist.	Year	Page	No.	Age
1	Thomas Tucker	Co.	1896	270	4657	16
2	Walter M			270	4637	14
3	Beil	Daniel		270	3	11
4	William & M			270	4	8
5	Paula			270	5	7
6	Esther			270	6	5
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						

1 Mealey Tucker
 2 Mohroe
 3 Magelicense and cert attached
 4 to be attached

"R"

Cherokee D 554

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., March 1, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Dady Tucker for the enrollment of herself and children.

Appearances:

Applicant's husband, J. A. Newport, and agent, J. R. Sequichie, agent for the applicants;
W. W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 12, 1902, that her application for the enrollment of herself and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices at Muskegee, Indian Territory, on the first day of March, 1902; receipt has been acknowledged of the Commission's letter, and the applicant this day, the first day of March, 1902, appears by her husband, J. D. Newport, and by her agent, J. R. Sequichie, of Chelsea, I. T.

BY COMMISSION OF AGENT SEQUICHIE: Any statement you desire to make?

AGENT SEQUICHIE: By reason of the applicant being listed on a doubtful card for the want of evidence as to the admission of her father in '87, and same is filed with said application.

JACOB D. NEWPORT, being first duly sworn, and being examined testified as follows:

BY COMMISSION:

- Q What is your name? A Jacob D. Newcomb.
Q Where do you live? A I live at Ramona, Indian Territory.
Q Are you the husband of Dady Tucker? A Yes sir.
Q When were you married to her? A Third day of last July.
Q Have you any evidence of your marriage? A I have a certificate.
Q Let me have it please? A (Produces papers.)
Q What are you, Cherokee or a white man? A I am a white man.
Q Never claimed any right to enrollment as a citizen of the Cherokee Nation? A No sir.

BY MR. HASTINGS:

- Q Dady Tucker is a white woman? A Yes sir.

BY COMMISSION: There is offered in evidence a marriage license signed by Charles A. Davidson, Clerk of the United States Court by William R. Shackelford, Deputy, on the 26th day of June, 1901, authorizing the marriage of J. D. Newport and Dady Tucker and a certificate showing that they were united in matrimony by P. S. Sartin, Minister of the Gospel, and same will be filed herewith.

BY MR. HASTINGS:

- Q What was your wife's former husband's name? A Elijah Tucker.
Q Who is Daniel Tucker? A That is the same man, but the man that got the license was well acquainted with him but just through a mistake got them out Daniel Tucker.
Q Was his name Daniel? A That's what his name is, it is just a given name.
Q We want to know what his name was? A That was his right name but everybody called him Dan for a nick name.
Q Then E. J. Tucker and Daniel Tucker is one and the same person?
A Yes sir.
Q You know when Daniel or E. J. Tucker, came here? A No, I was not here at the time he came here and I was not here at the time of

his death. My neighbors all around there have told me of his death.

COMMISSION OF AGENT SEQUOIA: Any further statement you desire to make relative to this application?

AGENT SEQUOIA: The applicants claim original applications of the minor children as Mrs. Daisy Tucker claim through their father, and whatever Kispaw is made of the case of Mrs. Daniel Tucker, does not affect the citizenship of the children.

BY MR. HASTINGS: The Cherokee Nation calls attention to the fact that it is now proven that Daisy Tucker, the mother of these children, since this application was made, has married a white man, not a citizen of the Cherokee Nation, and therefore forfeited whatever rights she may have had as a citizen by intermarriage, and section 606 of the Compiled Laws of the Cherokee Nation, 1898, is cited.

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

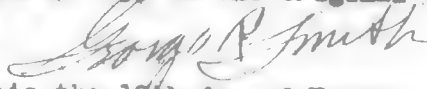
M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) M.D.Green

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

(signed) T. B. Needles
Commissioner.

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



Subscribed and sworn to before me this the 19th day of November, 1902

Notary Public

(COPY)

Marriage License

The State of Texas)
County of Montague)

Daniel Tucker
and
Data Huff

To all who shall see these Presents Greeting:
Keep ye, That any person legally authorized to celebrate the rites of
Matrimony is hereby licensed to join in marriage as husband and wife
Daniel Tucker and Data Huff, and for so doing this shall be sufficient
authority.

(L.S.) Given under my hand and seal of office at Montague #
this 7th day of April 1884.

W. A. Williams, Clerk, C.C.

This certifies that I have joined in Marriage, as husband and
wife Daniel Tucker and Dat Huff on the 17 day of Apl. 1884.
John Rowan J.P.

Recorded this 15 day of May 1884.

The State of Texas)
County of Montague)

In S. P. Strong Clerk of the County Court in and
for said County and State, hereby certify that the above and fore-
going contains a true and correct copy of the Marriage License of
Daniel Tucker and Data Huff, as the same appears of record in the
Marriage Record of said County, on page 122 of # Vol. C.
Given under my hand and seal of office at Montague Texas this
the 28th. day of Jany. 1899.

S. P. Strong
Clerk County Court Montague County
Texas.

((SEAL))

Department of the Interior,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskegee, I. T., November 19, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment
Division of the Commission to the Five Civilized Tribes and custodian
of the records of said Division, do hereby certify that the above
and foregoing is a true and correct copy of the original, on file
in the office of said Division.

Chief Clerk Cherokee Division

Subscribed and sworn to before me this the 19th day of November, 1902

Notary Public

(COPY)

185.

B. J. Tucker.

Office of Commissioner of
Citizenship, Tablequah, G. N.
Sept. 24th, 1897.

Docket No.	Name	Age	Sex	Post Office	Atty.
1	B. J. Tucker	31	Male	Tablequah, G. N.	
2	Bobby H. Tucker	4	Female		
3	Calvin Tucker	6	Male		
4	Thomas T. Tucker	5	Male		
5	Wesley Tucker	1	Male		

470

Applicant for
citizenship.

A. H. Ivey.

To,

Cherokee Nation.

Witness
Bobby Tucker
Hall, 1897.

Tablequah, G. N.
Sept. 24th, 1897.

We the commission on citizenship after a careful examination of all
the testimony in the case of B. J. Tucker and Bobby H. Tucker, Calvin
Tucker, Thomas Taylor Tucker, and Wesley Tucker, Va Cherokee Nation,
find that they are Cherokees by blood and is hereby readmitted to all
the rights and privileges and immunities of Cherokees by blood.

J. T. Adair, Chairman commis-
sion,
John H. Gunter, Commissioner.

Executive Department, Cherokee
Nation, Tablequah, G. N., Oct. 15th
1900.

I, A. B. Cunningham, Assistant Executive Secretary of the Cherokee
Nation, do hereby certify that the above and foregoing is a true and
correct transcript of page 185 of the Citizenship Docket of 1897, now
a part of the records of this office.

In witness whereof.

((SEAL)))

I hereunto set my hand

and affix the seal of the Cherokee Nation, this the 15th day of Octo-
ber, 1900.

(SIGNED) A. B. Cunningham

Assistant Executive Secretary

(COPY)

MARRIAGE LICENSE

United States of America,
Indian Territory,
Northern District.

} ss

No. 74

TO ANY PERSON AUTHORIZED BY LAW TO SOLEMNIZE MARRIAGE---CERTIFYING:

You are hereby commanded to solemnize the Rite and publish the Banns of Matrimony between Mr. J. D. Newport of Ramona, in the Indian Territory, aged 33 years; and Mrs. Mary Tucker of Ramona, in the Indian Territory, aged 33 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 Muskogee, Indian Territory, this 26th day of June, A. D. 1901.

Chas. A. Davidson,
Clerk of the U. S. Court.

By Wm. R. Shackelford, Deputy.

CERTIFICATE OF MARRIAGE.

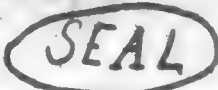
United States of America,
Indian Territory,
Northern District.

} ss

I, F. L. Sartain of Ramona, a Minister of the Gospel, DO HEREBY CERTIFY, that on the 2 day of July, 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 2 day of July, A.D. 1901.
My credentials are record in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book of recorder, Page 85.
(signed)

F. L. Sartain,
Ramona, I. T.
A Minister of the Gospel.



CERTIFICATE OF RECORD.

United States of America, -)

Indian Territory,) ss

Northern District,)

I, Charles A. Davidson, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 13 day of July, 1901 at _____, and duly recorded in Book "L",

Marriage License-----2-----

Marriage Record, Page 42.

Witness my hand and seal of said Court at Muskogee, in said Territory, this 2 day of August, A. D. 1902.

(Signed) Chas. A. Davidson, Clerk.

Department of the Interior,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T., November 19, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of said Division.

Chief Clerk Cherokee Division

Subscribed and sworn to before me this the 19th day of November, 1902

Notary Public.

(COPY)

WJS

Cherokee D 554

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

In the matter of the application for the enrollment of Dady Tucker as a citizen by intermarriage, and for the enrollment of her minor children Thomas T., Walter W., Nellie, Hilliard Monroe, Viela and Esther Tucker, 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 9, 1900, Dady Tucker appeared before the Commission at Bartlesville, Indian Territory, and made personal application for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her minor children Thomas T., Walter W., Nellie, Hilliard Monroe, Viela and Esther Tucker, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Bartlesville, Indian Territory, on October 10, 1900, and again at Muskegee, Indian Territory, on March 1, 1902.

The evidence shows that the aforesaid Dady Tucker, a white woman, was lawfully married on April 17, 1884, to one E. J. Tucker who appears in the Marriage License as Daniel Tucker. It is further shown that the said E. J. Tucker, known as Daniel Tucker, was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on September 24, 1887. The minor children, applicants in this case, are the result of that marriage. It further appears that E. J. Tucker, known as Daniel Tucker, died, and subsequent to his death Dady Tucker was married on the 26th day of June, 1901, to one J. D. Newport, a white man. Dady Newport, formerly Tucker, and her minor children, hereinbefore named, are identified on the Cherokee Census Roll of 1896.

Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws." The Cherokee law applicable in the case of Dady Newport, formerly Tucker, is found in Section 666 of the Compiled Laws of the Cherokee Nation of 1892, which provides:

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

It is, therefore, the opinion of this Commission that the application for the enrollment of Dady Newport, formerly Tucker, as a citizen by intermarriage of the Cherokee Nation should be denied: The application for the enrollment of Thomas T. Tucker, Walter W. Tucker, Nellie Tucker, Hilliard Monroe Tucker, Viela Tucker and

Letter Number _____
Granted on _____

Character D 1045-2

Dated at Muskogee, Indian Territory,

this _____

(COPY)

Copy

Cherokee D 554

Muskogee, Indian Territory, August 13, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 11, 1902, granting the application for the enrollment of Thomas T., Walter W. Hollie, Willard Monroe, Viola and Esther Tucker as citizens by blood of the Cherokee Nation, and denying the application of Dady Tucker for the enrollment of herself as a citizen by inter-marriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against its decision, granting the application of the above named persons. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,

Tans Bixby,

Acting Chairman.

Enc. C, No. 1.

(COPY)

Copy.

Cherokee D 854.

Muskogee, Indian Territory, August 29, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Dady Newport, formerly Tucker, for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her six minor children, Thomas T., Walter W., Nellie, Hilliard M., Viola and Nether Tucker, as citizens by blood, of the Cherokee Nation, including the decision of the Commission, dated August 11, 1902, rejecting said application as to Dady Newport.

Respectfully,

Fane Birby,

Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enc. C. No. 58.

(COPY)

Copy.

Cherokee D 554.

Muskogee, Indian Territory, August 29, 1902.

Baby Newport,

Ramona, Indian Territory.

Madam:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, dated August 11, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage, and granting your application for the enrollment of your six minor children, Thomas T., Walter W., Nellie, Hilliard M., Viola and Esther Tucker, as citizens by blood, of the Cherokee Nation.

There has this day been forwarded your agent, J. R. Sequichie, Chelsea, Indian Territory, a copy of the record of proceedings, together with a copy of the Commission's decision.

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.

Respectfully,

Tom Bixby,
Acting Chairman.

Enc. C. No. 56.

Register.

(COPY)

Cherokee D 554

Copy.

Muskogee, Indian Territory, August 29, 1902.

J. R. Sequichie,

Agent for Dady Newport, et al.,

Chelsea, Indian Territory.

Sir:

There is herewith transmitted a copy of the record of proceedings had in the matter of the application of Dady Newport for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her six minor children, Thomas T., Walter W., Nellie, Hilliard M., Viola and Esther Tucker, as citizens by blood, of the Cherokee Nation, together with a copy of the Commission's decision, dated August 11, 1902, rejecting said application as to Dady Newport, and granting her application for the enrollment of her said children.

The decision, with a copy of the record of proceedings had in the case, has this day been forwarded to the Secretary of the Interior for his review and decision.

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

Respectfully,

Tams Bixby,

Acting Chairman.

Enc. C. No. 57.

Register.

(COPY)

Copy.

Cherokee D 354.

Muskogee, Indian Territory, August 20, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated August 11, 1902, rejecting the application of Dady Newport for the enrollment of herself as a citizen by intermarriage, and granting her application for the enrollment of her six minor children, Thomas T., Walter W., Nellie, Hilliard M., Viola and Esther Tucker, as citizens by blood, of the Cherokee Nation, a copy of which decision was furnished you on August 13, 1902, has this day been transmitted to the Secretary of the Interior for his review and decision.

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

Respectfully,

Sam Bixby

Acting Chairman.

(COPY)

D. C. No. 17051-1902.

J. P.

L. R. S.

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ITD. 5875-1902.

DEPARTMENT OF THE INTERIOR,

Washington, September 27, 1902.

Commission to the Five Civilized Tribes,
Muskegee, I. T.

Gentlemen:

August 29, 1902, you transmitted the papers in the case involving the application of Dady Tucker (now Dady Newport) for the enrollment of herself as an intermarried citizen of the Cherokee Nation, and for the enrollment of her minor children, Thomas T., Walter W., Nellie, Hilliard Maxree, Viola and Esther Tucker, as citizens by blood, the application having been made October 9, 1900.

It appears, as stated in your decision, that Dady Tucker, a white woman, was married in 1884, to E. J. Tucker, known as Daniel Tucker; that E. J. Tucker, as Daniel Tucker, was duly admitted to citizenship in the Cherokee Nation in 1897; that said children are the result of the marriage between these parties; that said husband died and subsequently his wife married in 1901, one J. D. Newport. The principal applicant and her children are identified on the Cherokee census roll of 1896. Referring to section 21 of the act of June 28, 1898 (30 Stats., 495) and to section 666 of the compiled laws of the Cherokee Nation of 1892, which latter section provides that -

*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 persons (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,

on August 11, 1902, you rejected the application as to Dady Newport, and held that said children should be enrolled.

Transmitting the case September 23, 1902, the Commissioner of Indian Affairs concurred in your conclusion as to the children, but expressed the opinion that Dady Newport's right to enrollment attached at the date of her application in 1900, and that she should be enrolled notwithstanding her marriage to a white man at a subsequent date.

The Department considers that said section 666 of the Cherokee law would prevent the enrollment of any intermarried citizen who "shall marry a white man or woman, or person (as the case may be), having no rights of Cherokee citizenship by blood," prior or subsequent to his or her application to your Commission for enrollment under the act of June 28, 1898. Finding no reason to disturb your decision, it is affirmed.

Respectfully,

Thos Ryan

Acting Secretary.

RMD

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(COPY)

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Cherokee D 554.

Muskogee, Indian Territory , October 9, 1902.

Madam Newport,

Remona, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision of date August 11, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage, and granting your application for the enrollment of your six minor children, Thomas T., Walter W., Nellie, Hilliard M., Viola and Esther Tucker, as citizens by blood, of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 27, 1902.

Respectfully,

Tams Birby,

Acting Chairman.

(COPY)

Copy.

Cherokee D 554.

Muskogee, Indian Territory, October 9, 1902.

J. R. Sequichie,

Agent for Dady Newport, et al.,

Chickasaw, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date August 11, 1902, rejecting the application of Dady Newport for the enrollment of herself as a citizen by intermarriage, and granting her application for the enrollment of her six minor children, Thomas F., Walter W., Nellie, Hilliard M., Viola and Esther Tucker, as citizens, by blood, of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 27, 1902.

Respectfully,

Tans Bixby,

Acting Chairman

(COPY)

Copy.

Cherokee D 564.

Muskogee, Indian Territory, October 9, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation.

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date August 11, 1902, rejecting the application of Dady Newport for the enrollment of herself as a citizen by intermarriage, and granting her application for the enrollment of her six minor children, Thomas T., Walter W., Nellie, Hilliard E., Viola and Esther Tucker, as citizens by blood, of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 27, 1902.

Respectfully,

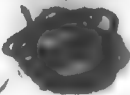
James Bixby,

Acting Chairman.


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ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T. December, 15th 1900.

12

In the matter of the application of George G. Summers for enrollment as a Cherokee citizen. He being sworn before Commissioner Kreckinridge testified as follows.

- Q What is your name? A. George G. Summers.
Q How old are you? A. 54.
Q What is your post office? A. Wassen, I. T.
Q In what district do you live? A. Cooweescoowee.
Q Who do you want to have enrolled? A. Myself.
Q Are you a Cherokee by blood? A. No sir an adopted citizen.
Q Through whom do you claim your citizenship—through whom—I should say, to whom were you married? A. Lizzie Sprimprocher.
Q Was she a Cherokee by blood? A. Yes sir.
Q Is she dead? A. No sir.
Q When did you marry her? A. In the spring of 1879.
Q How long did you live with her? A. 14 years, before we seperated.
Q Are you on the roll of 1880? A. Yes sir.
Q Were you ever married before you married her? A. O sir.
Q Have you ever married since? A. No sir.
Q Are you divorced from her? A. Yes sir.
Q Have you a decree of divorce? A. Not with me.
Q Did she get the divorce or did you? A. She did.
Q On what ground? A. Kikk She charged me with almost everything between the lids. We went to court and then compromised and she got the divorce.
Q Had she left you or did you leave her before the divorce was granted? A. Both of us lived together until we got the divorce.
Q Have you married since you got the divorce? A. No sir.
Q Has she married? A. Yes sir.
Q To whom has she since been married? A. Dr. Kinsworthy.
Q How old is Lizzie Sprimprocher now? A. 54.

1880 roll, page 311 No 2264, A. G. Summers, Delaware dist.
(Taken from Supplemental pay roll.)
1880 311 2265 Elizabeth Summers, Delaware district.

- Q Where were you in 1896? A. At Vinita.
Q In the Cherokee Nation? A. Yes sir, but they enrolled in the districts and I was away from mine two weeks.
Q Have you lived in the Cherokee Nation ever since 1880? A. Yes sir since 1877.

1896 roll, page 589 No 516, Geo. G. Summers, Delaware district,
(No mention of his connection)

The applicant is identified under a variation of name, as A. G. Summers on the roll of 1880, and it is recorded that he was put on there from the Supplemental Pay roll. He is also identified on the 1896 roll with a note that no mention is made as to his connection. He states that he married his Cherokee wife, who is on the 1880 roll with him, in 1879, and that they lived together some 14 years and then seperated and that a divorce was given to her. He is not able to supply a decree of divorce. He states that he has lived in the Cherokee Nation since 1877 and that he has not re-married since his seperation from his Cherokee wife, under whom he claims citizenship at this time, the same being his wife Lizzie who is identified with him on the 1880 roll. To await evidence as to whether he forfeited his right to citizenship and as to whether he was properly enrolled in 1896, and to await a copy of the decree of divorce, he will be placed on a doubtful card as a Cherokee by inter-

George O. Summers 3.

marriage, and the final decision of the Commission will be made known to him

S U P P L E M E N T A L .

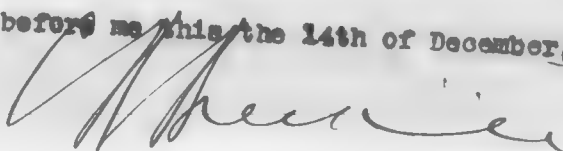
By the Commission-

- Q You first separated from you wife eight years ago? A. Yes sir.
Q And after that separation and divorce you were re-married to her? A. Yes sir 2 and 1/2 years later.
Q How long did you live together that time? A. Two years.
Q When did you separate again? A. Yes sir.
Q Who got the divorce then? A. She did, through a compromise. The court gave me the custody of my two children.
Q How many children did you have at that time? A. Three.
Q When you married the second time, did you get a Cherokee license? A. No sir, got it the first time.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized tribes he reported in full 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 14th of December, 1900.




Commissioner.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
DEC 12 1900

 ACTING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION.

54

Date DEC 18 1900 1900.

Name George O. Summers Wason J.T.

District DELAWARE. Year 1880 Page 311 No. 2264

Citizen by blood Mother's citizenship

Intermarried citizen Yes

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
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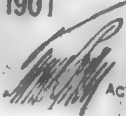
On 1880 roll as A. C. Summers

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

FILED
MAR 1 1901



ACTING CHAIRMAN.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. February, 26th 1901.

SUPPLEMENTAL TESTIMONY in case D-4945 in the matter of the application of George G. Summers. George G. Summers appearing before Commissioner T. B. Needles, and being first duly sworn testified as follows.

Statement by the Commission-

Applicant presents the Circuit Court records of Delaware District for the year 1892, and on pages 53, 54, 55, and 56 is found a decree of divorce between Lissie Summers and George Summers, said decree being signed by H. T. Landrum, Circuit Judge of the Northern Judicial Circuit of the Cherokee Nation, and attested by J. R. Hastings, Clerk of Delaware District.

Examination by W. W. Hastings, Cherokee Representative-

Q You went to the Executive Office and made some application for a copy of a decree of divorce? A. Yes sir.
Q And they showed you another copy of a decree of divorce and you told them you didnt want that? A. No sir I got still another copy-of my second divorce. There is another one besides this.
Q And when they gave you that one you said you didnt want it? A. No sir.
Q You never have presented it to this Commission have you? A. No sir.
Q That is since this other divorce? A. Yes sir.
Q After this divorce was granted, that you now present, you and this woman lived together as husband and wife? A. Yes sir.
Q You married after this divorce, which you now present to the Commission, was granted? A. Yes sir, in 1895, and in the Spring of 1897 we were divorced again.
Q Every one of these divorces was granted to your wife? A. Yes sir under a compromise.
Q When were you here last before this Commission? A. Only one time at Tahlequah.

By the Commission-

Q Any other statement that you desire to make you may do so. A. I desire to state that you will find in this divorce that the court gave me custody of my two oldest children. My wife ~~sums~~ gave Mr. Akin \$100.00 to beat me out of the money that was coming to them on the payment. He failed in the attempt, and then he turns round and brings this other suit against me in 1894 unbeknownst to me. There was no citations served on me. He had to go something for her giving him that money as he had failed to beat me as she wanted him to do and he brings this suit
Q You and her were not living together then when she got the divorce you call the Akins divorce? A. No sir we were not.
Q Had you left her or had she left you? A. We had not been getting along well and we agreed to separate and I gave her the divorce. She had made a great many charges against me in court but she could not prove a one of them as she did not have a single witness, and she could not have gotten a divorce unless I had agreed to give it to her.
Q Is there anything else that you would like to prove or offer in evidence? A I have more but cannot produce it at this time. There is a witness out in town that I will go and get and bring him down to prove about how my name got on the 1880 roll as it did.

JEFF MCGHEE, called and sworn as a witness testified before the Commission as follows- Examination by Col. T. B. Needles, Commissioner:

Q What is your name? A. Jeff McGhee.

- Q How old are you? A. 56.
 Q What is your post office address? A. Miami.
 Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
 Q Do you know George O. Summers? A. Yes sir.
 Q On the roll of 1880 there is found the name of A. O. Summers, which George O. Summers contends is intended for him, what is it that you know about it? A. Him and his wife came into my office in the summer of 1880 with the census taker, and as well as I remember these census takers had made their report, and they was at a loss how to get his name on the rolls, and I was going to Tahlequah and I agreed to take the names down, and I did so and I don't know whether the mistake was mine or the Clerks error in the Executive Department.
 Q What I want to know is, is the A. O. Summers on the 1880 roll meant for George O. Summers? A. Yes sir that is what I understand, I took his name down with that of his wife.
 Q What position did you hold then? A. Clerk of Delaware district.
 Q Was it your duty to enroll people? A. No sir.

~~By the applicant of witness:~~

By the applicant of witness:

- Q Did you state that you was authorized through the census taker, Joe Muskrat to put my name there? A. Yes sir through him and you and your wife.

By W. W. Hastings:

- Q That has been 21 years ago? A. About it.
 Q Has your attention ever been called to this since that? A. Oh sey.
 Q When? A. Since I have been here.
 Q Not before? A. No sir.
 Q You remember that you took the names down there? A. Yes sir.
 Q Remember of Joe Muskrat coming there? A. Yes sir.
 Q Where was the other census taker? A. Wasn't there, they had already made their report and he had gone home.
 Q Only one of them was there? A. Yes sir, Joe Muskrat, he lived a few miles from me at the time.
 Q Was the Council in session when you got there? A. I don't remember
 Q What time of the year was it? A. Later part of the summer, as well as I remember.

By Applicant of witness:

- Q Do you remember if you saw my license papers then? A. You had a license issued by the Clerk of Going Snake District--Wright was his name I think.

By the Commission:

- Q Do you recollect who they were issued to? A. To Mr. Summers
 Q Authorizing him to marry who? A. To marry Miss Srimcher, Iko Srimcher's daughter who lived on Cabin Creek--don't remember her given name.
 Q Thought you said that Mr. Summers came there with his wife, how did they come there with a license if they were already married? A. They came there with the license to show that they had a right to get on the rolls--that he was an intermarried citizen.
 Q Then he showed you the license to show that he had been married to his Cherokee wife in accordance with a Cherokee license? A. Yes sir.
 Q Showed you that as evidence that he should be on the roll? A. Yes sir.

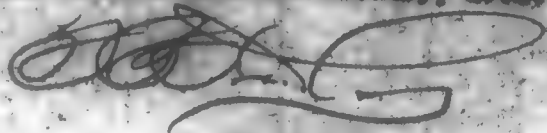
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Chas. von Weise, being sworn states that as stenographer to the Com-

mission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that the following is a full, true and correct transcript of his statements before me:

Subscribed and sworn to before me this 27th day of February, 1901.

Chauncey



Commissioner.

C. D-943.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., March 14, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of George C. Summers for the enrollment of himself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 25, 1902, 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, I. T., on the 13th day of March, 1902. On said date the case was continued by agreement until the 14th day of March, 1902, and the same being this day, to-wit: the 14th day of March, 1902, called, the applicant appears in person.

GEORGE C. SUMMERS, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A George C. Summers.

Q How old are you? A Fifty-five.

Q What is your post office address. A Vasson.

I just changed my post office last week, and it is Welch.

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

Q Do you desire to make any further statement before the Commission relative to your case?

A No sir, except I have a witness here to testify in my behalf.

Q What about? A In regard to my marriage, and also the divorce

Q Is she here? A Yes sir.

M. E. KINWEDY, being first duly sworn, and being examined, testified as follows:

Q. What is your name? A M. E. Kinwedy.

Q How old are you? A Fifty-four.

Q What is your post office address? A Vinita.

Q Are you acquainted with the applicant, George C. Summers?

A Yes sir.

Q How long have you known him? A About twenty three years or twenty-four.

Q Were you married to him at one time? A Yes sir.

Q When? A About 1882 1879, as well as I can remember.

Q How long did you continue to live together as man and wife?

A I expect about eleven years, I can't tell exactly. About eleven or twelve years, something like that.

Q What was the cause of the separation?

A Could not get along together, disagreement.

Q Were you ever divorced from him? A Yes sir.

Q Did he always treat you as a husband should treat his wife?

A I didn't consider that he did.

Q Was he ever abusive in his language to you? A Yes sir.

Q Ever strike you in any way? A Yes sir he has.

Q After you left him you never went back to live together again?

A Yes sir. We were re-married.

Q When were you re-married? A It was right after the

Q Since that time have you continued to live together as man and wife

A Lived together for about - over a year, maybe two years and separated again.

Q This last separation was for the same reason as the former one?
A Yes sir.

BY APPLICANT: Who applied for the divorce? A No.

Q Was it a compromise divorce, and divide our property?
A Yes, we divided our property between us.

MR. HASTINGS: Who secured that last divorce? A No.

Q Who applied for the first one? A No.

Q You got both of them? A Yes sir.

Q Had you ever been married before you married this man?
A Yes sir, been married before.

Q To whom? A Matt Hall.

Q Did you live with him until his death? A No sir, we separated.

Q Were you divorced from him?
A I will tell you the truth. I married him during the war, but I

never was legally married to him according to the Cherokee law.

Q How long did you live with him? A About thirteen years, I guess.

Q Have any children by him? A Three living.

Q Finally separated from him? A Left him on account of whisky.

Q Never was any divorce between you? A No sir.

Q Then you married this man Summers? A Yes sir.

Q You say he cursed you? A Yes, many a time.

Q Did he ever strike you? A Yes sir, he has, in his rage he has

struck me.

Q Did he drink? A No, drink was not our trouble.

Q What did you allege in your first divorce as a ground for divorce?
A I didn't think he was a decent, respectable man, and that was my

grounds.

Q You got the divorce in Delaware District? A Yes sir, Delaware,

Akins was my attorney.

Q How long did he leave you before you remarried?
A I could not state the time. My memory is very bad. It must have

been three or four years, close on to that.

Q And you left him again for the same reason?
A That is what I left him for again.

Q Where were you living when you first separated?
A Down here in the Delaware District, my old home place.

Q Was his conduct such that you could not live with him? A Yes sir

Q Both times? A Yes sir.

Q And the Court granted you a divorce?

A Yes sir, I had the papers drawn up the first time that way. The

last time we compromised, and let it go, on like the first one.

Jim Woodley was the man that helped me the last time. He is a kind

of attorney.

BY APPLICANT: Was not the first divorce a compromise? Didn't we

agree on certain stipulations which the court sanctioned?

A Yes, I suppose we did. We had three children, and he took

him, and Freddy the court gave to me as long as he lived, up until

he became of age. And now he wants to take him from me.

MR. HASTINGS: Have you got all the children yet?

A Two of them have been at work for several years.

Q Was this stipulation with reference to the division of the p

roperty? A Yes sir.

Q George Freeman was the Sheriff at the time, did you know him?

A He came down and seen what we had. And he wants to take Freddy

now, to secure Freddy's land, to get the benefit of it until he is

twenty-one, and I don't want him to take it, but that is his in-

ten-tion to do it.

BY COMMISSION: Is there any further statement you desire to make

relative to your application? A No sir.

Q You submit the case to the Commission? A Yes sir.

The applicant in his own behalf and the representative of the
Cherokee Nation present in this case, same is done and certified
and will be reported to the Commission for final decision upon
the evidence now of record.

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

Wm. Hutchinson

4943
Cherokee D 587

Marriage License.

Cherokee Nation, I. T.
Cooweescoowee District.

TO ANY PERSON LEGALLY AUTHORIZED TO solemnize marriages, GREETINGS:

You are hereby authorized to join in the Holy Bonds of Marriage and celebrate the rites and ceremonies of Marriage, between Mr. A. J. Brown, a citizen of the United States, and Miss Beekie Pearson 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 16th day of October A. D. 1891.

E. H. Trott
Clerk Cooweescoowee District.
By his Dep
W. C. Chamberlin

(SEAL)

Cherokee Nation, I. T.
Cooweescoowee District.

I, S. H. Mitchell, a Baptist Minister hereby certify that on the 19th day of October 1891, I joined in marriage Mr. A. J. Brown a citizen of the United States and Miss Beekie Pearson 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 the 19th day of October A. D. 1891.

S. H. Mitchell.
Recorded on page 88 "Book B" Record of Marriage License, this 22nd day of Oct. A. D. 1891.

E. H. Trott
Cooweescoowee District.

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

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

Sworn to and subscribed before me this 25 day of September, 1891.

[Signature]
Chief Clerk of the Cherokee Enrollment Division

31, Lissie Summers
Vs.
Geo. C. Summers.

Judgment for plaintiff by default.

(Page 17 Docket.)

"In the case of Lissie Summers Vs. George Summers, judgment
favor of plaintiff by default." (In record of proceeding page 31)
Executive Office Cherokee Nation.

Tahlequah, Ind. Terr.

I, B. W. Alberty, assistant Executive secretary of the Cherokee
Nation do hereby certify that the above is a true copy from the
docket of the Circuit Court of Delaware District Cherokee Nation for
the April Term of said Court 1897, now filed in this office and is
in my custody.

Given under my hand and the seal of the Cherokee Nation this the
16th day of February 1901.

B. W. Alberty
Assistant Executive Secretary

Cherokee Nation.

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

I, the undersigned, Chief Clerk of the Cherokee Enrollment
Division of the Commission to the Five Civilized Tribes and custo-
dian 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.

[Signature]
Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 25 day of September, 1902.

[Signature]
Notary Public.

5442

In the Circuit Court Delaware Dist. C. N.
Regular Term convened Sept. 14th 1894. Hon. H.T. Landrum Presiding.
Lizzie Summers, Plaintiff,
Vs.
George C. Summers } Deft.

This cause coming for hearing at this term of court-this being the return term of said case and the defendant having been called at three several times at intervals of not less than one hour between each calling-and having failed to appear either person or by attorney and the court having ascertained that the citation in said case had been duly served as required by law and the plaintiff in this cause having appeared by her attorney, J. E. Akin and moved for judgment by default and the court being duly advised in the premises, orders adjudges and decrees that judgment be given the plaintiff against the defendant by default and that the stipulation and judgment thereon to be found on pages 53-54-55-56 of the Circuit Court record for Sept. Term 1892 so far as it relates to the right of the said defendant's George C. Summers Guardianship of Arthur Summers & Calvin Summers and the ownership of the property given in said stipulation and judgment of the court thereon be set aside. It is further ordered and adjudged and decreed that the said Lizzie Summers the absolute control and custody of the two aforesaid children, Arthur Summers and Calvin Summers until they shall arrived at the age of maturity, and that she have and recovery of and from the said defendant all that part of the property which received by virtue of said stipulation and judgment to wit: All that part of the improvement located in said District and Nation about two and one half miles south east of Cherokee City Ark- known as the Summers place-lying north of a line beginning on the east side of said farm opposite a certain string of fence running east and west along a certain ravine about 100 yards north of the north side of the Orchard on said place also on brown horse pony and one two horse wagon.

H. T. Landrum, Circuit Judge
of the Northern Judicial Circuit of the
Cherokee Nation.

J. E. Duncan Clerk Del. Dist. C.N.

Executive office Cherokee Nation.

Tablequah I.T.

I, B.W. Alberty, assistant Executive secretary of the Cherokee Nation do hereby certify that the above is a true copy taken from the record of the Circuit Court Court of Delaware District Cherokee Nation, now filed in this office and in my custody. Given under my hand and the seal of the Cherokee Nation this the 12th day of February 1901.


(S E A L)

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

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

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

Sworn to and subscribed before me this 25 day of September, 1901.


Chief Clerk Cherokee Division


Notary Public.

Jae.

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

In the matter of the application of George C. Summers for enrollment as a citizen by intermarriage of the Cherokee Nation:

D E C I S I O N

The record in this case shows that, on December 12, 1900, George C. Summers appeared before the Commission at Tahlequah, Indian Territory, and made personal application for his enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had before the Commission at its office in Muskogee, Indian Territory, on February 26, 1901; also further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 14, 1902.

The evidence shows that George C. Summers was lawfully married under a Cherokee license and in accordance with the laws of the Cherokee Nation in 1879 to one Elizabeth Scrimpscher, a citizen by blood of the Cherokee Nation. The said George C. Summers is identified upon the 1880 authenticated roll of the Cherokee Nation, also upon the 1896 Census roll of said nation.

It appears that the said George C. Summers lived with his said wife for a period of about twelve years following their marriage when they separated and said wife obtained a divorce from the applicant on the ground of cruel treatment; that afterward they were re-married and lived together as husband and wife for two years when they again separated and said wife again obtained a divorce from said applicant on the ground of cruel treatment. The said applicant testified that the decree of divorce was rendered in accordance with an agreement between himself and said wife.

Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 667, of the compiled laws of the Cherokee Nation (1892) is, as follows:

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

It is, therefore, the opinion of this Commission that the said George C. Summers abandoned his wife within the meaning of the Section of the Cherokee law above quoted and that his application for enrollment as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Muskogee, Indian Territory,
this SEP 20 1902

Commissioner.

211
275
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
FEB 25 1902

[Handwritten signature]

A. H. C. [unclear]

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

ALLISON L. AYLESWORTH
SECRETARY

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

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 25,

1902.

Mr. George C. Summers,

Vasson, Indian Territory,

Sir:-

You are hereby notified that the application of yourself

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

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

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

Cherokee D-943
Register.

Yours truly,

~~XXXXXXXXXXXXXXXXXXXX~~

Commissioner in Charge.

Cherokee D 943.

COPY.

Muskogee, Indian Territory, September 22, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of George C. Summers for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including the decision of the Commission, dated September 20, 1902, rejecting said application.

Respectfully,

Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enc. C. No. 18.

Cherokee D 943.

Muskogee, Indian Territory, September 22, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 20, 1902, rejecting the application of George C. Summers for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

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

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

Respectfully,

Acting Chairman.

Enc. C. No. 17.

Cherokee D 943.

Waskogee, Indian Territory, September 22, 1902.

George C. Summers,
Welch, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, together with a copy of the Commission's decision, dated September 20, 1902, rejecting your said application.

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

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

Respectfully,

Acting Chairman.

Enc. C. No. 16.

Register.

Refer in reply
to the following:
Land
57701-1902.

COPY.

Department of the Interior,
Office of Indian Affairs,
Washington, Oct. 6, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made September 22, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of George C. Summers for enrollment as a citizen by intermarriage of the Cherokee Nation.

Applicant was married under a Cherokee license in accordance with the laws of the Cherokee Nation in 1879 to Elizabeth Scrimpscher, a citizen by blood of the Cherokee Nation. The name George C. Summers appears on the 1880 and 1896 tribal rolls. He lived with his wife for about twelve years following the date of their marriage, when they separated. She secured a divorce from him on the ground of cruel treatment. They afterwards re-married and lived together as man and wife for about two years, when his wife obtained a second divorce on the same grounds.

In the opinion of the Commission and this office, the husband's treatment of his wife was such as to constitute an abandonment in each instance, and he is not therefore entitled to be enrolled.

-2-

It is respectfully recommended that the decision of the Commission be affirmed.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

WCV
D

3 inclosures.

19764-1902.

CMR.

Department of the Interior,
Washington,

ITD 6155-1902.

October 22, 1902.

L. R. S.

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

Gentlemen:

September 22, 1902, you transmitted the record in the matter of the application of George C. Summers for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

It appears that the applicant was married in 1879, under Cherokee license and in accordance with the Nation's laws, to Elizabeth Scrimpscher, ~~a citizen~~, a citizen by blood of the Cherokee Nation; that his name is on the authenticated roll of 1880 and the 1896 census roll; that he lived with his wife for about twelve years, when they separated, she securing a divorce on the ground of cruel treatment.

Quoting as your authority section 667 of the Compiled Laws of the Cherokee Nation (1892), you rendered your decision, September 20, 1902, rejecting the application.

The Acting Commissioner of Indian Affairs, transmitting the case October 6, 1902, recommends that your decision be approved. A copy of his letter is inclosed.

The Department hereby affirms said decision.

Respectfully,

E. A. Hitchcock.
Secretary.
EMD.

1 inclosure.

COPY.

Cherokee D 943.

Muskogee, Indian Territory, November 11, 1902.

W. V. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, of date September 20, 1902, rejecting the application of George C. Summers for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 22, 1902.

Respectfully,

Tamo Dixby.

Acting Chairman.

COPY.

Cherokee D 943.

Muskogee, Indian Territory, November 11, 1908.

George C. Summers,
Welsh, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, of date September 20, 1908, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 22, 1908.

Respectfully,

Terne Birby
Acting Chairman.

Cherokee B-738

Muskogee, Indian Territory, November 25, 1902.

George C. Summers,

Wagon, Indian Territory.

Dear Sir:

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application a certified copy of record and decree of divorce in the case of Lizzie Summers vs. George C. Summers.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Respectfully,

Acting Chairman.

Enc. M-211

COPY.

Cherokee R-738.

Muskogee, Indian Territory, April 10, 1905.

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

Dear Sir:

The Commission is in receipt of your letter of April 5, 1905, asking to be advised as to the status of the application for the enrollment of George C. Summers, whose name appears upon Cherokee roll card, Field No. R 738.

In reply you are advised that the Commission's decision rejecting the application for the enrollment of the said George C. Summers as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 22, 1902.

Respectfully,

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

Cher R 739

Cher R 739

Department of the Interior.
Commission to the Five Civilized Tribes.
Claremore, I. T. October, 22, 1900.

In the matter of the application of Mattie Jackson for enrollment as a Cherokee citizen; she being sworn and examined by Commissioner G.R. Breckinridge, testified as follows:

- Q Give me your full name? A Mattie Jackson.
Q How old are you? A 51.
Q What is your postoffice? A Fryer Creek, I.T.
Q In what district do you live; Coowesscoowee district? A Yes sir, on Mud Creek.
Q Who is it you want to have put on the roll? A Myself.
Q Are you a Cherokee by blood? A No sir, by marriage.
Q To whom were you married? A (No answer)
Q Let me see your certificate?
The applicant presents an illuminated certificate showing that she was married to Andrew Jackson on the 2nd day of July, 1884, by C. H. Miller. It is not stated in the document whether Mr. Miller was a minister, or in what official capacity he acted. The document is returned to the applicant.
Q Was your husband a Cherokee by blood? A Yes sir.
Q Is your husband dead? A No sir, he's living.
Q You are divorced from him are you? A Yes sir.
Q Have you a copy of the decree of divorce? A No sir.
Q When were you divorced from him? A I was in California when he got the divorce.
Q He got the divorce? A Yes, he got the divorce and married again.
Q Are you on any of the rolls of the Cherokee Nation? A (No answer)
Q Are you on the roll of 1896? A Yes sir, and one child.
Q How long have you lived in the Cherokee Nation? A Ever since I was about ten ~~years~~ years old.
Q Have you lived here all the time? A Yes sir, ever since I was about ten years old.
Q How long were you in California at the time your husband got his divorce? A One year.
Q Simply on a visit? A Yes, I went there for my health.
Q When did you come back from California? A In the year '93.
Q Have you been here ever since '93? A No, I went away. I have been in Missouri.
Q When did you come back here the last time? A I come back in '94 from California.
Q And then what did you do after you got back here in '94; been here ever since you came in '94? A I went away again. I went to Missouri.
Q When did you go to Missouri? A In the year of 1896.
Q How long did you stay there? A About twelve months and then went back home again.
Q And then come back here? A Yes sir.
Q Been here ever since that time? A No, in '97 I went to Kansas City.
Q How long did you stay there? A About eleven months in Kansas City.
Q Then come back home? A Yes, back to my home again.
Q How long did you stay there? A I only staid there long enough to do my business. I staid about six months at home.
Q Where did you go? A I went to Mexico.
Q How long did you stay there? A One year, come home in August.
Q You staid there until this last August? A I came home in August; it will be a year. I have always had a home here, but went away for my health.
Q When were you divorced from your husband? A In 1891.
Q I think it was, he got a divorce while I was gone that year.

3- M. J.

Commissioner-

The applicant is shown to have been married to her husband in 1884. She states that she was divorced from him in 1898, and that the decree of divorce was granted to her husband. She is not identified on any roll, and from the evidence she does not seem to have made her residence in the Cherokee Nation as required by law. Her certificate of marriage is defective, in there not being any evidence that the party performing the ceremony was lawfully qualified for the act. For the further consideration of any rights that the applicant may have arising from her marriage, her application will be placed upon a doubtful card, though it is not seen at this time that she has lived in the Cherokee Nation as required by law, and it also appears that she lost whatever rights she may have possessed by the divorce granted to her husband.

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

Subscribed and sworn to before me this 23rd day of October, 1900.


Commissioner.

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 22 1900 1900.

Name Pylon Creek, Jr.
District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law Doubtful Date of marriage _____

License _____ Certificate _____

Wife's name Matie Jackson nee, Nasham

District _____ Year _____ Page _____ No. _____

Citizen by blood no Mother's citizenship _____

Intermarried citizen yes

Married under what law Cherokee Date of marriage July 2, 1884

License _____ Certificate yes

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 _____

Doubtful

Supl.-C.D.#358.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., March 6, 1902.

SUPPLEMENTAL in the matter of the enrollment of MATTIE JACKSON
as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 15, 1902, that her application for the enrollment of herself as a citizen of the Cherokee nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 6th 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 additional testimony affecting her application. She was further notified that the representatives of the Cherokee Nation would also on said date be afforded an opportunity to introduce testimony tending to disprove her right to enrollment, but that said representatives would be required to notify the applicant of their intention to introduce such testimony before the same would be received.

The Cherokee Nation makes satisfactory proof of service of notice on the said applicant that it would by its representatives at the office of the Commission in Muskogee, Indian Territory, on the 6th day of March, 1902, introduce testimony tending to disprove her right to enrollment as a citizen of the Cherokee Nation.

The Applicant has this day been called three times and in view of the fact that she fails to respond either in person or by attorney, it is directed that the testimony introduced by the Cherokee nation be received.

Mr. W. W. Hastings, Cherokee Representative: The Cherokee Nation offers in evidence a certified copy of the complaint and judgment of divorce between Andrew Jackson and the applicant Martha Jackson, by the Circuit Court, Coowescoowee District, on September 12, 1892, and call attention to the fact that one of the grounds alleged in the complaint for the divorce was desertion.

The representative also desires to call attention to the present residence of the defendant as shown by the affidavit of proof of service of notice, the same being in Denver, Colorado.

Commission: It is directed that the case be closed, and that the same be reported to the Commission for final decision based upon the evidence now of record.

---000000000---

K. J. O. Rosson, being first duly sworn, states 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.

Subscribed and sworn to before me this March 10, 1902.



Commissioner.

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

In the matter of the application of Mattie Jackson for enrollment as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N .

The record in this case shows that on October 22, 1900, Mattie Jackson appeared before the Commission at Claremore, Indian Territory, and made application for enrollment as a citizen by intermarriage of the Cherokee Nation.

The evidence shows that the said Mattie Jackson was lawfully married on July 2, 1884, to Charles Jackson, a citizen by blood of the Cherokee Nation, and from whom she appears to have been divorced on the ground of her desertion of said husband on September 12, 1892.

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 567, 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."

The evidence further shows that the said Mattie Jackson has not been a resident of the Cherokee Nation or the Indian Territory since 1892.

Paragraph 9 of the Act of Congress aforesaid 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 Jackson as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

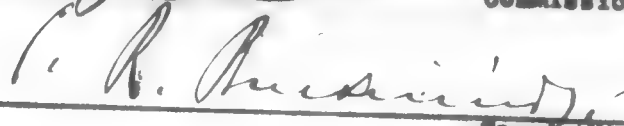
THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.



Commissioner.



Commissioner.

Dated at Muskogee, Indian Territory,
this SEP 24 1902

Ence m-7

DEPT OF THE INTERIOR
THE FIVE CIVILIZED TRIBES
OCT 21/1884

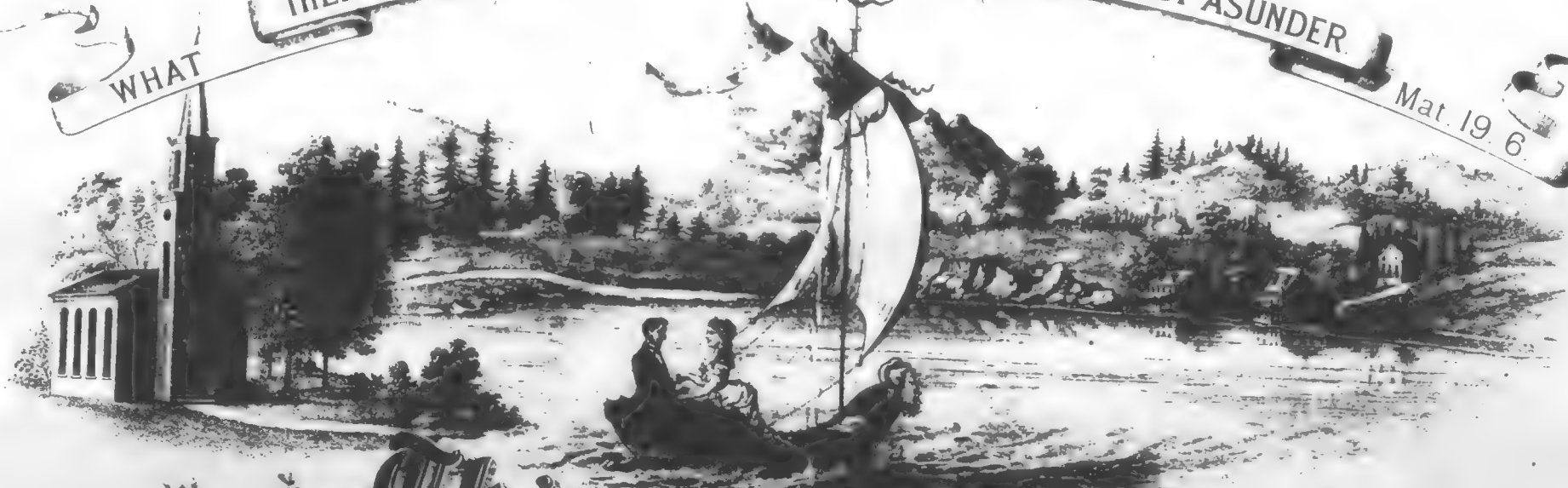
[Signature]
ACTING CHAIRMAN
ACTING CHAIRMAN

9

THEREFORE GOD HATH JOINED TOGETHER, LET NOT MAN PUT ASUNDER

WHAT

Mat. 19. 6



This Certificate



*Andrew Jackson
Cherokee Nation
and Mr.*

*Martin Washam
Cherokee Nation
and Mr.*

AND

HOLY

MATRIMONY



Other Certificates



AND

Andrew Jackson
Cherokee Nation
Said Groom

Wattie Washam
Cherokee Nation
Said Bride

WERE

BY

CONSECRATED

IN HOLY

MATRIMONY

According to the
and the Laws of the
at Otsego Station
in the year of (OUR LORD)
and Eighty-four

(Ordinance of GOD)
Said Lic.
on the 2nd day of July
(one Thousand Eight Hundred

C. H. Miller

HOLY BIBLE

Witness



THAT ...

...
...
...
...
...
...

Done

Divided
of the r
now is
file of the said div. ...

Chief Clerk Charles D. ...

Sworn to and subscribed before me
this 25th day of November, 1922.

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAR 6 1992

ACTING CHAIRMAN

To any lawfull officer to execute and return ,Greeting:In the name of the Cherokee Nation you are hereby commanded to summon Martha Jackson to be and appear at the usual place of holding court in Cooweescoowee District Cherokee Nation on the Second Monday in September 1892,then and there to answer the complaint of Andrew Jackson,who prays the court to dissolve the bonds of matrimony now existing between them and for cause of action said Andrew Jackson alleges that the before named Martha Jackson is guilty of desertion and adultery.

Herein fail not and due return make as the law directs.

Given under my hand and seal on this the 28th day of July 1892.

H.H.Trott, Clerk,

Cooweescoowee District Cherokee Nation.

Executive Office Cherokee Nation,
Tahlequah, Ind. Ter.

I, B.W. Alberty, assistant Executive Secretary of the Cherokee Nation, do hereby certify that the above is a true copy of a citation, now filed in this office by law, with and constitutes, a part of, the papers and files belonging to the clerk office of Cooweescoowee District Cherokee Nation, and are now in my custody.

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

B. W. Alberty

Assistant Executive secretary,
Cherokee Nation.

Doc 22

Andrew Jackson,

Vs

Martha Jackson,

(
(Suit for divorce.
)

Judgement by default Sept. 12th 1892.

H.H.Trott, Clerk.

(The above last stated is a true copy #from
Circuit docket page 224)

Andrew Jackson, vs Martha Jackson-Plaintiff answers ready.
Defendant does not answer and the case goes by default.

Executive Office Cherokee Nation,
Tahlequah Ind. Ter.

I, B.W. Alberty, assistant Executive secretary of the Cherokee Nation do hereby certify that the above court entries, are true copies respectively, from the docket and record of proceedings had in the Circuit Court of Cooweescoowee District Cherokee Nation, now filed in this office and in my Official custody.

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

B. W. Alberty

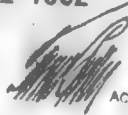
Assistant Executive secretary,
Cherokee Nation.

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D658

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 24 1902



ACTING CHAIRMAN

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

ALLISON L. AYLESWORTH,
SECRETARY.

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

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 18, 1902.

Mrs. Mattie Jackson,

Fryer Creek, Indian Territory,

You are hereby notified that the application of yourself

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

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

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

You are required to supply the Commission with certified copy of your decree of divorce.

CherokeeD-658
Register.

Yours truly,

Acting Chairman
~~XXXXXXXXXX~~

Commissioner in Charge.

AFFIDAVIT

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT.

SS

In the matter of the application of Mattie
Jackson
for enrollment as a Cherokee Freedman.

No. & D. 658

A. H. Starr ~~STARR~~

A. H. Starr, of lawful age, being duly sworn on
oath states that on the 10 day of Feb 1902, A. D., 1901, he registered
to Mattie Jackson whose postoffice is Denver Colo

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 28 day of Feb 1902, 1901, he received the return
card which is hereto attached, signed by the said Mrs. Mattie Jackson, showing
that he had received said notice.

Subscribed and sworn to before me on this the 28 day of Feb A. D. 1902

J. C. Starr
Notary Public.

9

19,658

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



D. 658

**INDIAN TERRITORY,
CHEROKEE NATION.**

I hereby certify that I served the within notice on.....

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

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

Marshal for the Cherokee Nation.

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

Attorney for applicant.

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

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

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

Subscribed and sworn to before me this.....

Notary Public.

NOTICE!

IN THE MATTER OF the application of Matie Jackson
for enrollment as Cherokee citizens:

Case No. D 658

To Matie Jackson

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 6th, 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 Feb/ 20, 1902.

M. W. Hastings
Attorneys for the Cherokee Nation.

Cherokee D. 659.

COPY

Muskogee, Indian Territory, September 22, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Mattie Jackson for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, including the decision of the Commission, dated September 20, 1902, rejecting said application.

Respectfully,

Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enc. C. No. 21.

Cherokee D 658.

COPY.

Muskogee, Indian Territory, September 22, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 20, 1902, rejecting the application of Mattie Jackson for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

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

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

Respectfully,

Acting Chairman.

Enc. C. No. 20.

Cherokee D 658.

COPY.

Muskogee, Indian Territory, September 22, 1902.

Kattie Jackson,

Pryor Creek, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, together with a copy of the Commission's decision, dated September 20, 1902, rejecting your said application.

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

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

Respectfully,

Acting Chairman.

Enc. C. No. 19.

Register.

Refer in reply
to the following:
Land.
57701-1902.

COPY.

Department of the Interior,
Office of Indian Affairs,
Washington, Oct. 6, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made September 22, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Mattie Jackson for enrollment as a citizen of the Cherokee Nation by inter-marriage.

The applicant married Charles Jackson, a citizen by blood of the Cherokee Nation July 2, 1884 and was divorced September 12, 1892, since which date she has not resided in the Indian Territory.

The Commission is of the opinion that she should not be enrolled. This office agrees with that opinion and respectfully recommends that the Commission's decision be affirmed.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

WCV
D

3 inclosures.

pc
19758-1902.

RAF.

Department of the Interior,
Washington.

October 22, 1902.

ITD.6142-1902.

L.R.S.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

October 6, 1902, the Acting Commissioner of Indian Affairs transmitted your letter of September 22, 1902, and accompanying record in the matter of the application for enrollment of Mattie Jackson as an intermarried citizen of the Cherokee Nation, and recommended that your decision of September 20, 1902, be approved. A copy of his letter is inclosed.

It appears that applicant was in 1884 married to Charles Jackson, a Cherokee by blood, whom she afterwards deserted, and that in 1892. he procured a divorce on the ground of desertion; and that she has not been a resident of Indian Territory since 1892. In accordance with paragraph 9, section 21, act of June 28, 1898 (30 Stat., 495), you denied the application.

The Department affirms the decision rendered.

Respectfully,

E. A. Hitchcock,

Secretary,

EMD.

1 inclosure.

COPY.

Cherokee D 658.

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 Mattie Jackson for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 22, 1902.

Respectfully,

John D. Dixby
Acting Chairman.

OOP.

Cherokee D 688.

Wahkagee, Indian Territory, November 11, 1902.

Mattie Jackson,

Fryer Creek, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, of date September 20, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 22, 1902.

Respectfully,

Jan. Bixby.

Acting Chairman.

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

Cher. R-759

Muskogee, Indian Territory, November 24, 1900.

Mattie Jackson,

Pryor Creek, Indian Territory.

Dear Madam:

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application, a certified copy showing your marriage on July 2, 1884 to Andrew Jackson; also certified copy of record and decree in divorce case of Andrew Jackson vs. Martha Jackson.

The same are herewith returned to you, copies having been made and retained in the Commission's files.

Yours truly,



Acting Chairman.

Enc. N 7

Department of the Interior

Commission to the Five Civilized Tribes,

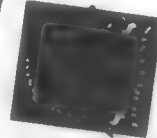
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use, \$300.

Unclaimed

3409
1439



Mattie Jackson,

Pryor Creek,

Indian Territory.

Registered Letter
Parcel

No.

2569

Post Office, Muskogee, Ind. Ter.

Received

1178
1907
J C Starr

From

addressed

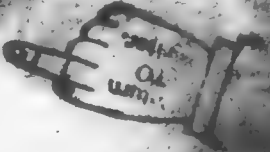
Mrs Mattie Jackson
Denver Col

Let.
Par.

H F Ellis P. M. *R*

This space is reserved on counter
part for particulars connected with
dispatch of registered piece.

012-739



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Mattie Jackson

Pyrocreek

BJ

Cher R 740

Cher R 740

DOUBTFUL, as to James M. Welch:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., June 17th, 1901.

In the matter of the application of Sarah Beffa for the enrollment of her two children, JAMES M. WELCH and EFFIE HENRY, as Cherokee citizens by blood; said Beffa being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Sarah Beffa.
Q What is your age? A 36.
Q What is your post office address? A Bartlesville.
Q What district do you live in? A Cooweescoowee.
Q Who do you apply to have enrolled now? A James M. Welch.
Q How old is he? A He is 29.
Q What is the next one's name? A Effie Henry.
Q How old is she? A 18.
Q Is your name on the roll of 1890? A No, I don't think it is, but here is my readmittance papers, I have been here and come back to enroll on the 1896.

Com'r Needles:--Applicant presents a certified copy of an Act readmitting Sarah Beffa and others to citizenship, said Act approved November 24th, 1894; signed by C. J. Harris, Principal Chief; certificate as to the correctness of the copy being signed by J. A. Seales, Assistant Executive Secretary. Said Act among others provides that James Welch and Effie Henry were readmitted to Cherokee citizenship, providing that Sarah A. Beffa, the mother of said James Welch and Effie Henry, and her children, remove to the Cherokee Nation within six months after the approval of this Act, the date of approval being November 23d, 1894.

- Q Mrs. Beffa, where were you living when this Act? A I was living in California.
Q Well, when did you return to the Cherokee Nation?
A I returned just when I was readmitted, I never went away after I was here.
Q I thought you said you were living in California at the time?
A I was out here and hadn't moved out.
Q You were living here at the time this Act was approved?
A I was living here myself and I wrote for my family to come out.
Q Did James Welch and Effie Henry return within the time?
A They was here and the boy, Mr. Starr told him he could go out and work and come back; he has got his place here and everything, but he went away to work and he went away to the Philippines.
Q Is he married? A No, sir.
Q What is the reason he is not here? A He is in the Philippines.
Q Soldier in the United States Army? A I don't know, he wrote and told me he was there.
Q You don't know whether he is in the United States Army or not?
A I don't know; he went from San Francisco over there; he never told me what he was doing and told me he was over in the Philippines and told me he can't come back.
Q You say he was never married? A No, sir.

BY W. W. HASTINGS, Cherokee Representative:

- Q Was he here when this Act was passed on November 23d, 1894?
A No, he was away then, but the family come afterwards.
Q Did Jim Welch, himself, personally come, individually?
A Yes, he come; he was here himself and has his place here.
Q He come in March, 1895? A No, he didn't come with the younger ones.
Q When did James Welch first return to the Cherokee Nation?

James M' Welch, et al.--2.

A He was born here.

Q Madam, I am trying to get you to tell me after this Act was passed, has he ever been in the Cherokee Nation? A Yes, he has been here; he has been gone about two years.

Q I am trying to get you to tell me when he came here after this Act was passed? A He came out, don't know, we have had so many ups and downs.

Q Well, do you think he came within a year? A No, he was working then and didn't come, but he come.

Q Well, as much as two years after this act was passed?

A Yes, sir.

Q You think then of your own judgment he came within two years?

A Yes, sir.

Q Where did he come to, Cooweescoowee? A Yes, Cooweescoowee; our farms is in Cooweescoowee.

Q Now, how long did Jim stay here when he came? A He stayed here a year; he is a young man and goes around to work for a living and get sick here and didn't want to stay here on account of chills and fever and went away.

Q He stayed here about a year? A Yes, sir.

Q And then he went back to California? A Yes, sir.

Q Where he had formerly been? A Yes, sir.

Q And then you next heard of him in the Philippines?

A Yes, sir.

Q About when did he leave California? A Well, he has been gone I guess over a year from there.

Q Well, now, after he came out here in 1896 according to your testimony and remained here a year, he remained here until about 1897 and then, if I am correct, he went back to California and then sometime last year he went from California to the Philippine Islands?

A Yes, sir.

Q That is about the statement you desire to make? A Yes, sir.

Q What is James' age? A He is 29.

Q Is your youngest child, Effie Henry, has she ever been to the Nation? A Oh, yes, she came out in March, after I came.

Q She came in March, 1895? A Yes, sir.

Q How long did she remain here? A She remained here until two years ago.

Q And then she remained from 1895 to 1899? A Yes, sir; and went out there to stay with her sister on account of her sister not having good health.

Q She is not married? A No, sir.

Q Have you remained here yourself continuously since 1894?

A Yes, sir.

Q You haven't been back to California yourself? A No, sir.

Q You are her mother? A Yes, sir.

BY COM'R NEEDLES:

Q Who is Ellen Henry? A She is my daughter.

Q She is married and lives in California? A Yes, sir.

Q Who is Myrtle Henry? A That is my daughter.

Q Where is she living? A She got married not long ago; she lives over in Osage this winter and I guess she will be over home.

Q When did she come from California to the Cherokee Nation?

A She came at the same time I did.

The 1896 Census Roll of citizens of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 288, #5343, James M. Welch, Cooweescoowee District.
Page 185, #2471, Effie Henry, Cooweescoowee District.

James M. Welch, et al.--3.

COM'R NEEDLES: Sarah Beffa applies for the enrollment of James M. Welch and Effie Henry and presents a certificate of admission described in the testimony which is filed herewith. She avers that her son, James M. Welch, is not in the Philippine Island, presumed to be a soldier, consequently it is impossible for him to be present. She avers that her child, Effie, 18 years of age, is not in California. She avers that the said James M. Welch did not return to the Cherokee Nation until about two years after the date of the certificate of admission providing that he should come within six months. She avers that the said Effie Henry did arrive in the Cherokee Nation within the six months as described in the certificate of admission. They are duly identified upon the census roll of 1896 as indicated in the testimony. Said James M. Welch will be listed for enrollment as a citizen of the Cherokee Nation upon a doubtful card, awaiting further consideration of the Commission. Said Effie Henry will be listed for enrollment as a Cherokee citizen. Sarah A. Beffa, the mother of Effie Henry, is enrolled on straight card #4268.

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J. O. Ressen, 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. Ressen

Subscribed and sworn to before me this 18th day of June, 1901.

[Signature]

Commissioner.

CHEROKEES BY BLOOD AND ADOPTION.

Name James M. Welch Date June 17, 1901 1900.
 District 300 Year 1896 Page 287 No. 5343
 Citizen by blood _____ Mother's citizenship _____
 Intermarried citizen _____
 Married under what law _____ Date of marriage _____
 License _____ Certificate _____
 Wife's name _____

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

Names of Children:

Dist.	Year	Page	No.	Age
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
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App. made by Sarah Peffer (mother) Steu J. C. Pinner

V. Rez

20/19/10

...the same from to the Commission ...
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DEPARTMENT OF THE INTERIOR
COMMISSIONER OF THE FIVE CIVILIZED TRIBES.
FILED
26 1902

Acting Chairman

Supl.-C.D.#1215.

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. WELCH 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. Receipt has been acknowledged of Commission's letter, and the applicant this day, to-wit: the 21st day of March, 1902, appears in person. Mr. W. W. Hastings, Cherokee Representative, present.

JAMES M. WELCH, being duly sworn, testified as follows in his own behalf:
COMMISSION:

- Q What is your name? A James M. Welch.
Q How old are you? A 30 years old.
Q What is your post office address? A Bartlesville, just at present.
Q You are the son of Sarah Beffa? A Yes, sir.
Q She heretofore made application to the Commission for your enrollment as a citizen of the Cherokee Nation? A Yes, sir.
Q Where were you when she made this application? A I was in the Hawaiian Islands.
Q Were you a soldier in the army? A No, sir, I was not; I was there working.
Q How long had you been there? A I was there I think 14 months.
Q When did you go? A I went there, I think I left California on the 4th of October.
Q Of what year? A 1900 I think it was.
Q And you remained out there 14 months? A Yes, sir.
Q Did you then come back to the Cherokee Nation?
A Yes, sir, I come right straight from there home.
Q Have you lived in the Cherokee Nation ever since your return?
A Yes, sir.
Q Did you always live in the Cherokee Nation prior to the time you went to the Hawaiian Islands? A Well, I was here part of the time; I was in British Columbia a while and I come back home and then I went back to British Columbia.
Q How long did you live there? A The first time I was away only-- my family first come here, when our family come here I was in pretty hard circumstances and I was working for a company and I was sent there, and I had to borrow money to send them here, and as soon as I got the money I come back.
Q Where did you come? A Here in Delaware District.
Q Now after your admission to citizenship in the Cherokee Nation by the Council when did you come to the Cherokee Nation? A When we was readmitted.
Q Yes, how long after your re-admission? A I think we was re-admitted in November.
Q Of what year? A '94.
Q How long after that was it before you came? A I come back in July, 1895; I could not get away any sooner, I was in Caribou, British Columbia, I could not walk and I had to wait.

MR. HASTINGS:

- Q That does not conform to your mother's statement about when you came here? A It doesn't.
- Q No? A I think it does if you look; she didn't know where I was, she wrote to me afterwards and found out whether I was in the army or not.
- Q Your mother in answer to a question propounded to her when she applied for you on June 17, 1902, at Howata, in answer to this question: Well, do you think he came within a year, and her answer was: no, he was working, but he did come. And then this question was asked her: Well, as much as two years after this Act was passed, and her answer was: yes, sir. Then this question was asked her: You think of your own judgement he came within two years; and her answer was: yes, sir.
- A I was admitted on the roll in '96.
- Q Now, are you certain that you came back in July, 1895?
- A Yes, sir; I am pretty sure. I went into Caribou, British Columbia and stayed there two months I think; well, my sisters came in June and I came in July.
- Q Where did you come to? A Come to what was called Ramona, and is called now Falls.
- Q Have you got anybody that you could prove that by? A I don't know exactly.
- Q Who did you work for? A I worked for myself.
- Q On the farm? A Yes, sir, fenced up a farm.
- Q Who were your neighbors? A Mr. Coast he was living on a place ~~the next~~ of ours.
- Q Is he living there now? A Not on our place.
- Q Is he living in the neighborhood now? A Yes, sir.
- Q What Cherokee citizens were living right around in the neighborhood ~~at that time~~ ~~at that time~~ ~~at that time~~.
- A Elijah Bly was right there.
- Q Elijah Bly is here now isn't he? A Yes, sir, and I don't know, Sam Perry, I don't know whether he is a citizen.
- Q Have you got a sister by the name of Effie for whom your mother applied in the same application? A Yes, sir.
- Q Where was she married? A I don't know whether she is married or not.
- Q Haven't you heard that she was married? A I don't know whether she is married or not.
- Q Isn't that your family history? A Well, I suppose she was, I don't think she has got any certificate, she run away from home.
- Q Well, you have been advised that she run off with a man and she has gone to California? A No, sir.
- Q Well, where is she? A She is in California. When I was away from here and come back she run off with a little fellow, I don't know what his name is, and my mother made him go home and now she is out there in California.
- Q Well, she was married to that man she run off with? A I don't know.
- Q Well, didn't she say she was? A I don't know.
- Q Well, didn't your mother say that she was married to him?
- A No, sir, she told me she run off with Oscar Terry.
- Q Didn't you hear at all that she married him? A No, sir.
- Q Did you hear on the other hand that she never married him?
- A I don't know, never heard anything, she run off with him.
- Q When did she run off? A I don't know when it was.
- Q Well, about when, five years ago? A I don't know, I don't think it has.

Q Well, it has been more than a year ago? A Yes, sir; I think it is between three and four years.

Q How long did you stay here when you were here that time?

A I stayed pretty near a year, about eight months.

Q And then where did you go? A To Kansas.

Q And from Kansas? A To Colorado.

Q And from Colorado? A California.

Q And from California? A Hawaiian Islands.

Q And then since you have been admitted you lived here about eight months? A I have been here more than that; I have been here twice.

Q When did you come back here the second time? A January I think, in '97.

Q Have you been here two trips? A I told you I come from British Columbia.

Q I asked you when you come here and how long you stayed, and you stayed here about eight months and after that went to Kansas and from Kansas to Colorado and from Colorado to California and from California to the Hawaiian Islands? A Yes, sir.

Q You came here as you state and stayed here about eight months the first time? A Yes, sir.

Q And then where did you go? A I told you I went from here to Kansas and from Kansas to Colorado and from Colorado to California and from California to the Islands.

Q How long did you stay down there? A I come out and stayed down there about five months and I come back and stayed in California three weeks and went right back.

Q Well, did you come to the Territory now? A No, sir, I went to British Columbia.

Q And you came from British Columbia down here in '97? A Yes, sir.

Q How long did you stay here then? A I think I come here in January, pretty sure it was January, and stayed here until I went, would not say whether it was August or September.

Q Eight or nine months? A Yes, sir.

Q And then you have been here two trips, about eight or nine months? A Yes, sir.

Q When did you come back this time? A About three weeks ago; let's see, was it three weeks or month ago, I don't know whether it was three weeks ago Wednesday or four weeks ago.

Q Where is your sister now? A She is in Colfax, El Placer County, California.

SARAH HEFFA, being duly sworn, testified as follows as follows as part of the applicant:
COMMISSION:

Q What is your name? A Sarah Heffa.

Q How old are you? A I am 57.

Q What is your post office address? A Bartlesville.

Q You are the mother of the applicant in this case, James E. Welch?

A Yes, sir.

Q When you appeared before the Commission at Nowata in June, 1901, you stated that you and your children were admitted to citizenship in the Cherokee Nation by an Act of the Cherokee Nation Council and that your son, James Welch, did not come to the Cherokee Nation until two years after his admission, did you not? A Well, I told you, you cross-questioned me so high, and I told you I didn't know exactly how long it was but I thought it was about seven or eight months; you might have kept talking to me and cross-questioned me and got me to say three months.

Q You stated at that time in answer to the question propounded by the representative of the Cherokee Nation: Well, do you think he came within a year. Your answer was: No, he was working, but he did come. The next question was: Well as much as two years? And your answer was: Yes, sir. And the next question was: Then you think of your own judgment he came within two years?

X ~~Yes, sir~~ and your answer was: Yes, sir.

Q Well, now were you mistaken in those answers? A Yes, I know I was; I know I was excited and I had been sick.

Q When did your son come to the Cherokee Nation the first time after his admission to citizenship? A He came in July.

Q Of what year? A '96.

Q In '96? A '95, that was it.

Q How long did he remain here then? A He stayed here and put in a crop and stayed until fall.

Q Well, where did he go to? A He took the chills and was sick and he went away, thought he would get well and stayed; he would go in Kansas and from Kansas to Colorado and from there to California.

Q How long after that was it until he returned to the Cherokee Nation? A I could not tell you, he has been back and forth three times.

Q Have you any idea how long it was, just think, your best judgment?

A I could not tell you.

Q You don't know how long he remained away when he went that time?

A He comes and goes so as he could hold his property here.

Q How long has he been living here the last time?

A Since he came this last time?

Q Yes, Ma'am? A He has been here quit a while.

Q Well, about how long; when did he come, about what time of the year; was it in the summer or winter? A Fall or winter, I don't know.

Q Of what year? A Well, he come back this last time, this year.

Q Well, has he been here as much as a year the last time?

A No, he ain't been here a year; he came to stay if he can.

MR. HASTINGS:

Q Now, don't you know Madam, that he has been here only about three weeks? A Well, I know

Q Why don't you just state that then how long he has been here this last time? A Well-

Q You know he hasn't been here longer than a month?

A He came here this winter.

Q What? A He came here a while back.

Q Well, now, when you were on the stand before I examined you fairly rigidly about the marriage of Effie? A Yes, sir.

Q And you at that time absolutely denied it? A I never knew she was married.

Q You never had heard it? A She went away; I don't know whether she was married or not.

Q You had heard she had been married? A Well, I guess I heard it but then I don't know whether it was true or not.

Q Why didn't you tell the Commission fully, we tried to elicit that information from you? A I don't remember you asking me.

This question was asked you: She is not married? And you said: No, sir. Well, now, you know that she was said to have been married don't know? A Well, I heard it after I sent her away; I didn't want her to marry this fellow.

Q And she run off with him anyway? A She went away.

Q You mean to say now as her mother you don't know they were?

A She never said she had been married.

Q She denied it to you? A I never asked her.

- Q You never got any information directly or indirectly about her marriage? A No, sir, I was made at her.
- Q From her or anybody else? A I heard it from others.
- Q And you heard it at the time? A Yes, directly after the time a while.
- Q What made you send her away? A Because I didn't want her to go with this fellow.
- Q She is out in California yet? A I told you you got me so excited.
- Q About what month did you get here to the Cherokee Nation the first time after you were admitted? A I never have been a way.
- Q You never went away after you were re-admitted at all? A I never have been out of the Territory since.
- Q You know what year you were readmitted? A Yes.
- Q What year was it? A '94; you have my readmittance papers.
- Q You have no idea now how long after you were readmitted until this young man came? A He come inside of a year anyway.

ELIJAH BLY, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HASTINGS:

- Q What is your name? A Elijah Bly.
- Q What is your post office? A Ramona.
- Q How long has Ramona been your post office? A About two years.
- Q You are a Cherokee citizen? A Yes, sir.
- Q How long have you lived in that community up there? A About 17 or 18 years.
- Q Do you know this applicant, James M. Welch? A Yes, sir.
- Q Do you know his mother, Sarah Beffa? A Yes, sir.
- Q Do you know about when this man came to the Cherokee Nation after the family was readmitted? A I think he came in about five years ago, first trip in.
- Q That is the first time you saw him? A Yes, sir.
- Q How long did he remain there then? A He made a crop and left along in September or October I don't remember which.
- Q stayed through a spring and summer? A Yes, sir.
- Q Has he been back there? A Yes, little.
- Q Last three weeks? A Yes, sir.
- Q Well, any besides that? A No, sir.
- Q Has he got a half sister by the name of Effie? A Yes, sir.
- Q Do you know whether she is married or not? A I think she is.
- Q Who did she marry? A I disremember his name now.
- Q Do you know where she is? A I think she is in California somewhere.
- Q Do you know Oscar Terry? A Yes, sir, that is, I knew of him.
- Q Well did she marry him? A Yes, sir.
- Q Is that the general information there throught out the community? A Yes, sir.
- Q That is the way you know it? A Yes, sir.
- Q Everybody seems to know it up there? A Yes, sir.
- Q About when did she marry him? A I don't remember now; between four and five years ago, I think; I won't be certain.
- COMMISSIONER:
- Q when did you say you first saw him Mr. Bly? A About five years ago, he came in there.
- Q Was that the first time you ever saw him? A I saw him when he was a boy.
- Q That was the first time you ever saw him after his admission to citizenship? A Yes, sir.

JAMES M. WELCH, the applicant, re-called.

COMMISSION:

Q Is there any further statement that you desire to make relative to your application? A There is nothing more than, -that is all I know of.

Q Do you submit the case then to the Commission for final decision? A Yes, sir.

Commission: The applicant and representative 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.

---ooOoo---

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.

COMM. OF THE FIVE CIVILIZED TRIBES
1881
11 21 17
1881

J. O. Rosson

An Act readmitting Sarah Beffa & others
to citizenship,

Be it Enacted by the National Council, that Sarah A. Beffa,
James Welch, Ella Henry, Walter Henry, Ethel Henry, Effie Henry &
Myrtle Henry, be readmitted to Cherokee citizenship; provided, the
said Sarah A. Beffa and her children were born to the Cherokee
Nation, within six months after the approval of this Act.

Approved Nov. 23, 1894.

Signed - C. J. Harris,

Principal Chief.

Executive Department,

Cherokee Nation.

I, J. A. Scates, Assistant Executive Secretary,
do hereby certify that the above is a true transcript of an Act of
the National Council entitled Act to readmit Sarah A. Beffa & others,
approved Nov. 23, 1894, as the same appears of record in this office.
Given this the 23 day of Nov. 1894 from under my hand the seal of
the Cherokee Nation.

Signed - J. A. Scates,

Asst. Ex. Sec.

Department of the Interior
Commission to the Five Civilized Tribes,
Muskogee, I. T., Sept. 26, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment
Division of the Commission to the Five Civilized Tribes and custodian
of the records of the said division, do hereby certify that the above
and foregoing is a true and correct copy, of a copy, of the original
on file in the office of the said Division.


Chief Clerk Cherokee Division

Subscribed and sworn to before me this 26th day of September, 1902.


Notary Public.

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

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

DECISION.

The record in this case shows that on June 17, 1901, Sarah Beffa appeared before the Commission at Nowata, Indian Territory, and made personal application for the enrollment, among others, of James M. Welch 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 other parties to the application are differently classified, and are not embraced in this decision.

The evidence shows that the said James M. Welch was admitted to citizenship in the Cherokee Nation by an act of the Cherokee National Council, approved November 23, 1894, under the name of James Welch. Said act was conditioned that the applicant herein move back to the Cherokee Nation within six months after the approval of the act.

The said James M. Welch is identified on the 1896 Census Roll of the Cherokee Nation.


The evidence further shows that the said James M. Welch did not remove to the Cherokee Nation within six months from the date of the act admitting him to citizenship, and that he was not a resident of the Cherokee Nation or Indian Territory on June 28, 1898.


Par. 9, Sec. 21 of the Act of Congress, approved June 23, 1898 (30 Stats., 495) provides:

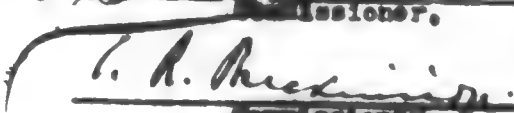
"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application for the enrollment of James M. Welch 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.


C. R. Brumfield
Commissioner.

Muskogee, Indian Territory.

this _____

COMMISSIONERS
HENRY L. BROWN,
TAMM BROWN,
THOMAS A. BROWN,
C. A. BROWN,
ALABAMA L. BROWN,
SECRETARY

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

REFER TO COPY TO THE FOLLOWING
CASE NO. 1-1115

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory,

MARCH 1, 1900

1900.

Mr. George Smith,

Northville, Indian Territory.

Sir:

You are hereby notified that the application of James E. Walsh

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

On 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 of the registration to Cherokee citizenship of James E. Walsh.

Yours truly,

Register

Acting Secretary
Commission to Five Tribes

COPY

Cherokee 9 1818.

Wasson, Indian Territory, September 21, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Sarah Beffa for the enrollment of her son, James M. Walsh, as a citizen by blood of the Cherokee Nation, including the decision of the Commission, dated September 20, 1902, rejecting said application.

Respectfully,

Tame Sixby
Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enc. C. No. 15.

Cherokee D 1215.

COPY.

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 Sarah Beffa for the enrollment of her son, James Y. Welch, 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,

James Dixby
Acting Chairman.

Enc. C. No. 14.

Cherokee B 1215.

Muskegee, Indian Territory, September 24, 1902.

Sarah Beffa,

Bartlesville, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of your son, James M. Welch, as a citizen by blood of the Cherokee Nation, together with a copy of the Commission's decision, dated September 20, 1902, rejecting your said application.

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

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

Respectfully,

Acting Chairman.

Enc. C. No. 13.

Register.

Refer in reply
to the following:
Land.

COPY.

58,454-1902.

Department of the Interior,
Office of Indian Affairs,
Washington, October 20,
1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Sarah Beffa for the enrollment of her two children, James M. Welch and Effie Henry, as Cherokee citizens by blood.

On June 17, 1902, the commission heard the testimony of said Sarah Beffa in behalf of her two children, and upon consideration, listed her said child, Effie Henry, for enrollment as a Cherokee citizen, but placed the name of said James M. Welch upon what is termed a "doubtful card" to await further consideration by the Commission.

On March 21, 1902, a further hearing was had as to the matter of the enrollment of James M. Welch and afterwards, on September 20, 1902, the commission rendered a decision in his case finding that he was admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council approved November 23, 1894, under the name of James Welch; that said act of admission was conditioned that the applicant move back to the Cherokee Nation within six months after the approval of the

act; that said James M. Welch did not remove to the Cherokee Nation within six months from the date of the act admitting him to citizenship and that he was not a resident of the Cherokee Nation or the Indian Territory on June 28, 1898; that paragraph 9 of section 21 of the Act of Congress approved June 28, 1898, (30 Stats., 495), providing that "no person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship" applies to said case, and the commission therefore decided that the application for the enrollment of James M. Welch as a citizen by blood of the Cherokee Nation, should be denied.

The office has examined the record evidence and finds that the facts set out in the decision rendered by the commission are fully supported by the evidence and inasmuch as said James M. Welch failed to comply with the condition upon which he was admitted to citizenship by the Cherokee Nation, the office considers that the decision of the commission denying this application is correct and recommends that the same be approved by the Department.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

(WCB)P.

20234-1902

CMR.

ITD 6476-1902.

Department of the Interior,
Washington, October 24, 1902.

L. R. S.

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

Gentlemen:

The Department is in receipt of the record of proceedings in the matter of the application of Sarah Beffa for the enrollment of her son James M. Welch as a citizen by blood of the Cherokee Nation.

From the evidence it appears that James M. Welch was admitted to citizenship in the Cherokee Nation by an act of its national council, approved November 23, 1894, under the name of James Welch, it being provided in said act that the applicant should remove to the Cherokee Nation within six months after approval of the act; that he is identified on the 1896 Census roll; and that he failed to remove to said nation within the six months, as prescribed by the act admitting him to citizenship. It also appears that he was not a resident of the Indian Territory on June 28, 1898. You rejected his application in accordance with the provisions of paragraph 9, section 21, of the act of June 28, 1898 (30 Stat., 495).

The Commissioner of Indian Affairs transmitted the case on October 20, 1902, and recommends that said decision be approved.

-2-

Upon a careful consideration of the case, the Department approves your action and said decision is hereby affirmed. A copy of the Commissioner's report is inclosed.

Respectfully,

E. A. Kitchcock.

Secretary,

E. K. D.

1 inclosure.

OSP

Cherokee D 1215.

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 Sarah Beffa for the enrollment of her son, James H. Welch, as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 24, 1902.

Respectfully,

James D. Kirby
Acting Chairman.

COPY.

Cherokee B. 1815.

Muskogee, Indian Territory, November 11, 1902.

Sarah Beffa,

Spiveville, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, of date September 20, 1902, rejecting your application for the enrollment of your son, James M. Welch, as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 24, 1902.

Respectfully,

James Dixby

Acting Chairman.

D C 9206-1904.

(COPY)

J.P.

I.T.D. 6476-1902.
7162-1903.

DEPARTMENT OF THE INTERIOR,
Washington.

FHE

L.R.S.

March 21, 1904.

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

Gentlemen:

October 24, 1902, the Department affirmed your decision rejecting the application for the enrollment of James M. Welch as a citizen by blood of the Cherokee Nation.

On September 21, 1903, you requested that the case be remanded, in order that it might be readjudicated by you in accordance with the opinion of the Assistant Attorney General of March 16, 1903, in the Yeargain case, in which recommendation the Indian Office concurred in its letter of October 7, 1903.

It does not appear necessary to remand the case. The evidence shows that Welch was admitted to citizenship in the Cherokee Nation November 23, 1894; that under the act of admission the applicant was to return to the Cherokee Nation within six months after the approval of the act. The evidence further shows that Welch did not remove to the Cherokee Nation until July, 1895, when he remained a few months, and that he was not a resident of the Cherokee Nation or Indian Territory on June 28, 1898.

The applicant, at the time the first testimony in this case was taken, June 17, 1901, was 25 years of age. He is identified on the 1896 census roll of the Cherokee Nation.

In view of the opinion of the Assistant Attorney General of December 29, 1903, in the case of Allie Williams, the Department sees no reason to disturb the decision of October 24, 1902.

Respectfully,

Thos Ryan

Acting Secretary.

Cher R 741

Cher R 741

Wm. J. Weaver,
CHEROKEE

REFUSED

APPROVED BY THE SECRETARY OF THE INTERIOR.

OCT 22 1902

*May 11, 1904. Cancelled and
Nos. 1 to 4 incl transferred
to Cherokee 10789.*

W. J. Weaver

COPY OF TESTIMONY FILED
WITH THE CHEROKEE NATION.

Gher R 742

Mary E. Roberts

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR.

OCT 23 1902

8
10/23/02
10.10376

COPIES OF TESTIMONY FILED
WITH THE CHEROKEE NATION.

Cher R 743

Cher R 743

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
FEB 21 1901

[Signature]
ACTING COMMISSIONER

PLINA
Q

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., FEBRUARY 19th, 1901.

In the matter of the application of Valsie Vann for the enrollment of herself and children as citizens of the Cherokee Nation; said Vann being sworn and examined by Commissioner T. B. Needles, testified as follows: Also applies for husband.

- Q What is your name? A Valsie Vann.
Q What is your age? A 48.
Q What is your post office? A My post office, Fairland.
Q What district do you live in? A Delaware district.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A Yes, sir.
Q Whom do you want to enroll? A I want to enroll my children.
Q Do you want to enroll yourself? A Yes, sir.
Q Yourself and children? A Yes, sir.
Q How many children? A Eight.
Q What is the name of your oldest child? A Valsie E. Vann.
Q How old is she? A She is 18.
Q The next child? A William Oscar.
Q How old is he? A 17.
Q The next child? A Florence.
Q How old is Florence? A She is 14.
Q The next child? A Walter.
Q How old is Walter? A Ten.
Q The next child? A Minnie.
Q How old is Minnie? A Eight.
Q The next one? A James D.
Q How old is James D.? A Six.
Q The next one? A Nancy.
Q How old is Nancy? A She is five.
Q The next child? A Nellie.
Q How old is Nellie? A She is two.

Tribal Rolls of the Cherokee Nation examined and applicants' names found thereon as follows:
1880 An thenticated Roll; page 332, #2789, Valza Vann, Delaware district.

BY HENRY STARR, Cherokee Representative:

- Q Is your husband living? A Yes, sir.

BY COMMISSIONER NEEDLES:

- Q Is he a citizen? A Yes, sir.
Q Do you want to enroll him? A Yes, sir.
Q What is his name? A John E.
Q How old is he? A 49.

Examination of the Rolls of citizens of the Cherokee Nation continued:

1880 An thenticated Roll; page 332, #2788, John J. V. Vann, Delaware district.

- Q The names of yourself and family are not on the roll of 1896 are they? A No, sir.
Q Are they on the roll of 1894, did you ever draw strip money? A No, sir.
Q How long have you lived in the Cherokee Nation? A I was born and raised here.
Q Have you been living here all your life? A Yes, sir, I was out of the country, I moved to Arkansas; lets see I moved in there

Valsie Vann--2.

about '82.

Q How long have you lived there? A I lived there until about the 14th of the month.

Q Of this month? A Yes, sir.

Q Were these children born in Arkansas? A Yes, sir.

Q All of them? A All but one.

Q All but the youngest one? A The oldest one.

Q You and your husband lived in Arkansas? A Yes, sir.

Q And for years then you have had no residence in the Cherokee Nation, since 1882? A No, sir.

Q Have you always had property in the Cherokee Nation? A Yes, sir, always had property.

Q But you did not draw your strip money in 1894? A No, sir.

BY J. L. BAUGH, Cherokee Representative:

Q When they were making the roll of 1894 to be used in making the payment, did you apply to be enrolled? A Yes, sir.

Q They refused you didn't they? A Yes, sir.

Q When they were making the roll of 1896, did you apply again for enrollment? A I believe so.

Q Did the Cherokee authorities refuse to enroll you at that time the same as they did in 1894? A I believe they did.

BY COMMISSIONER NEEDLES:

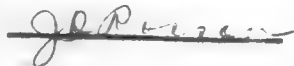
Q Were you and your husband and children ever admitted by the Cherokee authorities to citizenship? A Yes, sir.

Q When? A No, I reckon not.

Com'r Needles:--The name of John E. Vann is found upon the authenticated roll of 1880 as John J. V. The name of the applicant, Valsie, is also found upon the authenticated roll of 1880 as per page and number of the roll as indicated in the testimony. The names of the said John E. Vann, his wife, Valsie, and his children as enumerated in the testimony, are not found upon the census roll of 1896, not the pay roll of 1894. Because of the testimony given as to the residence of the said parties, final judgment as to the enrollment of the said Valsie Vann and her husband, John E. Vann, and her children as enumerated herein, will be suspended and their names 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 20th day of February, 1901.



Commissioner.

W1114

B

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

FILED
FEB 10 1901


ACTING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION

42

Date FEB 9 1900 1900

Name *Walzer John E. Vann*

District *Dick* Year *1881* Page No. *2789*

Citizen by blood *yes* Mother's citizenship

Intermarried citizen *no*

Married under what law

License

Wife's name *Walzer Jenn*

District *Dick* Year *1881* Page *332* No. *2789*

Citizen by blood *yes* Mother's citizenship

Intermarried citizen *no*

Married under what law

License

Names of Children:

Name of Child	Dist.	Year	Page	No.	Age
<i>Walzer W. Vann</i>					<i>18</i>
<i>William O. "</i>					<i>17</i>
<i>Thomas "</i>					<i>14</i>
<i>Walter "</i>					<i>13</i>
<i>Minnie "</i>					<i>8</i>
<i>James J. "</i>					<i>6</i>
<i>Harvey "</i>					<i>5</i>
<i>Ellis "</i>					<i>2</i>

Wilson 1880 *Walzer Vann*
W. J. 1881 *John E. Vann*

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 19, 1902.

In the matter of the application of John E. Vann for the enrollment of himself, wife and children as citizens of the Cherokee Nation.

The applicant represented by J. R. Sequitchie, Agent.
Cherokee Nation represented by W. W. Hastings.

The applicant was notified by registered letter February 22, 1902, that his application for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 19th day of March, 1902. The applicant this day, to wit the 19th day of March, 1902, appears by his agent, J. R. Sequitchie.

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

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

Q What relation are you to the applicant, John E. Vann? A I am his brother.

Q John E. Vann married Volsey Ward, didn't he? A Yes, sir.

Q He got in some trouble according to the testimony, about '82, in the Cherokee Nation? A '81 or '82.

Q Has he resided in the Cherokee Nation since that time? A No, sir, he hasn't.

Q He does not reside in the neighborhood of Fairland now? A No, sir, he don't now.

Q Nor hasn't since '82, that's the truth about it? A Yes, sir, that's the truth about it.

MR. SEQUITICHIE: What was the circumstance brought around as to the trouble he got into when he left? A He shot a man, killed him.

Q Well, how did he happen to leave? A Well, this man's brother and brother-in-law commenced and they organized a mob, and they was after him and he left.

Q Well, this mob, are they any of them alive today, are they living? A Two or three of them.

MR. HASTINGS: Your brother has a wife and family? A Yes, sir, wife and family.

Q His wife and family are with him? A Yes, sir.

COMMISSION: Where is your brother now? A He is in the states

of somewhere.

Q Not living in the Territory? A No, he is not living in the Territory.

MR. SEQUITICHIE: Can you give any account why your brother didn't return to the Cherokee Nation, that he doesn't reside and stay here? A No.

Q Has he got any property in the Cherokee Nation which he holds? A Yes, sir.

Q What does it consist of? A He and him own a farm together, and then he had some stock and bought cattle with me, and then a mill, he had an interest, half interest in a mill down near Mayville, Arkansas, in Delaware District.

Q Has his wife Volsey ever been back to the Cherokee Nation? A Yes, sir. She was here in last January or February, last year, a year ago.

MR. HASTINGS: Did she ever come to enroll? A Yes, sir, I

- she come to unwell, that's all the time she has been here.
- Q Well, your brother disposed of that property that he had that you spoke of? A No, sir.
- Q Has he a half interest in that mill yet? A Yes, sir.
- Q Is that mill running? A It was up to last—
- Q Do you know or your own knowledge that he has got a half interest? A Yes, sir, I do.
- Q And do you collect the proceeds? A I was a witness to the trade.
- Q Well, that was nineteen years ago or more, how about since that time? A That's my understanding.
- Q How far do you live from that mill? A I live about twenty or twenty-five miles; it is right there near Mayville, twenty or twenty-five miles from where I live. He has got an interest in a farm.
- Q Where? A At Fairland.
- Q In whose farm? A Mine and his.
- Q When did you buy it? A Bought it from him, a half interest in it in '81.
- Q '81? A Yes, sir.
- Q Has he been sent any rents ever since? A No, he collected, his wife when she was up here, she got some.
- Q Well, she never collected it from '82 up to 1900? A No, sir.
- Q What become of his horses and cattle? A Well, I have got some of them yet, I just kept them on.
- Q They have lived for twenty years? A No, sir, not all of them; well I raised some of them cattle.
- Q How many did he leave with you when he left? A He left six head of cattle.
- Q How many has he got now? A I have got mine and his, I don't know exactly how many, I just held them.
- Q You have never been accounting to him for the proceeds? A No, sir, never had a settlement.

COMMISSION: Do you submit the case to the Commission?

MR. SQUITMAN: 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 a 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

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

In the matter of the application for the enrollment of Valsie, John E., Valsie E., William O., Florence, Walter, Minnie, James D., Nancy and Nellie Vann as citizens by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on February 19, 1901, Valsie Vann appeared before the Commission at Muskogee, Indian Territory, and made personal application for the enrollment of herself, her husband, John E. Vann, and her eight minor children, Valsie E., William O., Florence, Walter, Minnie, James D., Nancy and Nellie Vann 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 John E. and Valsie Vann are Cherokees by blood, that they removed beyond the limits of the Cherokee Nation and Indian Territory about the year 1861 or 1862, and have not resided in said nation or territory since that time. They are both identified on the 1868 authenticated tribal roll of the Cherokee Nation.

The minor children for whom application is made here were all born outside the limits of the Cherokee Nation and Indian Territory, except Valsie E., and she has resided with her parents all her life. The other children herein applied for have likewise resided with their parents all their lives.

The evidence further shows that all these for whom application is here made were non-residents of the Cherokee Nation and Indian Territory on June 28, 1898, and at the date of the application herein.

Par. 9, Sec. 21 of the Act of Congress, approved June 23, 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 Valsie Vann, John E. Vann, Valsie E. Vann, William O. Vann, Florence Vann, Walter Vann, Minnie Vann, James D. Vann, Nancy Vann and Nellie Vann as citizens by blood of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this SEP 20 1902

Cherokee R-743

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
Cherokee Land Office,
Washington, D.C., May 14, 1904.

In the matter of the application of JOHN B. VANN for the enrollment of himself, his wife, VALERIE, and his children, VALERIE B., WILLIAM O., FLORENCE, VALTIN, KINGS, JAMES D., NANCY and HELLIE VANN, as citizens by blood of the Cherokee Nation.

SUPPLEMENTAL PROCEEDING NO.

Appearances:

William Henry White for applicants;
W. W. Hastings for the Cherokee Nation.

By William Henry White: As attorney for the applicants, I wish to state that, at Fairland, I made examination of the witnesses there for the purpose of having them come here and testify, but was unable to find any fact from any witness which was not fully proved in the record, and therefore I do not care to take any further testimony. I therefore re-submit the case on the record as it now appears.

Mabel F. Maxwell, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the supplemental proceedings had in this case and that the above and foregoing is an accurate and complete transcript of her stenographic notes thereof.

Mabel F. Maxwell

Subscribed and sworn to before me
this 28th day of May, 1904.

Simon R. Hastings

Notary Public.

Cherokee R-743

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee Land Office,
Tahlequah, T.S., May 24, 1904

In the matter of the application of JOHN B. VANK for the enrollment of himself, his wife, VALERIE, and his children, VALERIE E., WILLIAM O., FLORENCE, WALTER, MINNIE, JAMES D., NANCY and NELLIE VANK, as citizens by blood of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS GS.

Appearances:

William Henry White for applicants;
W. W. Hastings for the Cherokee Nation.

By William Henry White: As attorney for the applicants, I wish to state that, at Fairland, I made examination of the witnesses there for the purpose of having them come here and testify, but was unable to find any fact from any witness which was not fully proved in the record, and therefore I do not care to take any further testimony. I therefore re-submit the case on the record as it now appears.

Hazel F. Maxwell, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she accurately recorded the supplemental proceedings had in this case and that the above and foregoing is an accurate and complete transcript of her stenographic notes thereof.

Hazel F. Maxwell

Subscribed and sworn to before me
this 25th day of May, 1904.

Samuel R. Wallingford

Notary Public

Cherokee D-1114.


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

In the matter of the application for the enrollment of
Valzie, John E., Valzie E., William Oscar, Florence, Walter, Minnie,
James D., Nancy and Nellie Vann as citizens by blood of the Cherokee
Nation.

-----o-----
DISSENTING OPINION
of
COMMISSIONER BRECKINRIDGE.
-----o-----

I think the testimony clearly and fully reveals that these applicants left the Cherokee Nation through fear and with no purpose of permanently abandoning their relations therewith. The parents are on the roll of 1880, and the children all duly derive their rights from both the father and mother. They have continued to own property in the Cherokee Nation, and to collect proceeds therefrom when they could. They have not done the things required by the Cherokee law to constitute a case of abandonment of citizenship. I think our former decision refusing them enrollment was wrong, and I dissent from the present decision refusing to enroll these applicants, and I so vote.

I request that this dissenting opinion and vote be forwarded to the Department with the case.


Commissioner.

Muskogee, Indian Territory,

this July 18/904.

I concur in the dissenting opinion of Commissioner Breckinridge, and am of the opinion that the applicants herein should be enrolled.


Commissioner.

43M^a

Cherokee D 1114.

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

In the matter of the application for the enrollment of
Valzie, John E., Valzie E., William Oscar, Florence, Walter, Minnie,
James D., Nancy and Nellie Vann, as citizens by blood of the Cher-
okee Nation.

-1-

DECISION.


The record herein shows that on February 19, 1901, Valzie Vann appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself, her husband, John E. Vann, and their minor children, Valzie E., William Oscar, Florence, Walter, Minnie, James D., Nancy and Nellie Vann, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 19, 1902. The record further shows that on September 20, 1902, this Commission rendered its decision herein, denying said applicants the right to enrollment as citizens by blood of the Cherokee Nation, and that said decision was duly affirmed by the Department. Departmental letter of February 29, 1904, (I.Y.D. 8012-03), upon request of the Commission, remanded this case for readjudication, and on May 14, 1904, supplemental proceedings in the matter of said application were had at Tahlequah, Indian Territory.

The evidence herein shows that the applicants, John E. and Valzie Vann are Cherokees by blood; that during the year 1861 or 1862, the said John E. and Valzie Vann removed from the Cherokee Nation, and have since continuously resided outside the limits of the Indian Territory, but as it is not affirmatively shown that they have become citizens of another government it is presumed that they have not forfeited their rights to citizenship in said Nation. The minor applicants herein are children of the said John E. and Valzie Vann, were born since 1880, and have resided with their parents since birth. The said John E. and Valzie Vann are identified on the Cherokee authenticated tribal roll of 1880.

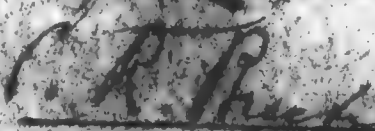
It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Joseph B. Teague, et al., (U.S.D. 290-22), Valrie Vann, Jami A. Vann, Talie E. Vann, William Oscar Vann, William Lee Vann, Walter Vann, Minnie Vann, James H. Vann, Andy Vann and Lottie Vann, should 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 23, 1906, (34 Stat., 426), and it is so ordered.

ORDERED TO THE SEVEN CIVILIZED TRIBES.

Chairman



Commissioner



Assistant

Muskogee, Indian Territory.
 this DEC 19 1904

Cherokee 1114.

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

In the matter of the application for the enrollment of
Valse, John E., Valse E., William Oscar, Florence, Walter, Minnie,
James D., Nancy and Nellie Vann, as citizens by blood of the Chero-
kee Nation.

--:0:--

DISSENTING OPINION
of
COMMISSIONER BERRY.

I can not agree with the majority opinion in this case
for the following reasons, to-wit:

- First. The record herein establishes the fact that since the
year 1882 the applicants herein have, at no time, been bona
fide residents of the Cherokee Nation, but rather, have since
said date, continuously resided outside the limits of the
Indian Territory.
- Second. The record shows that the applicants' change of resi-
dence (and I believe, their change of citizenship), was caused
by the fact that the said John E. Vann, husband and father
of the other applicants herein, had violated the laws of the
Cherokee Nation, and was unwilling to remain in said Nation,
and submit himself and family to her protection.

- Third. That the only reason advanced by the applicants for not returning to the Cherokee Nation is, that twenty-two or twenty-three years ago a mob was organized, two or three members of which are still alive, to avenge the death of the man killed by John E. Vann, and that through fear of said mob and the two or three remaining members thereof, they have since the year 1852, resided outside the limits of the Indian Territory.
- Fourth. The testimony herein in re property in the Cherokee Nation owned by the applicants is meager and unsatisfactory.
- Fifth. The only witnesses introduced on behalf of applicants are the principal applicant and her husband's brother, and their testimony is in direct conflict.
- Sixth. After ample opportunity having been afforded, the applicants positively refuse to come before this Commission and establish, by satisfactory evidence, the facts necessary to entitle them to enrollment as citizens by blood of the Cherokee Nation.

In removing from the Cherokee Nation the principal applicants violated no law, as it is well established that, "The right of expatriation is a natural and inalienable right, and extends to Indians as well as to the white race." U.S. v. Creek, Fed. Cas. No. 14891 (5 Dill. 253). As a matter of fact they were merely exercising a right given them under the law, as it is well settled that "Every man born free may examine whether it be convenient for him to join in the society for which he was destined by birth. If he finds that it will be of no advantage to

him to remain in it, he is at liberty to leave it." Vattel, Section 216.

It is quite evident that John E. Vann was of the opinion it would not be convenient for him and his family to remain longer in the land of their birth, and by their actions they unequivocally said: "We will exercise our privilege under the law, and reside elsewhere." Having no confidence in the law governing the land of their nativity, they decided to transfer their allegiance, and of this fact their actions furnish sufficient evidence: "The general evidence of expatriation is actual emigration, with other concurrent acts (residing elsewhere, etc.,) showing a determination and intention to transfer allegiance." *Juande v. Taylor*, Fed. Cas. No. 7358 (2 Paine 552).

I believe the applicants' rights to enrollment are to be tested by that provision of the Cherokee Constitution which 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 as the ruling of the Department in the Yeargain case is an interpretation of what constitutes expatriation under the above provision, I believe the application to the cause at bar of the doctrine there laid down will exclude the applicants herein from enrollment as citizens of the Cherokee Nation.

In the Yeargain case it was held that in order for a Cherokee citizen to expatriate himself there must be:

First, removal of his person; second, removal of his

affects; third, acquisition of another nationality by assuming citizenship elsewhere; said acts to be considered in connection with the intent with which they were done.

In re the first above mentioned requirement there is no dispute, as it is admitted the applicants have removed their persons from the Cherokee Nation, consequently only the second and third are to be considered.

Before considering them in their order, however, I wish to call attention to the fact that the burden of proof is on the applicants to establish, by satisfactory evidence, their rights to citizenship in the Cherokee Nation. See Departmental letters of January 28, 1904 (I.T.D. 3642-04), May 27, 1904, (I.T.D. 4320-04), and July 30, 1904, (I. T.D. 6056-04).

An examination of the testimony relative to the alleged effects left by applicants in the Cherokee Nation when they removed therefrom in 1882, shows that they left an interest in a farm on the public domain, an interest in a mill, and a few cows; but that during the interval between 1882 and 1901 no accounting had been made to the applicants relative to their share of the rents, profits, or increase of the above mentioned property. David W. Vann, brother of the applicant, John N. Vann, testifies that in 1901 Mrs. Valzie Vann collected "some rent"; and Mrs. Valzie Vann, on her own behalf, answers, to the question:

"Have you always had property in the Cherokee Nation?"

"Yes, sir, always had property."

The above extracts embrace all the testimony relative to the effects left by applicants, in the Cherokee Nation, when they removed as above mentioned, and in view of the relationship and interest of the witnesses who testify as above indicated, I most emphatically

insist that the applicants herein have failed to prove that they retained any effects in the Cherokee Nation during their absence therefrom. Their actions speak louder than their words, and it is unreasonable to suppose that had they left any effects in the Cherokee Nation, with the intention of not abandoning same, they would have allowed nineteen years to have elapsed before requiring an accounting, and then an accounting only as to "some rent" from their alleged farm. The testimony as to the effects left in the Cherokee Nation by these applicants is so meager, unsatisfactory, and unreasonable, that I believe no weight whatever should be given it.

As to the "acquisition of another nationality by assuming citizenship elsewhere": It will be noticed from the testimony that the applicant, John E. Vann, the head of the family, and whose citizenship governs that of his family, is a fugitive from justice, and his residence and citizenship for a number of years have been a matter of concern to the Cherokee Nation. One thing is certain, however, and that is that neither the said John E. Vann nor his family have resided within the limits of the Indian Territory since 1862. Mrs. Valzie Vann by inference testifies that she had been a resident of the Cherokee Nation for five days at the time her application was filed, but her brother-in-law, thirteen months later, testifies that "the truth about the matter is they have not resided in the Cherokee Nation since 1861 or 1862", and, it is self-evident that they have resided elsewhere.

Section six of an act of Congress approved February 4, 1867, provides:

...every Indian born within the territorial limits of the United States, who has voluntarily taken up

within said limits, his residence separate and apart from any tribe of Indians therein, and has adopted the habits of civilized life, is hereby declared to be a citizen of the United States, and is entitled to all the rights, privileges and immunities of said citizens without in any manner impairing or otherwise affecting the right of any such Indian to tribal or other property."

The last clause of the above quotation includes the proviso referred to in applicants' brief, wherein he says: "that nothing therein (any acts passed by Congress in re Indians) contained shall be so construed as to deprive such persons of their tribal rights of property." As the act of Congress last above quoted in no way affects that provision of the Cherokee Constitution under which we believe the applicants expatriated themselves, and disposed of, or abandoned, all rights to tribal property thereafter had, I can see nothing for the proviso to work upon. Said act neither invested them with, nor divested them of any rights to tribal property, consequently the act affected them only to the extent of making them citizens of the United States, and it may be doubted whether this act was necessary to convert said applicants into citizens of the United States in view of the following decision, which holds: "... ..an Indian, if taxed, after tribal relations have been abandoned, is a citizen (of the United States)." U.S. v. Elm. 23 Int. Rev. Rec. 419. To give to this act the construction contended for by applicants' attorney would be to deprive a Cherokee citizen of the right, or power, even, of expatriating himself, and would make that provision of the Cherokee Constitution above quoted of no force and effect whatever.

I believe it cannot be successfully controverted that

the act of February 3, 1897, and the said John E. and Valais Wann citizens of the United States, and following the plain terms of article fourteen, section one, Constitution of the United States, which provides:

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the state wherein they reside."

supported by the holding of the Supreme Court of the United States to the effect that "A citizen of the United States residing in any state of the Union, is a citizen of that state." *Cassius v. Ballen*, 31 U.S. (6 Pet.) 716, 3 L. Ed. 573, identifies, conclusively, John E. and Valais Wann as citizens of the state of Arkansas, if that be the state of their residence, or citizens of the state wherein they reside, wherever that may be.

As to the intention of the applicants to change their citizenship when they left the Cherokee Nation: I know of no better reason for changing citizenship than that advanced by said applicants, namely: Fear of remaining in the Cherokee Nation, admitting, impliedly at least, that they had no confidence in the ability of the Cherokee government to protect them, and by their actions indicating in terms stranger than can be expressed in words that it was their intention to abandon any rights and privileges that might be due them from, and withdraw all support and assistance due from them to, the government under which they had lived since birth, and transfer their allegiance to a government in whose ability to protect them they had confidence, and under whose protection they felt secure.

Surely, that provision of the Cherokee constitution above set out is to receive a reasonable construction, and in this connection it may be pertinent to ask applicants, after an absence of twenty-three years, if, as you contend, you are citizens of the Cherokee Nation, when do you intend to return and resume your duties as such? Facts are conclusive, and if anything were lacking to show the intention of these applicants to abandon their citizenship in the Cherokee Nation, I believe the fact they they have for twenty-three years remained away from said Nation, combined with the further fact that at this time said applicants show no disposition or intention of returning, is conclusive, and should preclude the applicants from being enrolled as citizens of said Nation.

A ruling that can not be followed to its logical conclusion is a poor one for this Commission, or the Department, to adopt. To adopt the rule contended for by applicants' attorney would permit each and every citizen of the Cherokee Nation to divest himself of all responsibilities and duties as such, hold himself in abeyance during any period of time, and then, when the opportunity was ripe, return and reap from the Nation he had abandoned, the profits and rewards, share and share alike, with those citizens who had remained loyal to their government. Such is not the theory of allegiance, and a nation composed of such citizens would be one in name only. To advance, at this late date, the theory that applicants have failed to resume their citizenship in the Cherokee Nation through fear of two or three men who, twenty-two or twenty-three years ago, were members of a mob that

threatened the life of the applicant, John E. Vann, is the height of absurdity, and should not for a moment be seriously considered by this Commission or the Department; and to the contention of the applicants that they have brought themselves within the ruling of the Department in the Yeargain case, I most heartily dissent. I do not believe the doctrine there laid down was intended to be stretched to the extent necessary to cover the facts established by the evidence in this case.

There is but one other feature of this case I wish to discuss before concluding, to-wit: Their (applicants) failure to come before this Commission when the opportunity was afforded them, on May 14, 1904, and by satisfactory evidence, establish the facts necessary to entitle them to enrollment as citizens of the Cherokee Nation. The head of this family, John E. Vann, has never been before this Commission, consequently, the Cherokee Nation has had no opportunity to examine him as to his intentions when he and his family left the Cherokee Nation. His and his family's present residence is shrouded in mystery, by reason of which fact the Cherokee Nation has had no opportunity to show, by witnesses from the community in which they reside, that they are citizens of another government, and have exercised the rights and privileges thereof. I cannot believe that the mere fact that the said John E. and Valsie Vann are identified on the 1880 roll is of sufficient force, in itself, to abridge an absence of twenty-three years and supply the facts necessary to constitute absentees for such a length of time, citizens of the Cherokee Nation.

F. S. G. S.

W. S. G. S.

DEC 19, 1904

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

In the matter of the application for the enrollment of Valzie, John E., Valzie E., William Oscar, Florence, Walter, Minnie, James D., Nancy and Nellie Vann as citizens by blood of the Cherokee Nation.

D E C I S I O N .

The record herein shows that on February 19, 1901, Valzie Vann appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself, her husband, John E. Vann, and their minor children, Valzie E., William Oscar, Florence, Walter, Minnie, James D., Nancy and Nellie Vann, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 19, 1902.

On September 20, 1902, this Commission rendered its decision herein denying applicants right to enrollment, which decision was affirmed by the Department on October 22, 1902. On September 21, 1903, the Commission requested that said case be remanded for readjudication, and on February 29, 1904, the Department complied with said request of the Commission and remanded said case. Supplemental proceedings were had therein at Tahlequah, Indian Territory, on May 14, 1904.

The evidence herein shows that the applicants, Valzie Vann and John E. Vann, are Cherokees by blood, duly identified on the Cherokee authenticated tribal roll of 1880, and that the other applicants are the minor children of the said Valzie and John E. Vann.

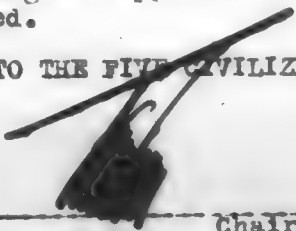
* The evidence further shows that in the year 1882 the said John E. and Valzie Vann removed from the Cherokee Nation to the State of Arkansas, and it is not shown that they ever returned to the Cherokee Nation and established a residence or that they have, since their removal, exercised any rights and privileges of Cherokee citizenship. It appears that in the year 1882 the said John E. and Valzie Vann owned some property in the Cherokee Nation but that they abandoned same when they removed from the Cherokee Nation, and have since said time exercised no control or ownership over same, except it is alleged that when Valzie Vann came to the Cherokee Nation in 1901 to apply for enrollment she collected some rents.

Section two, article one, Constitution of the Cherokee Nation, provides:

".....Whenever any person 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;....."

It is, therefore, the opinion of this Commission that the application for the enrollment of Valzie Vann, John E. Vann, Valzie E. Vann, William Oscar Vann, Florence Vann, Walter Vann, Minnie Vann, James D. Vann, Nancy Vann and Nellie Vann, 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 25, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman

Commissioner

Commissioner.

Muskogee, Indian Territory,

this _____

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D1114

RECEIVED

FILED

SEP 26 1902

[Handwritten signature]

ATTEST

COMMISSIONERS
HERRY L. DAWES.
TAMM BIRBY.
THOMAS S. NEEDLES.
C. R. BRIDGEMAN.

ALLISON L. AYLESWORTH
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Sherokee 2-1114

ADDRESS ONLY IN
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 22, 1902.

Mrs. Valda Vann,

Fairland, Indian Territory,

Sir:-

You are hereby notified that the application of **yourself, your husband John H., and seven 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 19 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.

Register.

Yours truly,

Commissioner in Charge.

Cherokee D 1114.

Muskogee, Indian Territory, September 22, 1902.

Valsie Vann,

Fairland, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 20, 1902, rejecting your application for the enrollment of yourself, your husband, John E. Vann, and your eight minor children, Valsie E., William O., Florence, Walter, Minnie, James D., Nancy and Nellie Vann, as citizens by blood of the Cherokee Nation.

There has heretofore been furnished your agent, J. R. Sequichie, Chelsea, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

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

Respectfully,

Acting Chairman.

Enc. C. No. 4.

Register.

Cherokee D 1114.

Muskegee, Indian Territory, September 22, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Valsie Vann for the enrollment of herself, her husband, John E. Vann, and her eight minor children, Valsie E., William O., Florence, Walter, Minnie, James D., Nancy and Nellie Vann, as citizens by blood of the Cherokee Nation, including the decision of the Commission, dated September 20, 1902, rejecting said application.

Respectfully,

Tams Bixby.
Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enc. C. No. 7.

Cherokee D 1114.

Muskogee, Indian Territory, September 22, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 20, 1902, rejecting the application of Valzie Vann for the enrollment of herself, her husband, John E. Vann, and her eight minor children, Valzie E., William O., Florence, Walter, Minnie, James D., Nancy and Nellie Vann, as citizens by blood of the Cherokee Nation.

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

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

Respectfully,

Acting Chairman.

Enc. C. No. 6.

Cherokee D 1114.

Muskogee, Indian Territory, September 22, 1902.

J. R. Sequichie,

Agent for Valsie Vann, et al.,

Chelsea, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 20, 1902, rejecting the application of Valsie Vann for the enrollment of herself, her husband, John E. Vann, and her eight minor children, Valsie E., William O., Florence, Walter, Minnie, James D., Nancy and Nellie Vann, as citizens by blood of the Cherokee Nation.

You have heretofore been furnished with a copy of the record of proceedings had in the case.

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

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

Respectfully,

Enc. C. No. 5.

Register.

Acting Chairman.

COPY.

Refer in reply to
the following:
Land.
57701-1902.

Department of the Interior,
Office of Indian Affairs,
Washington, Oct. 4, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made September 22, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Valzie, John E., Valzie E., William O., Florence, Walter, Minnie, James D., Nancy and Nellie Vann for enrollment as citizens by blood of the Cherokee Nation.

John E. and Valzie Vann, husband and wife, are the parents of the other applicants; their names appear on the 1880 tribal rolls of the Cherokee Nation; and they have been non-residents of the nation since 1882.

It was the opinion of the Commission, therefore, that the applicants should not be enrolled.

The office believes the Commission is correct and respectfully recommends that its decision be affirmed.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

WCV
D

3 inclosures.

Department of the Interior,

Washington, October 22, 1902.

L. R. S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

October 4, 1902, the Acting Commissioner of Indian Affairs forwarded your letter of September 22, 1902, and the accompanying record in the matter of the application for enrollment of Valzie Vann, her husband John E. Vann, and their minor children, Valzie E., William O., Florence, Walter, Minnie, James D., Nancy and Nellie Vann, as citizens of the Cherokee Nation, and recommended your decision in the case be approved.

The evidence shows that John E. and Valzie Vann are Cherokees by blood; that they removed from the nation and Indian Territory about the year 1882, and have not since resided in said Territory; that all of their said children have resided with their parents all their lives; that the parents are identified on the authenticated tribal roll of 1880. Because of their nonresidence in the Territory on June 28, 1898, you rejected the application in accordance with paragraph 9, section 21, act of June 28, 1898 (30 Stat., 495), on September 20, 1902.

A copy of the Acting Commissioner's letter is inclosed. The Department affirms your decision.

Respectfully,

E. A. Hitchcock,

Secretary.
EMD.

1 inclosure.

COPY

Cherokee D1114.

Muskogee, Indian Territory, November 11, 1902.

W. V. 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 Valsie Vann for the enrollment of herself, her husband, John E. Vann, and her eight minor children, Valsie E., William O., Florence, Walter, Minnie, James D., Nancy and Nellie Vann, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 22, 1902.

Respectfully,

W. H. Kirby
Acting Chairman.

COPY.

Cherokee D 1114.

Muskogee, Indian Territory, November 11, 1902.

J. R. Sequichie,

Agent for John E. Vann et al,

Chelsea, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, of date September 20, 1902, rejecting the application of Valzie Vann for the enrollment of herself, her husband, John E. Vann, and her eight minor children, Valzie E., William O., Florence, Walter, Minnie, James D., Nancy and Nellie Vann, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 22, 1902.

Respectfully,

rbv.
Acting Chairman.

COPI

Cherokee D 1114.

Muskegee, Indian Territory, November 11, 1902.

Valzie Vann,

Fairland, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, of date September 20, 1902, rejecting your application for the enrollment of yourself, your husband, John E. Vann and your eight minor children, Valzie E., William G., Florence, Walter, Minnie, James D., Nancy and Nellie Vann, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 22, 1902.

Respectfully,

Tamie Sixby.

Acting Chairman.

Refer in reply to
the following:
Land
63614--1902
64324--1903.

(COPY)
DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, Nov. 7, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of October 22, 1902 (ITD 6084), there is enclosed herewith a communication from Kimball & White, of this city, dated October 5, 1903, transmitting a motion for a review and brief in support thereof in the matter of the application of Valsie Vann, et al., for enrollment as citizens of the Cherokee Nation. The record in the case is also enclosed.

The Commission to the Five Civilized Tribes, September 21, 1903, requested that the record in this case be returned. The Commission's report was forwarded to the Department October 7th last. The name of the principal applicant appears on the 1880 roll of the Cherokee Nation. These applicants were denied enrollment because they did not live in the Cherokee Nation on June 28, 1898. Under the Department's holding in the Yeargain case and the opinion of the Assistant Attorney General of July 8, 1903, it appears to the office the motion should be allowed, as the record shows that John E. Vann, husband of the principal applicant, had personal property in the Cherokee Nation and owned an interest in a farm therein during his residence in

Reference is made to your letter of the 14th day of 1950 in
which you requested that I advise you as to the status of your

Very respectfully,

(Signed: W. L. Jones)

D C 7051-1904
I. T. D. 6084-1902
7162-1903
8012- "

(COPY)
DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.P.
EHE

LES

February 29, 1904.

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

Gentlemen:

October 23, 1902, the Department affirmed your decision rejecting the application for the enrollment of Valsie Vann, her husband John E. Vann, and her minor children, Valsie E., William O., Florence, Walter, Minnie, James D., Nancy and Nellie Vann, as citizens of the Cherokee Nation.

September 21, 1903, in view of the action of the Department in the Yeargain case, you requested that the case be remanded for readjudication.

On November 7, 1903, the Commissioner of Indian Affairs returned the papers to the Department, and recommended that your request be complied with.

It is shown by the testimony that the principal applicants are Cherokees by blood; that they removed beyond the limits of the Cherokee Nation and the Indian Territory in 1861 or 1862, and have not resided in the Nation or Territory since that time. They are both identified on the 1880 authenticated tribal roll of said nation.

You rejected the application September 20, 1902, referring to paragraph 9 of Sec. 21 of the act of June 28, 1898 (30 Stat., 495).

The decision of the Department of October 22, 1902, is hereby rescinded, and the papers returned in accordance with your request, together with a notice for review filed in the Department by the attorneys for the applicants.

A copy of the Commissioner's letter of November 7, 1902, is enclosed.

Respectfully,

(Signed) Theo Ryan

Acting Secretary.

3 inclosures.

Cherokee
R-743 & R-798.

Tahlequah, Indian Territory, April 12, 1904.

Commissioner to the Five Civilized Tribes,

(Cherokee Division).

Muskogee, Indian Territory.

Gentlemen:

I request that this office be furnished with copies of cards in Cherokee R-743, John E. Vann et al., and R-798, Mattie L. Butler et al.

These two cards were transmitted to the office at Muskogee on March 12, 1904, and through inadvertence copies of same were not retained in this office.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

KFM

Cherokee R-743.

Tablequah, Indian Territory, April 18, 1904.

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

Dear Sir:-

On February 29, 1904, the Secretary of the Interior re-manded for further hearing and readjudication, the application of John E. Vann, for the enrollment of himself and family as citizens by blood of the Cherokee Nation, Cherokee R-743.

The applicant and his attorney have this day been notified that any further testimony that they may have to introduce in this case can be presented at the Cherokee Land Office of this Commission at Tablequah, Indian territory, on May 14, 1904, at which time you may, if you desire, also be present and introduce testimony on behalf of the Cherokee Nation.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

RF

Cherokee R-743.

Tahlequah, Indian Territory, April 18, 1904.

John E. Vann,

Fairland, Indian Territory.

Dear Sir:-

On February 29, 1904, the Secretary of the Interior rescinded his action of October 22, 1903, approving the Commission's decision denying your application for the enrollment of yourself and family as citizens by blood of the Cherokee Nation, and remanded your case for further testimony and readjudication.

You are now notified that any further testimony you may have to introduce can be presented at the Cherokee Land Office of this Commission at Tahlequah, Indian Territory, on May 14, 1904.

Respectfully,

Commissioner in Charge.
Cherokee Land Office.

RP

Tahlequah, Indian Territory, April 18, 1904.

William Henry White,
4416 5th St. N. W.,
Washington, D. C.

Dear Sir:-

The Commission is in receipt of your letter of April 7, stating that you represent the applicants and desire to be present at the taking of testimony in the following applications for enrollment as citizens of the Cherokee Nation, recently remanded by the Department for further hearing:

Cherokee R-780, Ethel L. Thompson,
Cherokee R- 30, John E. Bean, et al.,
Cherokee R-656, Samuel P. Barger, et al.,
Cherokee B-627, Francis M. Dawson,
Cherokee R-254, Silas D. Howe,
Cherokee R-743, John M. Vann, et al.,

You ask that the date for hearing testimony in all of these cases be set for May 15, 1904.

In reply your attention is called to the fact that May 15, falls on Sunday, but the above cases have, however, been set for hearing on May 14, and the applicants and the attorney for the Cherokee Nation so notified.

Respectfully,

RP

Commissioner in Charge.

Tahlequah, Indian Territory. June 11, 1904.

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

Gentlemen:

There are enclosed herewith the original jackets and records in the following applications for enrollment as citizens of the Cherokee Nation:

Cherokee R-780. Ethel L. Thompson,
Cherokee R-743. John E. Vann, et al.,
Cherokee R-656. Samuel F. Barger, et al.

These cases were reopened by the Secretary of the Interior, that of Ethel L. Thompson on March 23, 1904, John E. Vann et al, on February 29, 1904, and Samuel F. Barger, et al, on March 2, 1904, and remanded to the Commission for the purpose of hearing additional testimony therein. The principal applicants, their attorneys, and the Attorney for the Cherokee Nation were advised of the action of the Department and, by request of the attorney for the applicants, the cases were set for hearing and testimony introduced in

Continuation ---8.

each of them on May 14, 1904. The said testimony has been filed and made a part of the record in each of the above cases.

In the records in these cases are found receipts, they are transmitted to the Commission for such further action as it desires to take.

Respectfully,

Commissioner in Charge
Geological Land Office.

WMA
Rec'd R-11

INDEXED

4591

Cherokee Land Office,
Breckinridge,
Tahlequah, I. T.
July 19, 1904.

Transmits record with dissent-
ing opinion, in Cherokee case
of Valzie Vann et al.

COMMISSIONERS
TAMM DIXIE,
THOMAS NEEDLES
R. L. KENNEDY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

PLEASE IN REPLY TO THE FOLLOWING

WM. J. HALL
SECRETARY
ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

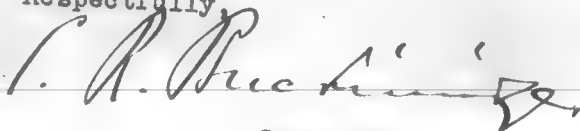
Tahlequah, Indian Territory, July 19 1904.

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

Gentlemen:

There is returned herewith the record in the matter of the application for the enrollment of Valzie Vann, et al., as citizens by blood of the Cherokee Nation, Cherokee D-1114, together with the decision of the Commission prepared therein. I do not agree with the findings in the Commission's present decision and have attached my dissenting opinion to the record in the case.

Respectfully,



Commissioner in Charge
Cherokee Land Office.

Encl 6-2.

COPY.

Cherokee R-743.

Muskogee, Indian Territory, October 14, 1904.

William Henry White,

Attorney for Valzie Vann, et al.,

Columbian Building, 416 5th St., N. W.,

Washington, D. C.

Dear sir:

The Commission is in receipt of your letter of October 8th, asking to be advised as to the status of the application for the enrollment of Valzie Vann, et al., as citizens by blood of the Cherokee Nation.

In reply you are advised that the Commission has not yet rendered a new decision in this case. You are further advised that this matter will, be taken up in the near future.

Respectfully,

(SIGNED) *I. B. Needles.*

Commissioner in Charge.

Cherokee D-1114.

Muskogee, Indian Territory, December 19, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 19, 1904, granting the application for the enrollment of Valsie Vann, her husband, John E. Vann, and their minor children, Valsie E., William Oscar, Florence, Walter, Bennie, James D., Nancy and Nellie Vann, as citizens by blood of the Cherokee Nation, together with the dissenting opinion of Commissioner Bixby.

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,

(Signed). Tams Bixby.

Incl. S-97.

Chairman.

COPY.

Cherokee R-743.

Muskogee, Indian Territory, January 9, 1905.

Valsie Vann,

Fairland, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 19, 1904, granting the application for the enrollment of yourself, your husband, John E. Vann, and your children, Valsie E., William O., Florence, Walter, Minnie, James D., Nancy, and Nellie Vann, as citizens by blood of the Cherokee Nation, together with a copy of the dissenting opinion of Commissioner Bixby. There has heretofore been furnished your attorneys, Kimball & White, Washington, D. C., a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commission's decision.

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

Respectfully,

(SIGNED).

Tame Bixby.

Chairman.

Encl. I-75.

Register.

COPY.

Cherokee H-743.

Muskogee, Indian Territory, January 9, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Valsie Vann et al., as citizens by blood of the Cherokee Nation, including the Commission's decision, dated December 19, 1904, granting said application, and the dissenting opinion of Commissioner Bixby.

Respectfully,

(SIGNED).

Tams Bixby.

Chairman.

Encl. I-73.

Through the
Commissioner of Indian Affairs.

COPY.

Cherokee R-743.

Muskogee, Indian Territory, January 9, 1905.

Kimball & White,

Attorneys for Valsie Vann et al.,

Columbian Building, 416 5th St., N. W.,

Washington, D. C.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 19, 1904, granting the application for the enrollment of Valsie Vann et al., as citizens by blood of the Cherokee Nation, together with a copy of the dissenting opinion of Commissioner Bixby. You have heretofore been furnished a copy of the record of proceedings.

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

Respectfully,

(SIGNED) *Tams Bixby*
Chairman.

Encl. L-74.

Refer in reply
to the following:
Land.
1845-1905.
1877-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, February 19, 1906.

The Honorable,
The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civil Tribes, dated January 9, 1906, transmitting the record of the application for enrollment as citizens by blood of the Cherokee Nation by Valsie Vann for herself, her husband, John E. Vann and their minor children, Valsie E., William Oscar, Florence, Walter, Minnie, James D., Nancy and Nellie Vann.

December 19, 1904, the Commission decided favorably to all the applicants with a dissenting opinion by Commissioner Dixie.

The record shows that on September 20, 1902, the Commission decided adversely to the applicants and the same was affirmed by the Department October 22, 1902. On February 20, 1906, at request of the Commission the Department remanded the case for readjudication.

The evidence shows that the applicants, John E. and Valsie Vann are Cherokees by blood and are identified on the 1850 authenticated Cherokee Roll; that during the year 1831 or

1882 they removed from the Cherokee Nation and have since continuously resided outside the limits of the Indian Territory but it is not shown that they have become citizens of any other Nation or State and have owned and controlled property in the Cherokee Nation ever since such removal. The minor applicants are the children of John E. and Valmie Vann born since 1880 and have resided with their parents since birth.

A protest by the attorney for the Cherokee Nation is enclosed.

In view of the record and of the ruling of the Department in the Yeargain case the approval of the Commission's decision favorable to all the applicants is recommended.

Very respectfully,

G. F. Larrabee

Acting Commissioner.

M.M.M.
V.

I. T. D.
1894-1895.

J. R. V.
V. C. P.

Department of the Interior,
Office of the Assistant Attorney-General.

Washington, June 17, 1908.

The Secretary of the Interior.

Sir:

I received by reference of June 7, 1908, with request for opinion thereon, the record in the case of Valzie Vann, John E. Vann, and their children, for enrollment as citizens of the Cherokee Nation.

The facts as found by the Commission to the Five Civilized Tribes and its decision are that:

The evidence herein shows that the applicants, John E.

and Valzie Vann are Cherokees by blood; that during the year 1881 or 1882, the said John E., and Valzie Vann removed from the Cherokee Nation, and have since continuously resided outside the limits of the Indian Territory, but as it is not affirmatively shown that they have become citizens of another government it is presumed that they have not forfeited their rights to citizenship in said Nation. The minor applicants herein are children of the said John E., and Valzie Vann, were born since 1880, and have resided with their parents since birth. The said John E. and Valzie Vann are identified on the Cherokee authenticated tribal roll of 1890.

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. 2900-05), Valzie Vann, John E. Vann, Valzie E. Vann, William Oscar Vann, Florence Vann, Walter Vann, Minnie Vann, James D. Vann, Nancy Vann and Nellie Vann, 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 30, 1900 (32 Stat., 495), and it is so ordered.

One member of the Commission dissented from the conclusion reached and was of opinion that the applicants had become expatriated and should not be enrolled.

John H. Vann did not testify, nor is it clear from the record whether he left the nation as a fugitive from justice or from fear of mob violence, or that his present whereabouts is known. The record shows that in 1882 he committed a homicide and fled the country with his wife. He left some interests in cattle, a farm, and mill in the nation, but has received no rents from the realty or accounting for the personalty, nor does it appear that he has asserted in any way any rights in such property, its rents, or proceeds, since leaving the nation.

Upon such facts I am of opinion that the presumption of entire abandonment of claim of right to such property necessarily arises, and there concurred a removal of the person and absence of all effects, the full equivalent of removal of all effects from the Cherokee Nation. While there is no direct evidence in the record as to where J. H. Vann lived, the clear indications of the evidence are that he lived in Arkansas, where his wife Valis Vann, between 1883 and 1899, inclusive, gave birth

to the eight children included in her application. The only element of proof lacking to complete expatriation under section 2, Article 1, of the Cherokee Constitution, is that Yana became a citizen of some other government. In the case of Clara Ward (Y. T. D. 8878-1904), March 25, 1906, for reasons there stated, I expressed the opinion that on a proper construction of provisions of the Cherokee Constitution, withdrawal of the person and effects of a citizen from the nation and identification with another and alien community works loss of citizenship, whether actual citizenship is elsewhere acquired or not.

I am therefore of opinion that the principal defendants, though born to Cherokee citizenship and identified upon the confirmed roll of 1860 thereafter by removal from the nation, lost their rights of citizenship, and that neither they nor their children born after such removal have right to be enrolled.

Very respectfully,

(Signed) Frank L. Campbell,
Assistant Attorney General.

Approved: June 17, 1908,
(Signed) R. A. Hitchcock,
Secretary.

J. P.
FHE.

DEPARTMENT OF THE INTERIOR,

D. C. 31433-1905.

WASHINGTON, June 22, 1905.

I. T. D. 1504-1905.
7486- "

L. R. S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

There is transmitted herewith a copy of Indian Office letter of February 10, 1905, recommending that the decision of the majority of your Commission of December 19, 1904, in the Cherokee enrollment case of Valsie Vann, for herself, her husband, John E. Vann, and her minor children, Valsie E., William Oscar, Florence, Walter, Minnie, James B., Nancy and Nellie Vann, in favor of the applicants, be approved; and also a copy of an opinion of the Assistant Attorney of June 17, 1905, approved the same day, in which it is held that the applicants are not entitled to enrollment.

In accordance with said opinion your decision is hereby reversed and the application is rejected.

Respectfully,

(Signed) E. A. Hitchcock

2 inclosures.

Secretary.

REFER IN REPLY TO THE FOLLOWING:

Cherokee N 743

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



Muskogee, Indian Territory, March 6, 1907.

Mariah Reynolds,

Tulsa, Indian Territory.

Dear madam:

You are hereby advised that the motion for rehearing in the matter of the application for the enrollment of yourself and children, filed June 25, 1906, by your attorneys, Thomas & Foreman, was denied by the Secretary of the Interior February 13, 1907.

Respectfully,



Commissioner.

MR

11:4

Murphy N.J. 3/19/02

Received from the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of John E. Vance et al

for enrollment as citizens of the Cherokee Nation.

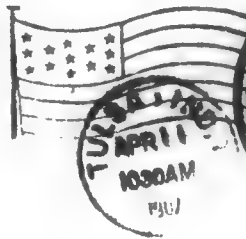
Cherokee No. 1114

J. R. Squishee
Agent for Applicant

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



Mariah Reynolds,

~~Tulsa, Indian Territory.~~

R 743

Chen K. M.

CHEROKEE

William H. Alderbrand

REFUSED

APPROVED BY SECRETARY OF INTERIOR

JUL 22 1902

Transferred to Cherokee 10257

WITH THE CHEROKEE NATION.

CHEN R 145

Chen R 145

(COPY)

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

Pryor Creek, IT. September 12, 1900

In the matter of the application of William T. Whitaker for the enrollment of Joshua W. Whitaker, as Cherokee citizen. The said William T. Whitaker, being duly sworn by commissioner T. B. Needles (testified as follows for the enrollment of Joshua W. Whitaker's wife and children)

- Q What is your name? A William T. Whitaker.
Q What is your post office address? A Pryor Creek.
Q What is your age? A Forty-six.
Q What is the reason Joshua Whitaker is not here to apply for himself? A On account of being sick. He can not be moved.
Q Where is he? A He is not in the Territory at this time.
Q Has he been taken away on account of his health? A Yes, sir.
Q Is his health such that it is impossible for him to come here? A Yes, sir.
Q What is his post office address? A Andrew North Carolina
Q What is his age? A Forty-seven, I believe.
Q What district does he live in? A Cooweescoowee.
Q How long has he lived in the Cherokee Nation.
A He was herein in 1883, and he lived here for seven years and then went back to North Carolina, and then came back here and I believe it was 1886 when he came back.
Q He has been living here since 1886? A Yes, sir.
I think he has been here sever since.
Q Is he a Cherokee citizen by blood? A Yes, sir.
Q What degree? A One eighth.
Q What was the name of his wife? A Rosa F.
Q What is her age? A 27.
Q What is----is she a Cherokee by blood?
A No, sir; white.
Q When was he married to her? A I don't know the dates.
Q Do you apply for enrollment for her? A Yes, sir, for both of them.
Q Have you got any certificate of their marriage? A No, sir I have not got any, but they were married in 1889, I think.
Q Where? A In Cooweescoowee district.
Q Does the name of John . Whitaker appear upon the Authenticated roll of 1880? A No, sir.
Q On the census roll of 1896? A No, sir.
Q On the pay roll of 1894? A Yes, sir.
Q And by what right do you claim citizenship for J.W. Whitaker A I don't claim it. I don't know whether he is entitled to it at all or not? I just mention the case here.
Q What is the name of his children? A Stephen Whitaker, eight years old; Eger J. five years old.

(On roll 1894, page 330, No. 4554 Josh W. Whitaker, Cooweessee District. On 1894 Roll page 131 No. 2562 Stephen D. Whitaker, Cooweessee District.)

The name of Joshua W. Whitaker appears upon the roll of 1894 and that of his eldest child; but neither his name nor that of his wife appears upon the authenticated roll of 1880 or the Census roll of 1886. No certificate of admission is presented or proof of any kind that he was ever admitted to citizenship as a Cherokee citizen. The proof shows that he had no permanent residence here until 1892 (1886).

THE APPLICANT: He was a single man when he went away and when he was married was about the time he came back.

No satisfactory proof of his marriage or of the birth of his youngest child, whose name does not appear upon the roll, is made.

Final decision as to the enrollment of the said Joshua W. Whitaker and his family will be suspended, and his case placed on a doubtful card.

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

(Signed) William S. Wellshear

Subscribed and sworn to before me this 15th day of September
A. D. 1900.

(Signed) T. B. Needles,
Commissioner.

(COPY)

Andrews N. C.

Oct 6th 1900

The Honorable Dawes Commission
for the United States Indians,

Muscogee, Indian Territory.

Honorable Sirs:-

Owing to my physical condition being such that it is utterly impossible for me to be before you in person, I beg to submit to you the affidavit to wit: That my name is Joshua W. Whitaker-age fifty years, That I am the son of Stephen and Elizabeth Whitaker "deceased" the said Elizabeth Whitaker "My Mother" being the daughter of David and Pelly Taylor, the latter being a Indian by Blood, that I have made my home in the Indian Territory since the year of 1884 at which time I reported to the Indian Chief Joel B. Hayes, "through my Brether William T. Whitaker" I returned to North Carolina on business in the autumn of 1884 and returned to the Indian territory in the spring of 1886, and again returned to North Carolina in the year of 1894 and returned to the Indian Territory in the early part of 1895, this I did in obedience to a call from the Indian Council under what was known with Indians as the six months law. I remained there constantly from that time until the 20th day of June 1900 when I came to North Carolina on business and am now so badly afflicted that it is utterly impossible for me to return, but my home and all of my effects are still near Prier Creek I. T. That I have resided with my Brether William T. Whitaker, from the date of my settlement in the I. T. until I was married since that time I have resided on property acquired under the Indian laws, that I have enjoyed the privileges of other Indians and that I have invested all of my means and effects in the improvement of the above described home

1870

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED
TRIBES

FRED BIDEY
Acting Chairman

October 1900

(initials) D B Bidey

(initials) Fred B. Bidey (Chairman)

(initials) George H. Mitchell (Secy)

It is the duty of the Commission to report to the Secretary of the Interior and the President of the United States the results of its investigations into the conditions of the Five Civilized Tribes and to make recommendations for their improvement. The Commission was organized on October 1, 1900, and has since that time been engaged in a study of the various problems connected with the administration of the Five Civilized Tribes. It has held numerous public hearings and has received many suggestions from the people of the Territory. It has also conducted extensive investigations into the various phases of the problem and has prepared a report thereon for the Secretary of the Interior.

Enclosure

Report of the Commission

COPY

State of North Carolina)
Cherokee County)

We Joshua W. Whitaker and wife Rosa L. Whitaker "nee Rosa L. Barrett" age 27 years do hereby certify that we were lawfully married by Robert Adair, Clerk of Saline District, near Prier Creek Indian Territory on the 24th day of May 1891, that they have now living two children "both males" the oldest James Stephen Whitaker was borned May the 18th 1892 the youngest Edgar Joshua Whitaker was borned Aug 25th 1895.

this the 6th day of October 1900.

(Signed) Joshua W. Whitaker (Seal)

(Signed) Rosa L. Whitaker (Seal)

Sworn to and subscribed before me this the 6th day of October 1900

(Signed) D S Russell

(SEAL)

Notary Public (Seal)

BY THE OFFICE OF THE SECRETARY

Department of the Interior

Commission to the Five Civilized Tribes

Order

Whereas the Five Civilized Tribes are entitled to certain lands...

Government

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
Nov 25 1900

TAMS RIBBY
Acting Chairman

C. W. ... (Name)

Professor ... (Name)

(Name)

COPY

State of North Carolina)

Cherokee County }

This is to certify that I am a practicing Physician, residing in the town of Andrews, in the County of Cherokee and state of North Carolina:

That I have this day made a personal examination of Joshua W Whitaker "formerly of Prier Creek Indian Territory" and find that he is not able to leave his room or even get out of his bed without assistance and is totally unable to attend the Next U. S. Indian Commission.

(Signed) E. G. Webb, M. D.

Subscribed and sworn to before me this the 6th day of October 1900

(REAL)

(Signed) D S Russell

Notary Public (Seal)

"R"

D 266

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

In the matter of the application of Joshua W. Whitaker, for the enrollment of himself, wife and children, as citizens of the Cherokee Nation:

Appearances:

Applicant represented by W. T. Whitaker, Pryor Creek, I. T.
W. W. Hastings for the Cherokee Nation.

The Commission: Is there any statement that you desire to make relative to this case Mr. Whitaker?

Mr. Whitaker: I only wanted to state that he came to this country about the year 1871.

The Commission: That is your brother Joshua W. Whitaker?

Mr. Whitaker: Yes sir.

Q How long did he continue to live up here after he came in 1871?

A About four years.

Q Then where did he go?

A He went back to North Carolina.

Q Has he been back to the Territory since that time?

A He returned here in 1883.

Q How long did he continue to reside here?

A Until year

before last. No, I think it was last July I sent him to North Carolina. He is an invalid.

Q Where was he born?

A In North Carolina.

Examined by Mr. Hastings:

Q He has not been here since you applied for enrollment for him before? A No sir.

The Commission: Is there any other statement you desire to make? A That's all.

The Commission: Do you submit the case to the Commission for final consideration? A Yes sir.

The case is also submitted by the representatives of the Cherokee Nation; and the same is closed.

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

(Signed) E. C. Bagwell.

Subscribed and sworn to before me this February 24, 1902.

(Signed) T. B. Needles,
Commissioner.

Copy

D. C. No. 19756-1902.

J. P.

Department of the Interior,

I.T.D. 6182-1902.

Washington.

W.H.R.

L. R. S.

October 22, 1902.

The Commission

to the Five Civilized Tribes,
Muskegee, Indian Territory.

Gentlemen:

October 7, 1902, the Acting Commissioner of Indian Affairs submitted the case involving the application of William T. Whitaker for the enrollment of Joshua W. Whitaker and his children, Stephen and Eger J. Whitaker, as citizens by blood of the Cherokee Nation, and for the enrollment of the wife of Joshua W. Whitaker, Beas S. Whitaker, as an intermarried citizen of the Cherokee Nation.

At the time of the application, September 12, 1900, it was alleged that Joshua W. Whitaker was sick and unable to appear. His name does not appear on the 1880 authenticated roll of the Cherokee Nation although it is on the strip payment roll of 1894. It appears that he is forty-seven years of age and that he came to the Cherokee Nation from North Carolina in 1871 and remained there about four years and returned to North Carolina; that he again came to the Nation in 1883. How long he stayed there after that date is uncertain. You state until 1898 and the Acting Commissioner states (correctly it seems) that it was until July, 1900, when he went to North Carolina for his health and where he is now living with his family. This is immaterial however.

You rejected the application September 22, 1902, quoting from the Act of June 26, 1898 (30 Stats., 495), which directed you to omit from the roll made by you all persons that may have been placed upon any roll of the Cherokee Nation by fraud or without authority of law, and referring to the Act of the Cherokee Nation of November 20, 1868, which provided-

That the act passed on the 15th of October, 1841, authorizing certain classes of persons to move into the Cherokee Nation without memorializing the national council be, and the same is hereby, repealed.

As the principal claimant first came to the Nation in 1871, and as there was no evidence that he had been admitted to citizenship in said Nation, you considered that his name and that of his child, Stephen Whitaker, had been placed upon the 1894 strip payment roll without authority of law.

The Acting Commissioner states that he is not satisfied that Whitaker should not be enrolled, and is not satisfied that his name was placed upon the 1894 roll without authority of law, and he therefore recommends that you be directed to enroll the applicants with the exception of Rosa S. Whitaker.

The Department concludes from the laws to which you refer and from the testimony before you, that your conclusions in this case were correct and therefore hereby affirms your decision.

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

Respectfully,

E. A. Hitchcock.
Secretary.
ED.

1 inclosure.

COPY

Refer in reply to
the following:
Land
57701-1902.

C O P Y.

Department of the Interior,
Office of Indian Affairs,
Washington, Oct. 7, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made September 22, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application for the enrollment of Joshua W. Whitaker and his minor children, Stephen and Eger J., as citizens by blood of the Cherokee Nation and for the enrollment of Rosa S. Whitaker, principal applicant's wife, as an intermarried citizen of the Cherokee Nation.

The application was made by William T. Whitaker because his brother was sick and unable to appear in person, he being then an invalid and residing in the state of North Carolina. The evidence shows that Joshua W. Whitaker is 47 years of age; that his name does not appear upon the 1880 authenticated tribal roll, although it does appear on the strip payment roll of 1894. He came to the Cherokee Nation in 1871, remained there about four years and returned to North Carolina. He again came to the Cherokee Nation in 1883 and stayed there, the Commission states, until 1898, when he went back to North Carolina in which State he now resides with his wife and children.

It appears that the Commission is in error as to the date of applicant's last return to North Carolina. His brother, William T. Whitaker, testified September 5, 1900, as follows:

"He was here in 1883, and he lived here for seven years and then went back to North Carolina and then ~~came~~ back here and I believe it was 1886 when he came back.

- Q. He has been living here since 1886?
A. A. Yes sir, I think he has been here ever since."

On February 21, 1902, he testified as follows:

- "Q. How long did he continue to live up here after he came in 1871?
A. About four years.
Q. Then where did he go? A. He went back to North Carolina.
Q. Has he been back to the territory since that time?
A. He returned here in 1883.
Q. How long did he continue to reside here?
A. Until year before last. He, I think it was last July I sent him to North Carolina.

Q. He has not been here since you applied for enrollment for him before? A. No sir."

this

It seems from that it must have been July of 1900 instead of 1898 when he was sent out of the Territory to North Carolina for his health.

The applicant has never been admitted to citizenship in the Cherokee Nation so far as the records show, unless the placing of his name on the strip payment roll of 1894 amounts to an admission. The Commission is of the opinion that his name was placed there without authority of law, and for that reason declined to enroll him.

The office is not satisfied that these applicants should not be enrolled as citizens of the Cherokee Nation, and is not satisfied that the name of the principal applicant was placed on the 1894 roll without authority of law. It therefore respectfully recommends that the Commission be directed to enroll the applicants, with the exception of the wife of Joshua W. Whitaker. It does not believe that Rosa S. Whitaker is entitled to enrollment, she never

1911

...

...

A. G. ...

Acting Commissioner

10

3 enclosed.

D.C.No.6475-1904.

JP. FEB. LEB.

I.T.D.6152-1902.
838-1904.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, February 25, 1904.

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

Gentlemen:

October 22, 1902, the Department affirmed your decision rejecting the application for the enrollment of Joshua W. Whitaker, et al., as citizens of the Cherokee Nation.

It appeared that Whitaker was 47 years of age; that his name does not appear upon the authenticated Cherokee roll of 1860; that he came to the Cherokee Nation from North Carolina in 1871, and remained there about four years, at the end of which time he returned to North Carolina; that he returned to the Cherokee Nation again in 1883, and resided there until 1898, when he went back to North Carolina, in which state he had resided with his family up to the time of your decision, September 20, 1902.

January 29, 1904, the Acting Commissioner of Indian Affairs submitted a motion for review in this case, filed by the attorneys for the applicants, and recommended, for reasons stated by him, that the decision of the Department be rescinded, and the case remanded to you for readjudication "in accordance with recent holdings of the Department in similar cases."

The case is hereby remanded for further hearing, if necessary, and for readjudication. The papers in the case, including the motion for review and a copy of the Acting Commissioner's letter of January 29, 1904, are inclosed herewith.

Respectfully,

(Signed) Theo. Ryan,
Acting Secretary.

4 inclosures.

COPY

COPY

Refer in reply to the following:
Land. 63013-1903
8123-1903.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, January 20, 1904.

The Honorable,
The Secretary of the Interior,
Sir:

Referring to Department letter of October 22, 1902 (I.T. D.6152) there is enclosed herewith a communication from Kimball & White of this city, transmitting brief on behalf of the applicants in the matter of the application of Joshua W. Whitaker and others for enrollment as citizens of the Cherokee Nation.

Messrs. Kimball & White take the position that the Department's decision of October 22, 1902 should be reversed and the case referred to the Commission for re-adjudication in accordance with the Department's holding subsequent to the date of the decision in this case.

The record in this case shows that Joshua W. Whitaker went from North Carolina to the Cherokee Nation in 1871; that he remained in the nation until about 1878 and then returned to North Carolina; he returned to the Cherokee Nation in 1883 and resided there until 1890, when he went back to North Carolina, where he resided at the time his testimony was taken, September 12, 1900.

In connection with this subject attention is respectfully invited to office report of October 7, 1902 transmitting the record in this case in which it was stated that the office was not satisfied that these applicants were not entitled to enrollment as citizens of

the Cherokee Nation; that it was not satisfied that the name of the principal applicant was placed on the 1894 roll by fraud or without authority of law, and recommended that the Commission be directed to enroll the applicants with the exception of the wife of Joshua W. Whitaker.

From the record and for the reasons stated, given in said report, this office believes that the Department's decision should be reconsidered and the case remanded to the Commission for re-adjudication of its decision in accordance with recent holdings of the Department in similar cases.

Very respectfully,

A. C. Tenner,

Acting Commissioner.

GAU/YM.

4 inclosures.

(COPY)

Cherokee B-748
(Cherokee B-266)

A.P.No.

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

In the matter of the application for the enrollment of Joshua V. Whitaker and his minor children, Stephen and Eger J. Whitaker, as citizens by blood of the Cherokee Nation.

--:--

DECISION.

The record herein shows that on September 12, 1900, William T. Whitaker appeared before the Commission at Fryer Creek, Indian Territory, and made application for the enrollment of Joshua V. Whitaker, Stephen Whitaker and Eger J. Whitaker, as citizens by blood, and for the enrollment of Rosa S. Whitaker, as a citizen by intermarriage, of the Cherokee Nation. As the status of intermarried citizens is not at this time fixed, the rights of Rosa S. Whitaker to enrollment as a citizen by intermarriage of the Cherokee Nation, will not now be passed upon. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, February 21, 1902. The record further shows that on September 20, 1902, this Commission rendered its decision herein denying said applicants right to enrollment as citizens by blood of the Cherokee Nation, and that said decision was duly affirmed by the Department. Thereafter, on January 30, 1904, a motion for review was filed by said applicants, and on February 25, 1904, said motion was granted by the Department, and case remanded for readjudication.

The evidence in this case shows that the applicant, Joshua V. Whitaker, was born about 1863, and is a native of North Carolina; that he came to the Cherokee Nation from North Carolina in 1871, and remained in said Nation about four years, at the end of which time he returned to North Carolina; that in the year 1883, he again removed to the Cherokee Nation, remaining therein until the year 1890, when he returned to North Carolina, and has since continuously resided therein. The minor applicants Stephen and Eger J. Whitaker, are children of the said Joshua V. Whitaker, and possess no rights to enrollment other than as descendants of their said father. The said applicants, Joshua V. and Stephen Whitaker, are identified on the Cherokee Strip payment roll of 1894, but none of the applicants herein can be identified on any other roll of the Cherokee Nation.

Section twenty-one of the Act of Congress approved June 20, 1896 (29 Stat., 498), in part provides, that the Commission shall enroll all persons now living whose names are found on the Cherokee roll of 1890, and all descendants born since the date of said roll

to persons whose names are found thereon;..... "and they shall investigate the right of all 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,"

From an examination of the evidence herein and of the records of this Commission, it does not appear that any of the applicants herein have ever been admitted to citizenship in the Cherokee Nation, or that they ever applied or were admitted by this Commission, or the United States Court on appeal, under the Act of June 10, 1896 (29 Stat., 321).

An Act of the Cherokee Council approved November 18, 1870, provides:

"Whereas, the National Council, under a joint resolution approved December 10, 1869, entitled 'A joint resolution of the National Council in regard to the North Carolina Cherokees', has invited the said North Carolina Cherokees to emigrate west, and become identified with the Cherokee Nation as citizens thereof; therefore,

"Be it enacted by the National Council; that all such Cherokees as may hereafter remove into the Cherokee Nation and permanently locate therein as citizens thereof, shall be deemed as Cherokee citizens; Provided, said Cherokees shall enroll themselves before the Chief Justice of the Supreme Court within two months after their arrival in the Cherokee Nation, and make satisfactory showing to him of their being Cherokees. And the said Chief Justice is hereby required to report the number, names, ages and sex of all persons admitted by him to be entitled to Cherokee citizenship; and also the number, names, ages and sex of the persons denied the right of citizenship, to the annual session of the National Council in each year."

This Act was amended by an Act of the Cherokee Council approved December 7, 1871, which provides:

"Be it enacted by the National Council: That the Act approved November 18, 1870, entitled 'An Act relative to the North Carolina Cherokees', be and the same is, hereby so amended as to require the Chief Justice of the Cherokee Nation to receive and hear the petitions of all persons claiming the rights of Cherokee citizenship, and to take evidence with regard to the same, and to transmit the petitions of such petitioners with all the evidence relating thereto, with such remarks touching the merits of each petitioner as he may deem proper to the National Council during the first week of each regular session, for final action; nor shall the power of said Chief Justice extend any further than to receive the petitions and take evidence as aforesaid. He, the said Chief Justice, in acting in the premises aforesaid, shall be empowered and required to defend the interests of the Cherokee Nation, and in so doing, will be authorized to obtain all evidence possible to prevent the Nation from any imposition, by any of such petitioners; and shall before entering upon the discharge of his duties aforesaid, take an oath to discharge the same faithfully.

"Be it further enacted: That for the purpose of executing this act, said Chief Justice shall hold two sessions in each year, one during the month of April at Fort Gibson, and one at the town of Tahlequah in September,"

These are the provisions of law in force in the Cherokee Nation at the time the applicant, Joshua W. Whitaker, first removed

thereto, and with which it would have been necessary for him to comply in order to become a citizen of said Nation.

In *Eastern band of Cherokees Indians v. United States*, it was held by the supreme Court of the United States, that,

"The Cherokees in North Carolina dissolved their connection with their Nation, when they refused to accompany the body of it on its removal, and they have since had no separate political organization." And that,

"If Indians in that State (North Carolina or in any other state east of the Mississippi 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 re-admitted to citizenship as there provided.

It is, therefore, the opinion of this Commission that the names of Joshua W. Whitaker and Stephen Whitaker are upon the Cherokee Strip Payment roll of 1894, without authority of law, and that the application for the enrollment of Joshua W. Whitaker, Stephen Whitaker and Eger J. Whitaker 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.

(Signed) Tans Dixby
Chairman

(Signed) T. B. Needles
Commissioner

(Signed) C. R. Breckinridge
Commissioner

Muskogee, Indian Territory,

JAN 10 1905

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

In the matter of the application for the enrollment of
 Rosa S. Whitaker 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 Pryor Creek,
 Indian Territory, on September 12, 1900, application was received
 by the Commission to the Five Civilized Tribes for the enrollment
 of Rosa S. Whitaker as a citizen by intermarriage of the Cherokee
 Nation. Further proceedings in the matter of said application
 were had at Muskogee, Indian Territory, February 21, 1902.

The records further show that on September 20, 1902, the
 Commission to the Five Civilized Tribes rendered its decision
 herein denying said applicant's right to enrollment as a citizen
 by intermarriage of the Cherokee Nation; and that, on October
 22, 1902, (Departmental letter I.T.D. 6152-1902), said decision
 was duly affirmed by the Department. Thereafter, on January 30,
 1904, a motion for review was filed. On February 25, 1904, said
 motion was granted by the Department, and the case was remanded
 for readjudication.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein,
 Rosa S. Whitaker, 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,
 on May 24, 1891, to her husband, Joshua W. Whitaker, a recognized
 citizen by blood of the Cherokee Nation whose name is included on
 the approved partial roll of citizens by blood of said Nation
 opposite No. 32688.

The 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,
 Rosa S. Whitaker, 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 _____

Cherokee R 745

COP,

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 Rosa S. Whitaker, 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-23

HA

Cherokee R 745

Muskogee, Indian Territory, February 25, 1907.

Rosa S. Whitaker,
Andrews, North Carolina.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 25, 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 decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED _____
Commissioner.

Encl.A-24
RA
Register.

COPY

Muskogee, Indian Territory, February 28, 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 Rosa S. Whitaker, as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commissioner, dated February 28, 1907, denying said application.

Respectfully,

SIGNED *Tams Bixby*
Commissioner.

Encl. A-28
RA

Through the Commissioner
of Indian Affairs.

Cherokee R 745

Muskogee, Indian Territory, March 30, 1907.

Rosa S. Whitaker,
Andrews, North Carolina.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 25, 1907, rejecting the application for the enrollment of yourself 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 inclosed here-
with a copy of Departmental decision referred to.

Respectfully,

Incl.P-4-52
MCP

Geo. D. Row
Acting Commissioner.

Cherokee F.N.B.
238

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,

Geo. D. Rodgers
Acting Commissioner.

Incl. P-4-60
WHP

LAND
20875-1907.

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

March 1, 1907.

C O P Y

The Honorable,

The secretary of the Interior.

gir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Hesa G. Whitaker, as a citizen by intermarriage of the Cherokee Nation, including the decision of Commissioner Nixby, dated February 25, 1907, adverse to the applicant.

The decision of the commissioner has been examined, is found to be correct, and its approval is recommended.

Very respectfully,

D. F. Larrabee,

Acting Commissioner.

KEM-LC..

D.C. 13259

(COPY)

W.H.V.

Y.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

LRS I. T. D.

DIRECT March 4, 1907.

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.

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 W. 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.
Hurahel L. Hyde (by blood),	February 21, 1907.
John W. Gess (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.
Ray Drum (by blood),	February 27, 1907.
Leneta 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.
Mellie Hurst (intermarriage),	February 23, 1907.
Mellie C. Collins (intermarriage),	February 23, 1907.
Amanda Brackett (intermarriage),	February 23, 1907.
Fatima Keys (intermarriage),	February 23, 1907.
Levi P. Isbell (intermarriage),	February 23, 1907.
Annie C. Butler (intermarriage),	February 20, 1907.
James R. Bivin (intermarriage),	February 23, 1907.
Laura Ross (freedman),	February 14, 1907.
Willie Joanna Lowe, et al. (freedman)	February 23, 1907.
William T. Teague (by blood),	February 23, 1907.
Theodore Jones (freedman),	February 20, 1907.
Viola M. Finwick (freedman),	February 25, 1907.
Wilcy Pelston, et al., (freedmen),	February 25, 1907.
Pansy Grinnett (freedman),	February 23, 1907.
Alice Harman (intermarriage),	February 21, 1907.
Bettie McLaughlin (by blood),	February 23, 1907.
Loran Alfred Levett (by blood),	January 17, 1907.
Maudie Skags (by blood),	February 18, 1907.
Robert Walker (freedman),	February 18, 1907.
Edward B. Frayser (intermarriage),	February 14, 1907.
Daniel Sitsler, et al., (by blood),	February 16, 1907.
Olla May Mitchell (by blood),	February 14, 1907.
Felix F. Witt (intermarriage),	February 16, 1907.
Preston G. Browning (intermarriage),	February 19, 1907.
Harrison Cecil Smith, et al., (by blood)	February 23, 1907.
Lilly Irene True, et al., (by blood),	February 16, 1907.
Alberta Sanders, et al., (freedmen),	February 25, 1907.
Samuel Sanders (freedman),	February 25, 1907.
Peggie Bearpaw (by blood),	February 21, 1907.
Lawrence Graves (freedman),	February 25, 1907.
James Beck (freedman),	February 25, 1907.
J. Lillian Pruett, et al. (by blood)	February 25, 1907.
Charles W. Trent (intermarriage),	February 23, 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.

Roseburn Wright (freedman),	February 14, 1907.
Lenard King, et al. (by blood),	February 14, 1907.
Roberta Vann (freedman),	February 14, 1907.
Thomas Leroy Loyd (freedman),	February 14, 1907.
Jesse O. Holland, et al. (by blood),	February 22, 1907.
Sarah A. Trent (intermarriage),	February 25, 1907.
J. D. Amsey, et al. (by blood),	February 25, 1907.
Caralyer 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 Scorschewl (as citizens), et al.	February 25, 1907.
Ruby Miller (by blood),	February 25, 1907.
Clarence Jones, et al., (freedmen),	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.
Elisa Rolston (intermarriage),	February 7, 1907.
Tom Mayes Vann (freedman),	February 18, 1907.
Willie Lee Hanks, et al. (freedmen),	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.
Dec Herren England (by blood),	February 21, 1907.
Mildred Teague (by blood),	February 18, 1907.
Odell Fester (freedman),	February 23, 1907.
Willie Colbert (freedman),	February 21, 1907.
Arthur D. Jackson (by blood),	February 21, 1907.
Elisa 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 H. 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,
91 enclosures, and (Signed) E. A. Hitchcock,
182 enclosures to Ind. Of., Secretary.
with copy hereof.

W.C.F. 3/4/07.

Cher R 746

Cher R 746

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
SEP 25 1900

 ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
VINITA, I. T., SEPTEMBER 24th, 1900.

IN THE MATTER OF THE APPLICATION OF Julia McBee for enrollment as a citizen of the Cherokee Nation, and she being sworn by Commissioner, T. B. Needles, testified as follows:

- Q What is your name? A Julia McBee.
Q How old are you? A About fifty.
Q What is your Postoffice? A Peoria.
Q Whom do you want to enroll? A Just myself.
Q How long have you lived in the Cherokee nation? A Eight years/
Q Where did you come from here? A Kansas.
By Mr. W. W. Hastings, Cherokee Representative:
Q Where did you go from here? A Quapaw Reservation.
Q You have lived over there ever since? A Back and forth.
Q You have an allotment over there with the Eastern Shawnees?
A Yes sir.
Q Your name is not on the roll of 1880? You were not here in 1880?
A I am on the 1880 roll as Bluejacket.
Q Delaware District? A Yes sir.
Q Where did you marry? A Here in Vinita.
Q How long did you live here after you were married? A About one month.
Q Where is your husband; where does he live? A Across the River.
Q Who was your father? A Samuel Tibloe.
Q Who was your mother? A Hattalce.

By the Commission:

- Q How old are you? A About fifty.
Q What was your maiden name? A Julia Ann Tibloe.

The name of Julia McBee is not found on any of the rolls of the Cherokee Nation now in the possession of this Commission: She states that her maiden name was Julia Ann Tibloe; afterwards she married one Charles Bluejacket, and afterwards, one Bliss, and then her present husband, Samuel McBee. She avers that she is a Shawnee Indian, and acknowledges in the testimony that she took a reservation among the Eastern Shawnees: And her name not being found upon any of the rolls of the Cherokee Nation, under the provision of the Act of Congress of May 31st, 1900, this Commission ~~has no jurisdiction~~ is without jurisdiction to receive, consider or make any report of your application, for the reason that you are not a recognized citizen of the Cherokee Nation; never have been enrolled or admitted as such. If you desire to have the Secretary of the Interior consider your case, and will so state in writing to the Commission, your application will be forwarded to the Secretary of the Interior, when the final rolls of the Cherokee Nation are forwarded him for approval.

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

Subscribed and sworn to before me
this 25th day of September, 1900.

T. B. Needles
A. Hastings
COMMISSIONER.


11-33-B

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D 1260

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 24 1900



ACTING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 24 1900 1900.

Name Penna D.D.

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License Q Julia M Bee Certificate Thacker

Wife's name Julia M Bee nee Shuyaker

District _____ Year 1896 Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children

Rejected - no
no card

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

Mem. #88

CHEROKEE Memorandum 10 88

Julian M. Bee

REFUSED
ACT OF MAY 31, 1900
MEMORANDUM.

/ 2220

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FINE CIVILIZED TRIBES

FILED
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U.S. GOVERNMENT

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Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 28, 1901.

SUPPLEMENTAL TESTIMONY in Cherokee Memorandum Case 488, the case
of Julia McFee.

JULIA McFEE, being first duly sworn by Commissioner G. R.
Breckinridge, testified as follows on her own behalf:

(By Com'r Breckinridge)

- Q Give me your name? A My name?
Q Yes ma'am? A Right now?
Q Right this moment. A Julia McFee is my name right now.
Q How old are you? A I will be 51 next month.
Q What is your post office? A Peoria.
Q You applied before this Commission in September, last year? A October?
Q No, in September? A Yes sir.
Q Did you come with the Shawnees from Kansas? A Yes sir, come with
the Shawnees from Kansas City.
Q Was that when the general movement was made to come here? A How?
Q Was that when they all came down? A Yes.
Q What was your name at that date? A Bluejacket.
Q Bluejacket? A Yes.
Q What was your father's name? A Tiblow.
Q What was his full name? A Samuel Tiblow.
Q Is he dead? A Oh he has been dead a good long time.
Q Did he die before the Shawnees came down here? A Yes sir, died
back in Kansas City.
Q Give me the name of your mother? A Her name?
Q Yes? A I don't remember it, I will ask this woman here—Nancy
Hadley.
Q Is she dead? A She is dead long time ago, I was two years old
when she died.
Q Died before the Shawnees came here did she? A Yes sir.
Q How many times have you been married? A I will have to count first-
four times.
Q Four times? A Yes.
Q What was the name of your first husband? A Bluejacket.
Q Give me his full name? A Charley Bluejacket.
Q Is he a Shawnee? A Yes.
Q Is he dead? A No he is living yet.
Q Where is he living? A Hah?
Q Where is he living? A Within two miles from where I come from, Peoria.
Q Give me the name of your next husband? A Bob Bone.
Q Is he dead? A Yes sir.
Q What was he, a white man? A Shawnee.
Q Give me the name of your next husband? A Ridley Bliss.
Q Is he dead? A Dead.
Q Was he a Shawnee? A No, he was a Modook.
Q Give me the name of your next husband? A Samuel McFee.
Q Is he dead? A No he is living.
Q What is he, white man? A Yes.
Q Are you living with him? A Lived with him until last July.
Q When did you move out of the Cherokee Nation? A Hah?
Q When did you leave the Cherokee Nation? A Twenty years ago I ex-
pect.
Q Twenty years ago? A Yes.
Q Where did you go? A I went cross Spring River among the Peorias
near Seneca.
Q You have been living there ever since? A I worked out first and
then got married there.

- Q But you have been living there ever since? A Yes sir.
- Q What was your name then, when you moved among the Peorias? A Bluejacket.
- Q Did you draw Cherokee Strip money? A I never drew no money at all from the Cherokees.
- Q What was the name of your first husband's father—the father of your husband Bluejacket? A I can't tell you—he died—I will ask this woman here—I think his name was John.
- Q Was your husband ever called Charles Bluejacket Jr.? A There was two of them, one was Old Charlie and my husband was younger than the other Charlie.
- Q There were two of them and your husband was the younger of the two? A Yes sir.

On the Shawnee register of Shawnees who moved to and located in the Cherokee Nation within two years from the 8th of June, 1868 in accordance with an agreement entered into by and between the Shawnee Tribe of Indians and the Cherokee Nation of Indians on the 7th of June, 1868 at Washington, and approved by the President on the 8th of June 1868 in accordance with the Fifteenth Article of the Cherokee Treaty with the United States proclaimed August 11, 1866, there appears the name of Charles Bluejacket Jr., #118, and in connection therewith, evidently his wife Julia Bluejacket. The latter is considered a reliable identification of the applicant upon the Shawnee register.

- Q What became of Ida Bluejacket? A She is dead, but is my baby.
- Q She came with you at the time? A Yes sir.
- Q Did you ever know a man named Price Bluejacket? A That is my husband's cousin.
- Q What was the name of his wife? A Julia Randall before she married.
- Q I find that man and his wife on the roll? A Yes they are here.
- Q I don't find you on that roll? A Right, you find me on that roll there just now? A I mean the authenticated roll of 1880? A Oh.

A Julia Bluejacket is found on the roll of 1880, but she is distinctly identified as another woman, being with her husband, who is a cousin of this applicant's husband, and the applicant herself is not identified on the roll of 1880.

The applicant cannot be found on the Cherokee Census roll of 1896.

- Q You are not on the Shawnee Pay Roll as Julia Bluejacket? A Yes.
- Q Are you there by any other name at all, did you draw Strip money? A No sir, I never did draw any money.
- Q Are you on the Census roll of 1896? A Yes sir.
- Q You are? A Yes sir.
- Q Under what name? A I can't tell you, we are together, my husband, and my name and my baby's name.
- Q I am talking about the Census roll, taken five years ago—you don't claim to be on that roll do you? A I don't believe I am, I can't tell.

The Census Roll of 1896 has been searched for the applicant under all the four names that she has borne and she cannot be identified on that roll.

- Q When did you and Bluejacket part? A Nah?
- Q When did you part from your husband Bluejacket? A Long time.
- Q Before you went up to the Peorias? A Yes sir.
- Q Whom did you go with up there? A With a woman, a cousin of mine named White.
- Q But with what man did you go with up there? A I staid w there

with a Peoria man, Indian fashion, wasn't married to him, named Johnson; I remained single for a long time before I taken up with him

Q Was he the first man you lived with as husband and wife after you left Bluejacket? A Yes sir.

Q And you took up with him in the Peoria country? A Yes sir.

Q And after that you lived with this man Bob Deuel? A Yes sir. After that.

Q You are sure you haven't kept some more names back—were you there are no others that you are keeping back from us? A No sir, no more.

AMOS DICK being first duly sworn by Commissioner G. R. Breckinridge as an interpreter, testified as follows:

(By Com'r Breckinridge)

Q Give me your full name? A Amos Dick.

Q How old are you? A 38.

Q What is your post office.

MARY DICK, being first duly sworn by Commissioner G. R. Breckinridge, testified as follows through Amos Dick as interpreter:

(By Com'r Breckinridge)

Q What is your name? A Mary Dick.

Q How old are you? A 67.

Q Are you the mother of this interpreter? A Yes sir.

Q Do you know this woman here, Mrs. McBoo? A Yes sir.

Q Was she ever married to a man named Charles Bluejacket Jr.? A Yes sir.

Q Did she come here with the Shawnee Indians away back here when they came down here? A Yes sir.

Q This is the same woman? A Yes sir.

Q Have you known her all the time? A Yes sir.

Q Are you a Shawnee? A Yes sir.

Q Did you come with the Shawnees back in that day? A Yes sir.

Q Are you a full blood? A Yes sir.

BY COM'R BRECKINRIDGE: This testimony is supplemental to Cherokee Memorandum ~~filed~~ as shown in the title. It will be filed with that case and a copy of it will be sent to the Secretary of the Interior, and the present examiner will recommend to the Commission that the Secretary be requested, upon the testimony now developed, to remand this case back to the Commission for review; and it is the opinion of the examining Commissioner that the case, after having been so remanded, should be placed on a doubtful card to be taken up in its regular order, the applicant being listed as an adopted Shawnee. She has now been duly identified on the original Shawnee roll. It is also definitely established that she is the same person identified on that roll, and that she ~~is the same person identified~~ left Cherokee Nation some twenty years or more ago and has made her home since that time in the Peoria country. She is not upon the roll of 1860, or upon the Shawnee Pay Roll, or upon the Census roll of 1860. Indeed, there seems to be no question whatever that she is not upon any roll except the original Shawnee Roll, and the question in her case seems to be as to whether she by continued residence in the Peoria country has not abjured her citizenship in the Cherokee Nation, as a Cherokee-Shawnee, or rather, as an adopted Shawnee.

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

MISSISSIPPI

Charvat Will

Testamentary Will of Charles W. Charvat, deceased, made on the 14th day of October, 1901.

[Handwritten signature]

Witness my hand and seal this 14th day of October, 1901.

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WALLEN

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Handwritten notes or stamps on the left side of the document.

OFFICE OF THE ATTORNEY GENERAL
WASHINGTON, D. C.

DEPARTMENT OF COMMERCE
COMMISSION TO THE U.S. CIVILIZED TRIBES

The Commission to the U.S. Civilized Tribes
has the honor to acknowledge the receipt of
your letter of the 11th inst. and in reply to
inform you that the same has been forwarded
to the proper authorities for their consideration.
The Commission to the U.S. Civilized Tribes
has the honor to acknowledge the receipt of
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to the proper authorities for their consideration.

Department of the Interior
Washington, D. C.

The Secretary of the Interior
has the honor to acknowledge the receipt of
your letter of the 11th inst. and in reply to
inform you that the same has been forwarded
to the proper authorities for their consideration.

Handwritten initials or signature on the right side of the document.

Official stamp or date on the right side of the document.

Supl.-C.D.#1260.

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

SUPPLEMENTAL in the matter of the enrollment of JULIA MOBBE
as a citizen of the Cherokee Nation:

Applicant was notified by registered letter March 3, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 22d 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 22d 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 proceedings above, 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
Julia McBea as a citizen of the Cherokee Nation of Shawnee blood.

DECISION.

The record in this case shows that on September 24, 1900 Julia McBea appeared before the Commission at Vinita, Indian Territory and made personal application for enrollment as a citizen of the Cherokee Nation of Shawnee blood, and that the Commission rejected said application; that the applicant, Julia McBea, appealed therefrom to the Honorable Secretary of the Interior, who has since remanded said case to this Commission for further consideration, upon its request, and in pursuance thereof further proceedings in the matter of said application were had at Vinita, Indian Territory, October 28, 1901.

The evidence shows that the applicant, Julia McBea, is a Shawnee by blood; that she is identified on the 1871 Register of Shawnees, who came to the Cherokee Nation under the provisions of an agreement entered into by and between the Shawnee Tribe of Indians and the Cherokee Nation of Indians on the 7th day of June, 1869 at Washington, and approved by the President on the 9th day of June of said year; that she is identified as Julia Bluejacket on said Register of 1871, having taken the latter name from her first husband; that she is not identified on any of the tribal rolls of the Cherokee Nation.

The evidence further shows that the applicant located in the Cherokee Nation in 1870 or '71 and remained therein until she removed to the Peoria Reservation; that she was a resident of said Reservation at the time of the making of this application and for about twenty years prior thereto; that she owns property therein and has also taken an allotment with the Eastern Shawnees in the Quapaw Reservation.


The 8th paragraph of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats. 495), provides as follows:


"The several tribes may, by agreement, determine the right of persons who for any reason 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."

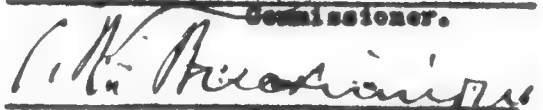
It is not intended, under the provisions of said act, that a member of any tribe of Indians should take two allotments.

It is, therefore, the opinion of this Commission that the application for the enrollment of Julia McBea as a citizen of the Cherokee Nation, of Shawnee blood, should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

this _____

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Vinita, Indian Territory,

September 24th, 1900.

The Commission,

To the Five Civilized Tribes:

Gentlemen:

You are hereby advised that I desire that the application this day made by me for the enrollment of myself, which was denied by the Commission, be submitted to the Honorable Secretary of the Interior for his consideration when the final roll of citizens of the Cherokee Nation is transmitted to him for approval.

Respectfully,

Her
Julia X McBee
Mark.

Witnesses

P. G. Reister.

Howard Ferguson.

No 88

Julia McBee

vs.

Cherokee Nation.

May 11 1901

Julia McBee

Vs.

Cherokee Nation.

Original copy of testimony and judgment forwarded to Secretary of the Interior.

Refer-in reply to the following: Department of the Interior,
Office of Indian Affairs.

Washington, June 8, 1901.

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The Honorable,

The Secretary of the Interior.

Sir:-

Your attention is invited to the record in the application of Julia McBee for identification as a citizen of the Cherokee Nation, transmitted for Departmental action, by the Commission to the Five Civilized Tribes, May 28, 1901, which is enclosed herewith.

The record is as follows:

IN THE MATTER OF THE APPLICATION OF Julia McBee for enrollment as a citizen of the Cherokee Nation, and she being sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Julia McBee.
Q How old are you? A About fifty.
Q What is your postoffice? A Peoria.
Q Whom do you want to enroll? A Just myself.
Q How long have you lived in the Cherokee Nation? A Eight years.
Q Where did you come from here? A Kansas.
By Mr. W. W. Hastings, Cherokee Representative.
Q Where did you go from here? A Quapaw Reservation.
Q You have lived over there ever since? Back and froth.
Q You have an allotment over there with the Eastern Shawnees?
A Yes, sir.
Q Your name is not on the roll of 1880? You were not here in 1880?
A I am on the 1880 roll as Bluejacket.
Q Delaware District? A Yes, sir.
Q Where did you marry? A Here in Vinita.
Q How long did you live here after you were married? A about one month.
Q Where is your husband; where does he live? A Across the river.
Q Who was your father? A Samuel Tibloe.
Q Who was your mother? A Hattalee.
By the Commission:
Q How old are you? A About fifty.
Q What was your maiden name? A Julia Ann Tibloe.

The name of Julia McBee is not found on any of the rolls of the Cherokee Nation now in the possession of this Commission: She states that her maiden name was Julia Ann Tibloe; afterwards she married one Charles Bluejacket, and afterwards, one Bliss; and then her present husband, Samuel McBee. She avers that she is a Shawnee Indian, and acknowledges in the testimony that she took a reservation among the Eastern Shawnees; And her name not being found upon any of the rolls of the Cherokee Nation, under the provision of the act of Congress of May 31, 1900, this Commission is without jurisdiction

to receive, consider or make any report of your application, for the reason that you are not a recognized citizen of the Cherokee Nation; never have been enrolled or admitted as such. If you desire to have the Secretary of the Interior consider your case, and will so state in writing to the Commission, your application will be forwarded to the Secretary of the Interior, when the final rolls of the Cherokee Nation are forwarded him for approval.

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 complete transcript of his stenographic notes thereof.

R. R. Cravens.

Subscribed and sworn to before me
this 25th day of September, 1900.

C. R. Preckinridge,
Commissioner.

It will be perceived at once that the recitals of the Commission as to the status of the applicant do not correspond with the testimony as presented by the part of the record immediately preceding them.

It is stated that the applicant married Charles Bluejacket; afterwards she married one Bliss; then the present husband, Samuel McBee;

These statements are not supported by the record of the testimony, and the stenographer's certificate states that: "He correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof." Evidently the Commission had sources of information other than the memorandum transmitted.

While the record does not set out these various marital alliances of the applicant, it does show that she claims to be on the Cherokee roll of 1880 as Bluejacket and there is no definite statement that on examination of that roll her claim in that behalf proves to be incorrect.

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The Department is entitled to all the information upon which the Commission acted in arriving at its conclusions in this case, and its decision may be just to all interests concerned, and it is recommended that the case be returned to the Commission with a request that an explanation be made so that these apparent inconsistencies may be clarified.

Very respectfully,

Acting Commissioner

H.B.H.(H.)

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L.R. S.

J. P.

Department of the Interior.
Washington.

C.

I. T. D.
2220-1901.

June 11, 1901.

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

Sir:

On June 8, 1901, the Commissioner of Indian Affairs transmitted the record in the application of Julia McBee for enrollment as a citizen of the Cherokee Nation. He quotes the memorandum, your decision, etc., in the case, and states that it appears from such decision that the applicant married Charles Bluejacket, but that the statements are not supported by the memorandum itself; that evidently the Commission had sources of information other than the memorandum, and that, while the record does not set out the various marital alliances of the applicant, it does show that she claims to be on the Cherokee roll of 1880, under the name of Bluejacket, and there is no definite statement that, on examination of that roll, her claim in that behalf proves to be incorrect.

He recommends that the case be returned to you with instructions that an explanation be made, so that the apparent inconsistencies may be reconciled.

Outside of the "apparent inconsistencies," the memorandum is certainly not very satisfactory. At the same time it is shown that the applicant came from Kansas, and has an allotment in the Eastern Shawnee lands, Musapaw Agency, and you state that her name is not found on any tribal rolls in your possession. In order, however, that the party may have no cause of complaint, you will advise her by registered letter that she will be allowed fifteen days within which to submit an affidavit, corroborated by two witnesses, if

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possible, setting forth ~~specifically~~ the grounds upon which she claims to be entitled to enrollment as a Cherokee Indian, and showing, if possible, that your decision in her case is erroneous.

You will explain, in reporting in due time, the "apparent inconsistencies" mentioned by the Commission. The question as to whether the case will be removed for further hearing will be then considered.

Acopy of the Commissioner's letter is inclosed.

Respectfully,

(Signed) Theo. Ryan,

Acting Secretary.

1 inclosure.

Muskogee, Indian Territory, July 11, 1901.

Mrs. Julia McBee,

Peoria, Quapaw Reservation, Ind. Ter.

Madam:-

Referring to your application before the Commission to the Five Civilized Tribes, at Vinita, Indian Territory, September 24th, 1900, for enrollment as a Cherokee citizen, I now have to say your case, known as Memorandum Case No. 88, was duly forwarded to the Honorable Secretary of the Interior, and under date of June 11th 1901, the Department remands your case back to the Commission with instructions that you be given fifteen days within which to submit to this Commission an affidavit, corroborated by two witnesses, if possible, setting forth explicitly the grounds upon which you claim to be entitled to enrollment as a Cherokee Indian, and showing, if possible, that the decision of the Commission refusing you enrollment, of which decision you have heretofore been advised, is erroneous.

The language of the Commissioner refusing your application at the time of your application, and which was afterwards formally adopted as the decision of the Commission, is as follows:

"The name of Julia McBee is not found on any of the rolls of the Cherokee Nation now in the possession of this Commission: She states that her maiden name was Julia Ann Tibloe; afterwards she married one Charles Bluejacket, and afterwards one Bliss, and then her present husband, Samuel McBee. She avers that she is a Shawnee Indian, and acknowledges in the testimony that she took a reservation among the Eastern Shawnees: and her name not being found upon any of the rolls of the Cherokee Nation, under the provision of the Act of Congress of May 31st, 1900, this Commission is without jurisdiction to receive, consider or make any report of your application, for the reason that you are not a recognized citizen of the Cherokee Nation; never have been enrolled or admitted as such. If you desire to have the Secretary of the Interior consider your case, and will so state in writing to the Commission, your application will be forwarded to the Secretary of the Interior, when the final rolls of the Cherokee Nation are forwarded him for approval."

To further assist you in making out your case, but not with a view of limiting your statements in any way, you are desired to answer the following questions:

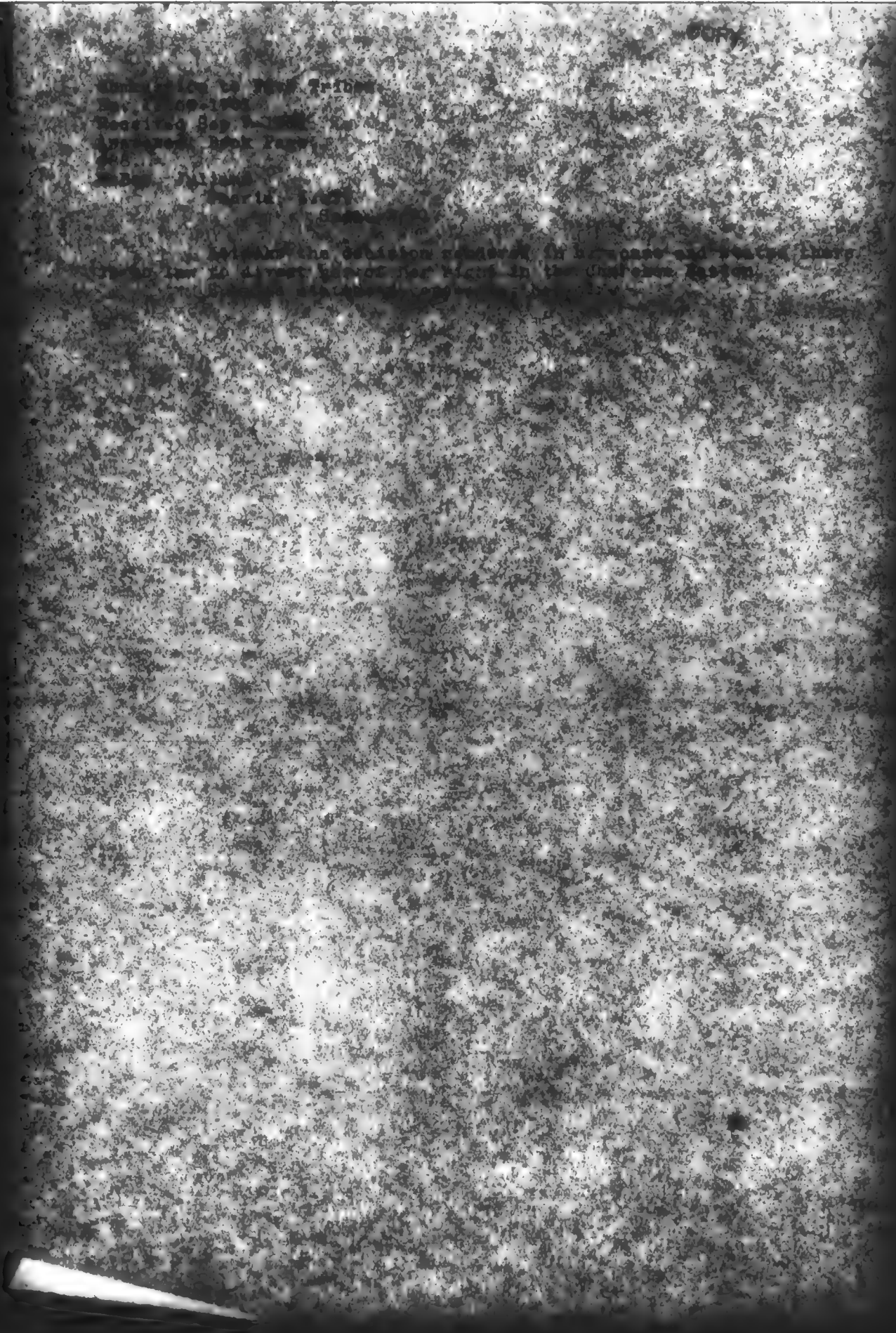
Mrs. Julia McBee 2

Is your father dead?
If he is dead, where and when did he die?
If he is living, where does he live?
Was he an Indian by blood? And what tribe did he belong to?
Is your mother dead?
If she is dead, when and where did she die?
If she is living where does she live, and what is her present name?
Was she an Indian by blood, and what tribe did she belong to?
How many times have you been married?
Give the full names of each of your husbands?
State when you married them, respectively?
State how long you lived with each one, and whether any of them are dead and when they died?
If you were divorced from any of your husbands, state when the decree of divorce was granted?
State, as to each of your husbands, whether he was an Indian or a white man?
Was Charles Bluejacket your first husband?
Is he dead?
If he is dead, when and where did he die?
If he is living where does he live?
What is the name of the father of Charles Bluejacket?
Is the father of Charles Bluejacket dead?
What is the name of the mother of Charles Bluejacket?
Is she living or dead?
If dead, when and where did she die?
If living, where does she live?
If you have any brothers or sisters living, give their names, ages, and present post-office addresses.
If you have any brothers or sisters dead, give their names, and state when and where they died, and how old they were at the time of their death.
If Charles Bluejacket has any brothers or sisters, give their names, ages and post-office addresses.
If there are any deceased brothers or sisters of Charles Bluejacket, state when and where they died, and their ages when they died.
Give the names of any other persons not included in the foregoing questions and requests, who were living with Charles Bluejacket in 1880, when the roll of that year was made.
Give the names of any persons not included in the foregoing questions and requests, who were living with the father of Charles Bluejacket when the roll of 1880 was made.

You are requested to give this matter your immediate attention; and when your reply is received your case will receive such further consideration as it may require.

Yours truly,

Commissioner in charge.



Muskogee, Indian Territory, July 26, 1901.

The Honorable,

The Secretary of the Interior,

Sir:-

I have the honor to acknowledge receipt of departmental letter of June 11, 1901, enclosing copy of a communication of the Commissioner of Indian Affairs dated June 8, in which certain apparent discrepancies in the matter of the hearing of the application of Julia McBes for enrollment as a citizen of the Cherokee Nation are pointed out, and recommends that the case be returned to this Commission with instructions that an explanation be made. The Department, with reference to this matter, directed that the applicant be advised by registered letter that she will be allowed fifteen days within which to submit an affidavit setting forth explicitly the grounds upon which she claims to be entitled to enrollment as Cherokee Indian, etc.

The Department's instructions have been complied with and additional report will be made in due time.

Very respectfully,

HPM

Commissioner in Charge.

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Peoria I T

Sept 3 1901

To the Hon Commission to the

five civilized Tribes

Muskogee

Dear Sir

your letter of July 11th 1901 in which you state the papers in my case no 88 was forwarded to the Secretary of the Interior and there forwarded back to the Commission giving me fifteen days to submit to the Commission affidavits corroborated by two sitting fourth the Grounds upon which I claim to be entitled to enrollment as a Cherokee Indian and showing, if possible, that the Decision of the Commission refusing my enrollment, of which decision I have heretofore been advised, is Erroneous. I will say in Reply to your Decision if it could be called as such which I doubt very much when it is brought before a Court of Equity, as the Shawnee cases have been passed upon by the Court of Claims and a Decree Rendered in favor of all Shawnees who purchased a Right in the Cherokee Nation this same Decree was sustained by the Supreme Court of the United States the Highest Authority we have, and I am of the opinion that neither Congress or Secretary or the Daws Commission has any authority to Deviate from or to Change. I am a Cherokee Shawnee by Blood I purchased a Right with the Cherokee tribe By a Treaty Stipulation and an Act of Congress. I will also state that I have accumulated property rights with the Peorias all of which I had a perfect Right to do without affecting my holdings in the Cherokee Nation, for this and verry many other leagle points to numerous to mention I hold your Decision Erroneous. I will further state that I complied with all the obligations required in the agreement by and between the Cherokee Tribe and the Chawnees. I will also state that I have never received any alotment with any of the five Civilized Tribes which is prohibited in the Cirtis Act, and as far as being a non residence, this does not apply to theas Shawnee tribe as the Supream Court has passed upon this point that an Indian has a right to go where he pleases I also hold the Cherokee tribe can pass any Law they see fit so long as it does not conflict with the United States Law but to try to disfranchise any of the Shawnees who purched a Right in the Cherokee Nation is unconstutional and with any authority of Law, as the Constitution of the United States says planley that you cant take something for nothing and as for my Rights as a member of the Peoria Tribe I admit I have a right and have received a patent for the same, and I have examined the United States Statutes and find there in no Law by which I cane be Divested of such Rights without I endorse the Endorsement (?) on the back of the pattent and as for my Cherokee Rights they are a berth right and a Perchase for theas Reasons I cannot concure in your decision. I will state I am well aware what authority was vested in the Daws Commission when you were commisioned to come out hear by Congress, they were commisioned to take up all rools of the Five Civilized tribes and to go over them not only certian Rollis I will state that you will find the names of the Shawnee Indians on the Regerated Rool which in my opinion should be sufficient Evidence without all this Read tape Business which should be a thing of the past. I will now try and answer some of your propunded Questions notwithstanding they seem Quite out of Place however I will try to answer them to the Best of my Knowledge I first my madin name Juliann Tiblow I was Enrooled on the Regeaster-ed Rool of the Shawnees as Juliann Blujacket my first husband name was Charles Blujacket Charles Blujacte had two Brothers I one died in Kansas the youngest died the youngest Brother died on the Miami Reservation Cannot State the date Gim the youngest was 19 years old I could not state the oldest age or name I dont no of any sisters,

Charles Bluejacket was living with Susan Mohawk in 1880 Charles Bluejacket father's died years ago cannot say what year, he died in Kansas my father is dead died in 1885 he died Kansas my father was half French and half Shawnee mother died died Kansas 1852 my mother was full Shawnee I have been married married 4 four times: 1 Charles Bluejacket 2 Bob Boone 3 Kelly Blisk 4 Samuel McBee I married Charles Bluejacket 1857 married Bob in 1868 married Blisk Oct 14 1868 married Samuel McBee Aug 29 1892 I lived with my first husband 8 years 8 months was not divorced from any of them my first husband was a Cherokee Shawnee and is still living my second husband was an Indian was a Shawnee Indian, he is dead, lived with husband five years he was dead 18 years he died in 1890, lived with my 4 husband Samuel McBee near 8 years he is still living, he was a white man my first husband is still living on the Shawnee Reserve, I cannot say what my first husband name was he is dead my first Husband and Charles Bluejackets mother name was Black Hoff She is dead died in Johnson Co Kansas I have no Brothers or Sister

Very Respectfully yours
Juliam McBee

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L. R. S.

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J. P.
Y.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

September 27, 1901.

I. T. D. 2880, 3329-1804.

Commissioners to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Referring to departmental letter of July 11, 1901, and the
Commission's report of July 26, 1901, in regard to the application
of Julia McBee for enrollment as a citizen of the Cherokee Nation,
an early report is requested in the matter.

Respectfully,

Thos Ryan

Acting Secretary.

END

copy

Muskogee, Indian Territory, October 10, 1901.

The Honorable

Secretary of the Interior,
Washington, D. C.

Sir:

Referring to Departmental letter of September 17, 1901, concerning Cherokee Memorandum Case No. 88 of Julia B. McBea, applicant for enrollment as a Cherokee citizen, I have the honor to say that as respects the affidavit she was requested to make, she did not conform to the requirements of such papers; but in lieu thereof she wrote a long letter, unsupported by seal or witness, and this necessitates further communication with her.

It should be added that further examination of the Shawnee register indicates the possibility of her identification. Also she now suggests points of inquiry which she did not reveal at first; and it may be necessary to have her again appear in person before the Commission, as well as to summon one or more witnesses to assist in her identification.

The Cherokee Division is now giving this case attention, and the result will be reported to the Department at the earliest date practicable.

Respectfully,

24
Muskegee, Indian Territory, October 12, 1901.

Mrs Julia McBee,

Peoria, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter bearing date of September 3, 1901, with reference to your right to enrollment as a Cherokee-Shawnee, Cherokee Memorandum Case No. 58.

In reply you are advised that with respect to the affidavit which you were requested to make, you did not comply with the legal request indicated by the Commission, but in lieu thereof you wrote the Commission a letter. In your letter, however, you make certain statements not elicited when you applied for enrollment, and that may lead to your proper identification.

You are therefore requested to again appear before the Commission at Vinita, Indian Territory, between October 14th and 28th, and bring with you one or two witnesses, if practicable, who have known you and your family since you first came to the Cherokee Nation.

Yours truly,

Acting Chairman.

COPY.

Muskogee, Indian Territory, December 18, 1901.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letters of June 11, 1901 (I. T. D. 2220-1901), and September 21, 1901 (I. T. D. 2820, 3329-1901), concerning Cherokee Memorandum Case No. 68, that of Julia McBee, an applicant for enrollment as a Cherokee citizen, I have the honor to inform you that in compliance with the request in the Department's communication of June 11, 1901, "In order, however, that the party may have no cause for complaint, you will advise her by registered mail that she will be allowed fifteen days within which to submit an affidavit, corroborated by two witnesses, if possible, setting forth explicitly the grounds upon which she claims to be entitled to enrollment as a Cherokee Indian, and showing, if possible, that your decision in her case is erroneous." Julia McBee was informed by the Commission's letter of July 11, 1901, that she would be given fifteen days in which to submit an affidavit setting forth explicitly the grounds upon which she claimed to be entitled to enrollment as a Cherokee Indian.

She did not conform to the request made by the Commission, but in lieu thereof she wrote a letter, unsupported by seal or witnesses.

On the 12th day of October she was requested to appear before the Commission, and to bring with her one or two witnesses, if practicable, who had known her since she came to the Cherokee Nation. On the 28th day of October Mrs. McBee appeared before the Commission at Vinita, Indian Territory, and further testimony was taken with reference to her application for enrollment. It appears from the

supplemental testimony offered in support of said application, that the applicant is duly identified upon the Shawnee register of Shawnees who moved here and located in the Cherokee Nation within two years from the 9th day of June, 1869, in accordance with an agreement entered into by and between the Shawnee tribe of Indians and the Cherokee Nation of Indians, on the 7th day of June, 1869, at Washington, and approved by the President on the 9th day of June, 1869, in accordance with the fifteenth article of the Cherokee treaty with the United States, proclaimed August 11, 1866.

It further appears that she removed from the limits of the Cherokee Nation some twenty years ago, and has since that time made her home in the Peoria Reservation. She was not identified on any other roll now in possession of the Commission. In view of these facts the Commission respectfully requests that this case be remanded for further consideration.

In the Department's letter of June 11, 1901, enclosing a communication from the Commissioner of Indian Affairs, certain apparent discrepancies in the matter of the hearing of the application of Julia McBee for enrollment as a citizen of the Cherokee Nation, are pointed out, and the Commission requested to make an explanation with reference to this matter.

The Commissioner, in referring to said application, states:

"It is stated that the applicant married Charles Blue-jacket; afterwards she married one Bliss; and then the present husband, Samuel McBee. These statements are not supported by the record of the testimony."

These apparent inconsistencies are fully elucidated and explained in the supplemental testimony, all of which will be duly presented to the Department when the case is again reached in regular order, if the present request is complied with to remand the case for further consideration.

Very respectfully,

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Refer in Reply to the Following:

Land

74282-1901.

Department of the Interior.

Office of Indian Affairs.

Washington, Jan. 3, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith, report of the Commission to the Five Civilized Tribes on the Cherokee citizenship case of Julia McBee; which was returned by the Department June 11, 1901 (I. T. D. 2220-1901).

On the 28th of October, Mrs. McBee appeared before the Commission at Vinita, and gave testimony relative to her claims. She showed by her testimony, that her name appears on the roll of the Shawnees who went to the Cherokee Nation in accordance with the agreement between the Shawnees and Cherokees on June 7, 1869; and that she removed from the Cherokee Nation 20 years ago, making her home among the Peorias. She is not identified on any of the rolls in possession of the Commission.

The Commission asks that the case be remanded to it, under the new statement of facts, for further consideration. I concur in that recommendation.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

E. B. H.

L.

Commission No. 519.

1528.

L. R. S.

I. T. D.

DEPARTMENT OF THE INTERIOR.

68-1902.

Washington, January 7, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department is in receipt of your report dated December 18, 1901, concerning Cherokee Memorandum Case No. 88, of Julia McBee, an applicant for enrollment as a Cherokee citizen, in response to Departmental letters of June 11, 1901, and September 27, same year, requiring you to advise said applicant by registered mail that she would be allowed fifteen days within which to submit an affidavit, corroborated by two witnesses, if possible, setting forth explicitly the grounds upon which she claims to be entitled to enrollment as a Cherokee Indian, and showing, if possible, that your decision in her case was erroneous.

You state that said applicant was duly informed of said requirement; that she did not comply, but in lieu thereof wrote a letter unsupported by seal or witnesses, and that on October 12, 1901 you again requested her to appear before the Commission and to bring with her one or two witnesses, if practicable, who had known her since she came to the Cherokee Nation, and on October 28th she appeared before the Commission at Vinita, Indian Territory, and further testimony was taken with reference to her application for enrollment.

You state that the supplemental testimony as submitted shows that the applicant was duly identified upon the Shawnee register of Shawnees who located within the Cherokee Nation within two years from the 9th day of June, 1869, in accordance with an agreement entered into by and between the Shawnee tribe of Indians

and the Cherokee Nation of Indians on the 7th day of June, 1869, at Washington, and approved by the President on the 9th day of June, 1869, in accordance with the fifteenth article of the Cherokee treaty with the United States, proclaimed August 11, 1866.

You also report that the applicant removed from the limits of the Cherokee Nation some twenty years ago, and has since that time made her home in the Peoria Reservation, and that she was not identified on any other roll now in possession of your Commission, in view of which facts you request that the case be remanded for further consideration.

Your report was forwarded on January 3, 1902, by the Commissioner of Indian Affairs, in which he concurs in your recommendation. Copy of his letter is herewith inclosed.

The Department also approves the same, and said case is returned herewith for further consideration by your Commission.

Respectfully,

Thos. Ryan,

Acting Secretary,

E. M. D.

2 inclosures.

INDEXED

Q.

81260

COMMISSION TO FIVE TRIBES		
No.	Received	MAILED
4463		
1902	MAR 22 1902	

Durant, Horace B.
 Wyandotte, I. T.
 March 19, 1902.

CHEROKEE ----- 0-----

States that Mrs. Julie
 McBe has an allotment in the
 Peoria reserve. Asks if this
 will prevent her from having
 land in the Cherokee Nation.

81260

DEPARTMENT OF THE INTERIOR
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 FILED
 MAR 24 1902

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

ALLISON L. AYLESWORTH
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING
CherokeeD-1260

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 3, 1902.

Mrs. Julia McBee,

Peoria, Indian Territory,

Madam:-

You are hereby notified that the application of yourself

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

March 22, 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.

Mrs Julia McBee has an account in the Peoria reserve, Quapaw Agency under the name of Julia Bone. Will that bar her from all rights as a Cherokee?

Hyandee, J. J. Mich 19, 1902

*Horace B. Stewart
U. S. Ind. Agent*

Register .

Yours truly,



Acting Chairman.
Commissioner in Charge.

COPY.

Muskogee, Indian Territory, September 24, 1902.

The Honorable,

The Secretary of the Interior.

Sirs:

There is herewith transmitted the record of proceedings had in the matter of the application of Julia McBee for the enrollment of herself as a citizen of the Cherokee Nation by Shawnee blood, including the decision of the Commission, dated September 20, 1902, rejecting said application.

Respectfully,

Fame Bixby.

Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enc. C. No. 3.

COPY.

Cherokee D 1260.

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 Julia McBee for the enrollment of herself 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,

James Dickey
Acting Chairman.

Enc. C. No. 2.

COPY.

Cherokee D 1260.

Muskogee, Indian Territory, September 24, 1902.

Julia McBee,

Peoria, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a citizen of the Cherokee Nation by Shawnee blood, together with a copy of the Commission's decision, dated September 20, 1902, rejecting your said application.

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

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

Respectfully,

James Dixby.
Acting Chairman.

Enc. C. No. 1.

Register.

COPY.

Refer in reply
to the following:
Land.
58,454-1902.

Department of the Interior,

Washington, October 18, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application of Julia McBee for enrollment as a citizen of the Cherokee Nation.

It appears from the record that on September 24, 1900, the applicant appeared before the commission and testified to certain facts for the purpose of establishing her right to be enrolled as a citizen of the Cherokee Nation.

It was then decided by the commission that it was without jurisdiction to receive, consider or make any report of the application of said Julia McBee for the reason that she was not a recognized citizen of the Cherokee Nation nor had she ever been enrolled or admitted as such.

On said 24th day of September, 1900, the applicant gave notice to the commission that she desired that her application be submitted to the Secretary of the Interior for his consideration when the final roll of citizens of the Cherokee Nation is transmitted to him for approval.

On June 8, 1901, the office after an examination of said original testimony recommended to the Department that the case be returned to the Commission with request that an explanation be made so that certain apparent inconsistencies therein noted might be reconciled, and on June 11, 1901, the Department in its letter of that date instructed the commission to advise the applicant by registered letter that she would be allowed fifteen days within which to submit an affidavit, corroborated by two witnesses, if possible, setting forth explicitly the ground upon which she claims to be entitled to enrollment as a Cherokee Indian and showing, if possible, that the decision in her case is erroneous, and requested the commission to explain the apparent inconsistencies mentioned by the office in its said letter of June 8, 1901.

On July 11, 1901, the commission notified the applicant, by letter, of the instructions of the Department and therein set out a number of questions to which the answer of the applicant was desired.

On September 3, 1901, the applicant wrote the commission a letter in which she discussed her rights and then proceeded to answer the questions submitted to her.

On October 12, 1901, the commission notified the applicant that her letter of September 3, 1901, had been received and advised her that the letter which she had written, as aforesaid, did not comply with the legal request indicated by the commission as the same had not been sworn to, but that said letter contained

certain statements not listed when her application for enrollment was heard which might lead to her identification.

She was therefore requested to again appear before the commission at Vinita, Indian Territory, between October 14, and 28, and bring with her one or two witnesses, if practicable.

On October 28, 1901, the applicant again appeared before the commission and was examined at some length relative to her right to be enrolled as a citizen of the Cherokee Nation.

From her testimony given at this examination it appears that the applicant is about 51 years old and that she came to the Cherokee Nation with the Shawnees from Kansas 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 on the 7th day of June, 1869, at Washington, and approved by the President on the 9th day of June, 1869, in accordance with the 14th article of the Cherokee treaty with the United States proclaimed August 11, 1866. It further appears that she removed from the limits of the Cherokee Nation some twenty years ago and has since that time made her home in the Peoria reservation and that she owns property therein and has also taken an allotment with the Eastern Shawnees in the Quapaw reservation.

After the second hearing of the application of said Julia McBee and on December 18, 1901, the commission notified the Department of the facts that had been developed by such examination, and asked that the case be remanded for further considera-

tion by it and on January 3, 1902, the office recommended that the request of the commission be complied with after which, on July 7, 1902, the Department returned the case for further consideration by the commission and on September 20, 1902, the commission rendered its final decision in the case holding that the application for enrollment of Julia McBee as a citizen of the Cherokee Nation, of Shawnee blood, should be denied and based said decision on the 8th paragraph of section 21 of the Act of Congress approved June 28, 1898, (30 Stats., 495), which provides as follows:

"The several tribes may by agreement determine the right of persons who for any reason claim citizenship in two or more tribes and to allotment of lands and distribution of moneys belonging to each tribe, but if no such agreement be made then such claimant shall be entitled to such rights in one tribe only and may elect in which tribe he will take such right, but if he fail or refuse to make such selection in due time he shall be enrolled in the tribe with whom he has resided and there be given such allotment and distribution, and not elsewhere."

The testimony of the applicant shows that she has already been allotted land in the Quapaw reservation, as aforesaid.

It is considered by the office that the law quoted above is applicable to this case and that the decision of the commission finding that her application for enrollment as a citizen

of the Cherokee Nation should be denied, is correct, and it is recommended that the same be approved by the Department.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

(W.C.B.)

P.

D. C. No. 19754-1902.

J. P.

L. R. S.

Department of the Interior,

Washington, October 22, 1902.

The Commission

to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Department has considered the case involving the application of Julia McBee for enrollment as a citizen of the Cherokee Nation by Shawnee blood.

It appears, as found in your decision of September 20, 1902, rejecting the application, that the applicant is a Shawnee by blood; that she is identified on the 1871 register of Shawnees who came to the Cherokee Nation under the provisions of an agreement between the Shawnee tribe and the Cherokee Nation of Indians on July 7, 1869; that she is not identified on any of the tribal rolls of the Cherokee Nation; that she located in said Nation in 1870 or 1871 and remained therein until she removed to the Peoria reservation: that she was a resident of said reservation at the time of the making of the present application and for about twenty years prior thereto; that she owns property there and has also taken an allotment with the Eastern Shawnees in the Quapaw reservation.

Referring to paragraph 8 of Section 21 of the Act of June 28, 1898 (30 Stats., 495), which provides that-

The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere,

you held that it was not intended under this provision of said Act that a member of any tribe of Indians should take two allotments.

Transmitting the case October 18, 1902, the Commissioner of Indian Affairs recommended that your decision be affirmed for the reasons therein stated.

The Commissioner doubtless overlooked the decision of the Department of September 17, 1902, in the case of Nancy Sky, et al., in which it was held that the section of the law to which you have referred is applicable only when the applicant claims citizenship in two nations of the five civilized tribes over which you have jurisdiction.

As, however, McBee has become an adopted citizen of the Eastern Shawnee tribe, and as she has received an allotment of land in that Nation, she has lost her citizenship in the Cherokee Nation. The application is accordingly rejected.

A copy of the Commissioner's letter is inclosed.

Respectfully,

E. A. Hitchcock.

Secretary,

RMD.

1 inclosure.

COPY

Cherokee B 1880.

Hastings, Indian Territory, November 11, 1902.

V. W. Hastings,

Attorney for the Cherokee Nation,

Hastings, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, of date September 20, 1902, rejecting the application of Julia McFee for the enrollment of herself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 22, 1902.

Respectfully,

Hoxby

Acting Chairman.

COPY

Cherokee D 1266.

Muskogee, Indian Territory, November 11, 1902.

Julia McDee,

Febria, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, of date September 20, 1902, rejecting your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 22, 1902.

Respectfully,

James F. Faby
Acting Chairman.

No warrant for
statement that her
name is not a restricted
name, so far as this
record is concerned.

Statement as to marriage
to Charles King, etc. etc.
not brought out in
testimony transmitted;
where did information
come from.

Why should not Dept
have advantage of all
information in possession
of Cons.

- Note certificate of
etc. etc.

S.

James D.

DEPT
COMMISSION

JUL 13 1901

 ACTING CHAIR

COMMISSIONERS
HENRY L. DAVIS,
TAMM BERRY,
THOMAS B. HENGLER,
C. R. GORHAM.

DEPARTMENT OF THE INTERIOR,

CONCESSIONS TO THE FIVE CIVILIZED TRIBES.

ALLISON L. AYLEDOORER
SECRET

Julia Mc Bee - age 17.

Provin Quebec Res.

J. J.

Her Libor -

Her father - Samil Libor.

80 no 94 no 96 no

" Mother - Hattah.

80 no 94 no 96 no

Julia, Marie - 1st Libor Bluejacket

80 no 94 - 96

== ——— Bliss.

80 no 94 no 96 no

32 Samil Mc Bee.

80 no 94 - 96 no

Instances of Julia

to Libor - Bluejacket 80 no 94 no 96 no

" Bluejacket - Bluejacket 80 no 94 no 96 no

" Mc Bee 80 no 94 no 96 no

no Mc Bee on 80 roll

no Bliss " " "

Chas. Blue jacket (dead)
on 96 roll and Cher-Shaw
Pay roll, same as on 80 Roll

Chas. D Blue jacket on 96 roll
and Cher-Shawnee Pay
Roll, 5 years old.

no Bliss on Cher-Saw Pay R.
" Mc Bee " " " " "

COMMISSIONERS
HENRY L. DAWES,
TAMM BIRBY,
THOMAS S. NEEDLES,
C. R. BRACKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

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

22 -
Her letter -

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Court of claims on Shawnees - who
bought a right -
Acquired by Supreme Court -
Sher-sha by blood -
Bought right by Treaty + act of Congress -
Acquired property with Peoria -
Inference of "holding" in Cherokee Nation -
Complaint with reference to both Cherokee & Shaw -
No allotment with any of 5 Tribes as
prohibited in Curtis Act -
Non residence doesn't apply to Shas, &
per Supreme Court - i.e. - Shas has right to go
where he pleases -
To take away his right in Cherokee - without
process of law - &c -
See Register roll - old Shas -

- Julia Mc Bee. 1850.
P.O. Peoria -

C -

(Def) nee Julia Ann Lilloe - from Kansas -
1890 - Quapaw Res. back of path.
✓ Allotment with Eastern Shawnees.

80

94

96

Maries - Vinita -

Los " 1 m after mege -

Husband - lives across the river - unknown
f. Sam'l Lilloe

M. Hattalee -

Claims to own 80 ac Bluejeant.

Jeopart - not on roll.

x Maries has Bluejeant -

x " Alice

x " Ann Mc Bee -

x Says she is a Shawnee

x Took res among Eastern Shawnees
Under act May 31 -

Lovey

COMMISSIONERS
HENRY L. DAWES,
TAMM BERRY,
THOMAS S. HERRICK,
C. R. BARNHARTT.

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

ALLISON L. AYLMERWORTH,
SECRETARY.

Replies to Questions

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

1. Maiden Name —

2. On Register Aka Roll as Julia

Ann Blunjerat.

3. 1st Her Chas B - ~~patet~~.

His bro^{2d} 1. died in Kansas. no name,
or age, or date -

2. "Gim" - young b - 1940 -
died on Miami Res³ - no
date,

no sister

nothing of f - died in Kansas -

4. Her f - died in Kuss '88 - 1/2 for 1/2
Aka -

5. Her m - full b. Aka. no name or date,

6. Marries 4 times -

1. Chas B - f - 1867 - + 1890 - 9 m - not over -

2. Post Boone. 1883 - + 1890 - Aka + 1890 ^{2d} Florida

3. Wiley, Plains Oct 14, 1888 + 2 yr. - I in 90.

4. Annie M. Paul Aug 19, 1893 - + 1890 - living - White
Loverly

(4)

- 7. Don't know f. of Chas B-f-
- 8. Mrs of do - Black Hoff - live in Johnson Co Kans.
- 9. Rep' has no bro. or sister.

Roll-

Chas Bluejacket	<u>180</u>	94	96
Julia " "	<u>180</u>	"	"
Julia Ann Tibble -	"	"	"

Comes in by Treaty of June 7, 1869 - aptly Pres June 9-69 - & as per XV art of Treaty of Aug 11, 66
 Chas Shawnee -

Chas B-f - No 51
 Louisa do " 52

Chas B-f - jr - No 116 -
 Julia do " 117 -

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

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

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Conclusions.

She has no witnesses to her statements
& not attested - & not complete.

She should appear in person.

See decisions of Supreme Court & of Claims.

See effect of taking Florida lands - copy if
she still has her land.

No. 88

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

MEMORANDUM.

In the Matter of the
Application for Enrollment of

Julia McBee

2 2220

As a citizen of the CHEROKEE Nation.

Refused *Sep 24 1901* under the Act of
Congress of May 31, 1900.

Muskogee, I. T., MAY 18 1901 190

Respectfully forwarded to the Secretary of
the Interior for review.



Acting Chairman.

Cher R 747

Cher R 747

Department of the Interior,
Commission to the Five Civilized Tribes,
Ballisaw, I. T., August 8th, 1900.

In the matter of the application of Joseph Perdue for the enrollment of himself, his wife, Martha, as Cherokee citizens; being sworn and examined by Commissioner Needles he testifies as follows:

- Q What is your name? A Joseph Perdue.
Q What is your age? A Sixty-three.
Q What is your post-office address? A Blackgum.
Q Are you recognized as a citizen of the Cherokee Nation by blood?
A Yes sir.
Q For whom do you apply here? A Just myself and wife.
Q What District do you live in? A Illinois at the present time.
Q How long have you lived there? A I moved up there last fall.
Q Where did you live before that? A Sequoyah.
Q How long did you live in Sequoyah? A I lived off and on ever since 1861, ever since the war.
Q Have you lived continuously in the Cherokee Nation? A Yes sir, more or less; I went out on a trip and back; my home was always in the Cherokee Nation.
Q You never established your residence outside the Cherokee Nation did you, anywhere? A No sir.
Q What proportion of Cherokee blood do you claim? A Quarter.
Q What is your wife's name? A Martha A.
Q How old is she? A Thirty-six.
Q Is she a citizen by blood? A No sir, white woman.
Q When did you marry her? A About twelve years ago.
Q What is your father's name? A Greenberry Perdue.
Q Is he living? A No sir, he has been dead a long time.
Q Was he a citizen by blood? A No sir.
Q What is your mother's name? A Rachel, she died in '61.
Q Was she a citizen by blood? A Yes sir.
Q Have you any evidence of marriage? A No sir, not with me; my wife has got it with her people; she has gone to Mexico with her people.
Q You and her living together? A Yes sir, we have been living together.
Q Where has she gone, on a visit? A No, she has gone with her people. Her mother, her mother lives in Mexico.
Q When did she go? A She has been gone two years.
Q Was she living here in 1898? A Yes sir.
Q Was she here on the 28th day of June 1898? A Yes sir.
Q Has she gone to live permanently in Mexico? A No, she couldn't leave her mammy; her mammy is sick and blind. I went out there and staid awhile with her, and come back.
Q Was she a Mexican? A No sir, she is a white woman.
Q Have you any children under twenty-one years of age? A No sir.
Examined by Cherokee Representative Hastings:
Q Is this the first time she has ever been in Mexico? A Yes sir.
Q She left about two years ago? A Yes sir. Last June was two years ago, the first day of last June two years ago.
Q On the first day of June, 1898, she left for Mexico? A Yes sir.
Q You have just swore she was here on June 28th 1898?
A I didn't understand you.
Q There was no difficulty between you and your wife? A No sir.
Q She has joined the Mormans hasn't she? No, she went with her people, they are Mormans; they joined the Mormans here and she went there.
Q And she joined them too? A I guess after she got there she did.
Q Is she coming back? A She said she was.

Q When do you expect her back? A I couldn't tell you anything about it.

Examined by Commissioner Needles:

Q She has never been here since she went away? A No sir. Her mother is blind and she wouldn't come back and leave her mother.

Q Her mother was blind when she left here? A Yes sir, couldn't see her way.

Q Her mother has got other people out there hasn't she? A Her father is out there, and brothers.

Q Have you ever moved out there? A No sir.

Examined by Cherokee Rep'v'e Hastings:

Q How long did you stay out there? A I staid out there from October to February.

Q In what year? A I went with them there and come back in February.

Q If you went with her and she went the first day of June, and you said you went there in October - A We left here the first day of June and it took us until October to get there, and I staid there until the 14th of February and I come back here on the train, and I have been back here ever since.

Q Have you got any property here? A I have got a farm, a claim

Q Do you live on it? A Yes sir.

Q And cultivate it? A Yes sir.

Q How much farm? A About twenty or twenty-five acres in cultivation.

Q When did you acquire it? A Last fall; I did own some, I sold out

Q When you went to Mexice you sold out? A Yes sir, sold out.

Q And when you came back you bought again? A Yes sir.

Examined by Commissioner Needles:

Q Were you here as a permanent resident on the 28th day of June 1898 or was you in Mexice? A No, I was here I reckon in 1898. I couldn't tell you what time.

Further Examined by Cherokee Rep'v'e Hastings:

Q You said you left here on the 1st day of June 1898 didn't you? A I don't know as I did.

Q You said you left with your wife? A Two years ago.

Q On the first day of June? A Yes sir.

Q You said you left with your wife? A Yes sir.

Q You said she left here on the 1st day of June 1898? A I don't know what year it was, it was two years last June. I left here then, and come back in February afterwards.

Q You say you sold your place, property etc- when you started out there with your wife? A Yes sir.

Q You didn't like it out there, and you came back? A I liked it well enough, but I came back.

Examined by Commissioner Needles:

Q You didn't intend to come back when you left? A I don't know whether I did or not.

Q When are you going back to Mexice? A I don't know that I will ever go back.

Q And you don't know that you went? A No.

1898 roll, page 714 #1010 Joseph Perdue, Sequoyah District.

1898 roll, page 890 #1462 Joseph Perdue, Illinois District.

1894 roll, page 984 #1022 Joe Perdue, Sequoyah District.

1898 roll, for wife, page 934 #157 Martha Perdue, Illinois Dist.

Gen'r Needles: The name of Joseph Perdue appearing upon the authenticated roll of 1898 as well as the census roll of 1898 and the pay roll of 1894, from his testimony it appears that he removed from the Cherokee nation on or about the first day of June 1898, selling his effects, and moving with his wife to all Mexice, but that he returned in February 1899; doubts being in the mind of the Commission as to his residence, final judgment as to his application will be suspended, and his name will be placed upon a doubtful card. The name of his wife appears upon the census roll of 1898, he presents no marriage certificate or proof of marriage as to his having been married to Martha, his wife, but swears that same is in the possession of his wife.

Martha, has removed from the Cherokee Nation about the first day of June 1898, and that she wasn't an actual resident on the 28th day of June 1898, the date of the passage of the Act known as The Curtis Bill, and has not been a resident since, his application for her enrollment is rejected.

To applicant: The Commission will decide as to your case, and you will be notified of its decision; if the decision is against you, the testimony taken will be sent to the Secretary of the Interior when the rolls of the Cherokee Nation are forwarded for his consideration.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case, and that the above and foregoing is a full true and complete transcript of his stenographic notes in said case.

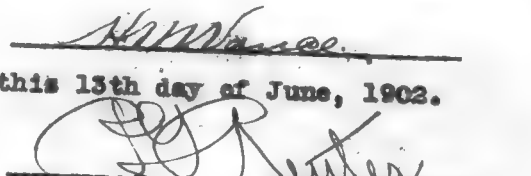
(Signed) M. D. Green

Subscribed and sworn to before me this 13th day of August 1900.

(Signed) T. B. Needles,
Commissioner.

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the foregoing copy, and that the same is a true and correct copy of the original testimony.

Subscribed and sworn to before me this 13th day of June, 1902.


Notary Public

899

B-

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 8 1899



ACTING CHAIRMAN.

CHEROKEES BY BLOOD AND ADOPTION.

(65)

Name Joseph Perdue Date AUG - 8 - 1900 1900.

District Sevier Year 1880 Page 714 No. 1010

Citizen by blood yes Mother's citizenship Mute { Ben B. Perdue

Intermarried citizen Radell

Married under what law _____ Date of marriage _____

License _____ Certificate _____

(66) Wife's name

Martha A. Perdue

District Illinois Year 1880 Page 924 No. 157

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen yes

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children:

Dist.	Year	Page	No.	Age
<u>Perdue</u>				
<u>Perdue</u>				
<u>Perdue</u>				
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<u>Perdue</u>				
<u>Perdue</u>				

2 on 1896 roll as Martha Perdue

Supl. - C.D. #99.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 17, 1902.

SUPPLEMENTAL in the matter of the enrollment of JOSEPH PERDUE
as a citizen of the Cherokee Nation.

Applicant was notified by registered letter January 31,
1902, that his case would be taken up by the Commission on the
17th inst., for final consideration and that he would on said
date be given an opportunity to introduce any additional testi-
mony affecting his application. Receipt is acknowledged of reg-
istered letter. He has been called three times and fails to
respond, either in person or by attorney and the case is closed.

C. R. Beckwith

Commissioner.

J.O.R.

299

IN RE
THE DEATH OF

Joseph Purdue
a citizen of the
State of Ohio

Approved _____ I

Commissioner.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Joseph Perdue
(Here insert name of deceased.)
 a citizen of the Cherokee Nation, who formerly resided at or near
Black Gum, Ind. Ter., and died on the 20 day of March,
(Here insert name of post office.)
 1901.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY.
Northern District. }

I, William Thompson, on oath state that I am
 years of age and a citizen, by blood, of the Cherokee Nation;
 that my post office address is Vian, Ind. Ter.; that I am
(Here insert name of post office.)
no relation of Joseph Perdue
(State relationship, as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
 who was a citizen, by blood, of the Cherokee Nation;
 and that said Joseph Perdue died on the 20 day of
(Here insert name of deceased.) March, 1901.

WITNESSES TO MARK:

W. Thompson

(Must be Two Witnesses.)

Subscribed and sworn to before me this 27 day of Feb, 1902
J. Keener P.M.
Vian

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY.
Northern District. }

I, J. E. Bonham, on oath state that I am
 years of age, and a citizen, by adoption, of the Cherokee Nation;
 that my post office address is Vian, Ind. Ter.;
(Here insert name of post office.)
 that I was personally acquainted with Joseph Perdue
(Here insert name of deceased.)
 who was a citizen, by adoption, of the Cherokee Nation;
 and that said Joseph Perdue died on the 20 day of
(Here insert name of deceased.) March, 1901.

WITNESSES TO MARK:

J. E. Bonham

(Must be Two Witnesses.)

Subscribed and sworn to before me this 27 day of Feb, 1902
J. Keener P.M.
Vian

Mail addressed to Paris at Spargen
is stopped at this office as the office at Spargen
has been discontinued.

I take this statement from W. H. H. H.
and J. E. Bonham because they assisted
in giving Joseph P. P. an odd fellows
burial

J. H. H. H.
Care of

Cherokee D-99.

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

---o---

In the matter of the application of Joseph Perdue
for enrollment as a citizen by blood of the Cherokee Nation.

-- o o o --

O R D E R.

The record in this case shows that on August 8, 1900, Joseph Perdue appeared before the Commission at Sallisaw, Indian Territory, and made personal application for enrollment as a citizen by blood of the Cherokee Nation. The application also included his wife, but she is differently classified and is not embraced in this order.

The evidence shows that the applicant, Joseph Perdue, has died since the date of the application herein, and prior to September 1, 1902.

It is, therefore, ordered by this Commission that the application for the enrollment of Joseph Perdue be, and the same is hereby, dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,

this NOV 12 1902

Cherokee D-99

Waukegee, Indian Territory, February 25, 1902.

Mr. T. J. Keener,

Blackgun, Indian Territory.

Dear Sir:-

There has been returned to the Commission unclaimed, a letter sent to your office addressed to Mr. Joseph Perdue. There is a note on the envelope stating that Joseph Perdue died some time about November 1901.

There is enclosed herewith blank affidavit as to the death of this party. Will you kindly have same filled out and return to the Commission in order that the record in the matter of the application of Joseph Perdue for enrollment as a citizen of the Cherokee Nation may be corrected.

Yours truly,

Commissioner in Charge.

Enc. 1 death affidavit.

999

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
FEB 20 1902

~~ACTING CHIEF~~

2

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

ALLISON L. AYLESWORTH,
SECRETARY

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

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 31,

1902

Mr. Joseph Perdue,

Blackgan, Indian Territory.

Sir:

You are hereby notified that the application of yourself

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

10th day of February, 1902.

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

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

Cherokee D-99
Register.

Yours truly,



Acting Chairman.

INDEXED.

3569

MAR 10 1902

Keener, T. J.,
Vian, I. T.,
(No date.)

CHEROKEE.

Certificate of death of
Joseph Perdue cannot be
made out before a Notary
because parties refuse to
pay the fees.

File with 1099

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 12 1902

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 12 1902

ACTING BRANMAN

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

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING
Cherokee D-99

Muskogee, Indian Territory, March 5, 1902.

Mr. T. J. Keener, Postmaster,
Vian, Indian Territory,

Dear Sir:-

The Commission is in receipt of certificate signed by William Thompson and T. E. Bonham and attested by yourself as postmaster, relative to the death of Joseph Perdue.

The Commission requires that all affidavits shall be executed before a notary public and there is enclosed you herewith a new blank which you are requested to have executed by the parties above named before some notary, and return to the Commission.

Yours truly,

Commissioner in Charge.

*Parties refuse to pay Notary
fee*

T. Keener

COPY.

Cherokee D 99.

Muskogee, Indian Territory, November 17, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of an order of the Commission to the Five Civilized Tribes, dated November 12, 1902, dismissing the application of Joseph Fardue for the enrollment of himself as a citizen by blood of the Cherokee Nation, who died on or about the 20th day of March, 1901.

Respectfully,

Tamc Dixby.

Acting Chairman.

Enclosure H. No. 22.

COPY

Cherokee D 99.

Muskogee, Indian Territory, November 17, 1902.

Martha A. Perdue,
Black Gum, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of an order of the Commission to the Five Civilized Tribes, dated November 12, 1902, dismissing the application of Joseph Perdue for the enrollment of himself as a citizen by blood of the Cherokee Nation, who died on or about the 20th day of March, 1901.

Respectfully,

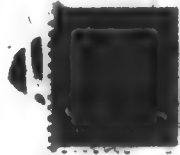
Tame Dixby
Acting Chairman.

Register.

Enclosure H. No. 21.



3960



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Commission Martha A. Perdue

Black Gum

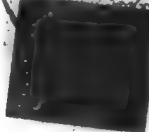
Muskogee *J.F.*

*John Perdue died
some time about November
1877. and I know of no
legal representation
J.H. Cannon PM*

*Reg 43
45*

Mr. Joseph Perdue,

Baldkum, Ind. Ter.



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

*Returned
to
writer*

Cher R 748

Cher R 748

1987

Q How long after the death of her husband in the fall
 of 1964 did she learn that she was pregnant? A I learned
 that she was pregnant in the spring of 1965. She did not
 know that she was pregnant until she was told by the
 doctor. A How long after the death of her husband in
 the fall of 1964 did she learn that she was pregnant?
 A I learned that she was pregnant in the spring of
 1965. I did not know that she was pregnant until
 she was told by the doctor. A How long after the
 death of her husband in the fall of 1964 did she
 learn that she was pregnant? A I learned that she
 was pregnant in the spring of 1965. I did not know
 that she was pregnant until she was told by the
 doctor. A How long after the death of her husband
 in the fall of 1964 did she learn that she was
 pregnant? A I learned that she was pregnant in
 the spring of 1965. I did not know that she was
 pregnant until she was told by the doctor. A How
 long after the death of her husband in the fall of
 1964 did she learn that she was pregnant? A I
 learned that she was pregnant in the spring of 1965.
 I did not know that she was pregnant until she
 was told by the doctor.

COMMUNICATION

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 on 11 1969
 the Phoenix Nation after

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Chelsea, I.T. November 20th, 1890.

IN THE MATTER OF THE APPLICATION FOR THE ENROLLMENT OF JENNIE
HENRY AND HER CHILD AS CHEROKEE CITIZENS.

The said Jennie Henry, being sworn and examined by Commissioner
C. R. Brock in 1887, test filed as follows:

Q Give me your full name, please. A Jennie Henry.

Q How old are you? A I am thirty-five.

Q What is your post office? A My post office.--I am living
here now. Chelsea.

Q You live in Coweeseowee District, do you? A Yes,
sir.

Q Who is it you want to enroll? A I want to enroll
myself and my boy.

Q Yourself and one child? A Yes, sir.

Q Are you a Cherokee by blood? A No, sir.

Q When were you married? A I was married in 1867.

Q To whom were you married? A I was married to Thomas Benton
Henry.

Q Have you a certificate of your marriage? A Yes, sir.

THE COMMISSIONER: The applicant presents a license authorizing
marriage between Jennie H. Sprague and Thomas Benton Henry issued
by the Judge of the Probate Court of Madison County, Alabama, on
the 30th of June, 1867, and the certificate shows that the ceremony
was performed on the same date by the Rev. J. W. Neuman. This is
filed herewith.

Q Your husband, Thomas H. Henry, is he living? A No, sir; he
is dead.

Q Was he a Cherokee by blood? A Yes, sir.

Q How long has he been dead? A He has been dead nine years.

Q Was he ever married except to you? A No, sir.

Q Were you ever married except to him? A No, sir.

Q You have not married since his death? A No, sir.

Q Where have you and he lived since you were married? A
We lived in Tahlequah, and we lived in Alabama after his health failed.
The doctor sent him back to Alabama.

Q You were married in Alabama in 1867? A Yes, sir.

Q Where did you live at that time? A In Alabama at that time.

Q You continued to live in Alabama? A No, sir; we came
to the Cherokee Nation September 30th 1867.

THE COMMISSIONER: The applicant presents an official copy of the
records of the Cherokee Commission on Citizenship, showing that on
September 30th 1867 Thomas Benton Henry was admitted to citizenship
by the Commission as a Cherokee by blood. This is filed herewith.

Q He was admitted the same day he got married? A Yes, sir.

Q How long did he continued to live in the Cherokee Nation? A
Why he lived here until just about nine months before he died. He
was in business in Tahlequah. We never lived any place but Tahlequah.

Q Why did he go, then, to Alabama? A On account of
his health failing him.

Q And he died there? A Yes, sir.

Q Did he move there to make his home? A No, sir; he never
moved at all.

Q He just went there to make a trip did he? A Yes, sir.

Q Have you lived in Alabama ever since your husband died? A
No, sir; I have not lived there at all since he died.

Q Where have you lived? A I have been teaching in Tennessee.

Q Have you lived in the Cherokee Nation since your husband died?

A Yes, sir; I lived here until last year, about eighteen

Jennie Henry et al--2.

months ago, then I accepted a position as nurse in the hospital at Jackson, Tennessee.

Q You lived here from the time of your husband's death until eighteen months ago, did you? A Yes, sir.

Q And for the last year and a half you have been living in Tennessee? A Yes, sir.

Q Do you consider that you are making your home there? Have you got your home here? A No, sir; my things are all here, what was left after the fire. I was burned out twice in Tahlequah. What is left I left there, but my father-in-law is living here and I am with him.

Q You consider yourself just temporarily employed in Tennessee? A Oh, yes. I may have to go somewhere else.

Q Give me the name of your child. A Joseph James Henry.

Q How old is he? A He is eleven years old.

Q He is alive now is he? A Yes, sir.

Q Where is he now? A He is over there (indicating)

Q He is alive, is he? A Yes, sir.

Q He was born here, was he? A No, sir; he was born in St. Louis.

Q Did he live here up to the time that his father went back on a visit to Alabama? A Yes, sir. You know he was a year old when he was admitted.

Q He wasn't a year old when your husband was admitted.

A I say he was a year old when he was admitted.

Q You mean when he was enrolled. A Yes, sir; I mean when he was enrolled.

Q I was just asking you about where he lived.

A He has lived with me all the time.

Q He is here when you are? A Yes, sir. He has been going to school here at the Presbyterian Mission.

1896 Roll, page 160, No. 2544, Joseph J. Henry, Cooweescoowee District.

Q Weren't you put on the census roll of 1896? A I don't know.

Q Where were you four years ago when the census roll was made? A I was in Tahlequah, and I came up to Claremore.

Q Have you staid continuously in the Cherokee Nation from the time your husband died until a year and a half ago? A No, sir; I couldn't stay here continuously, not the year around.

Q Were you a part of every year here? A Yes, sir; but I had to make a living for myself and the boy.

Q Your work was in Alabama, was it? A No, sir.

Q After your husband died--I am not talking about the time your husband was alive. I am talking about after the death of your husband. A Yes, sir.

Q Where have you lived after the death of your husband? A I have considered Tahlequah my home and elsewhere.

Q Where have you spent your time? A Part of the time here and part of the time in Tennessee.

Q Where have you been spending your time mostly? A Well, I can't say, because I have been here and there. I think, though, it is about equal.

Q You stated that you had been living here after the death of your husband until a year and a half ago? A Yes, sir. I didn't live here continuously.

Q Where were you working? A I worked in Tennessee. I first taught school there and then I took a position as a nurse in the hospital. Whenever my time is mine I come to the Cherokee Nation.

Q Now, you didn't begin your work in Tennessee just a year and a half ago? A No, sir.

Q Have you done any work in the Cherokee Nation since your

husband died? A Yes, sir. I dreamaked in Tahlequah for over a year and a half, and I got burned out.

Q Then what did you do? A Then I went back to the hospital at Tennessee.

Q To nurse? A Yes, sir; and then I came back here last January to my father-in-law's, and I staid here until in the spring, when my health gage out and I had to go back.

Q Haven't your work all been outside of the Cherokee Nation since you were burned out at Tahlequah? A No, sir; I have not worked at all. I have since I was burned out.

Q Haven't worked where? A Nowheres in the States or in the Nation.

Q You just told me you had been in Tennessee in the hospital A No, sir. I was studying for a certificate. I was there past time-----

Q (interrupting) Your husband died nine years ago. Now have you lived and where have you lived from that time? A I have lived on my own means until the past two years.

Q Where have you lived? A In Tahlequah and in Chelsea and Tennessee. A I say it is not continuously here. I can't stay here continuously; my health wont permit it. I have to follow the doctors recommendation.

Q Why are you not on the roll of 1896? A Why, I don't know. Mr. Lacey said we were there. We went on the 1900 roll and on the 1896 Roll.

Q You give me conflicting testimony in regard to your actual residence. A Yes, I didn't live continuously anywheres. I can't do it; my health is not such that it will permit it.

Q You told me a while ago that you left here a year and a half ago to take hospital work in Tennessee? A Yes, sir.

Q And then you afterwards told me that previously you had done hospital work in Tennessee? A Yes, sir; I have done hospital work in the last year and a half. I have been studying to get my certificate as a trained nurse for the past year and a half, but I wasn't there all the time. I was there from the last of January up to this time I was here in Chelsea.

Q I wish you would tell me in a plain simple way just what you have done since your husband died. Possibly you don't hear very well. A I don't hear very well. I am very deaf. That is a great drawback.

Q I want to know what you have done, and where you have lived since your husband died. A Well, my husband lived here.

Q Now, tell me where you lived. You tell me everything except what I ask you. Tell me now what I ask you to tell me. You have told me everything else. A Well, I told you I have lived part of the time in Tahlequah.

Q What part of the time? You are indefinite. A I lived in Tahlequah in 1887, 1888 and part of 1900, and Mr. Henry died.

Q In 1887, 1888 and part of 1900? A Yes, sir.

Q Your husband died nine years ago? A Yes, sir; I know. I have been in the Territory since he died.

Q You don't pay my attention to what I ask you. I ask you to begin nine years ago, and you begin fourteen years ago. Now, what is the use of my asking you any more questions. A I didn't live here after my husband died---the first year after my husband died I lived in Tahlequah, but I didn't do any work-----

Q (interrupting) I didn't ask you that.

A Didn't you ask me where I lived?

Q Yes, ma'am. You are not telling me. A I told you I lived in Tahlequah part of the time, but I lived nowheres continuously.

Q Your husband died nine years ago? A Yes, sir.

Q He died in Alabama? A Yes, sir.

Jermie Henry et al-----4.

Q When did you first come back to the Cherokee Nation after he died? A I came back to the Cherokee Nation in 1890.

Q How long did you continue to live on the Cherokee Nation? A A year and a half in Tahlequah.

Q Did you stay steadily in Tahlequah a year and a half? A Yes, sir.

Q Then, where did you go? A Then I went back to the States, to Tennessee.

Q And how long did you stay there. A I staid there until I staid in the states until 1896.

Q Then, you staid in the states from 1890 to 1896? A Yes, sir.

Q And then where did you go? A Came back to Tahlequah.

Q And how long did you stay there? A I staid there until 1897.

Q And then where did you go? A Then I went to the states to the hospital.

Q To do work? A To be treated there first.

Q You went there in 1897? A Yes, sir.

Q And how long did you stay there? A I staid there until last January.

Q Until January of the present year? A Yes, sir.

Q What hospital? A At the sanitarium.

Q Where is that? A Jackson, Tennessee.

Q You were there from 1897 until last January of the present year? A Yes, sir.

Q And that embraced the better part of the period of work that you speak of? A Yes, sir.

THE COMMISSIONER: The applicant applies for the enrollment of herself and child. She is shown to have been married to her deceased husband in 1867. She states that she lived with him until the time of his death, and that he lived in the Cherokee Nation from the time of his admission as set forth in the testimony 23 in 1867, until within a few months of his death. He died some nine years ago. She states that she has not remarried since his death. She is not identified on the roll of 1896. She states that she returned to the Cherokee Nation after the death of her husband in the year 1890, and that after living here a year and a half she then, say in the year 1892, went to the states, and there lived until 1896, when she returned to the Cherokee Nation and staid until 1897, when she again returned to the states and staid until January of this year. It seems that she has, in no practical sense, maintained a home in the Cherokee Nation, as required by the law, but her application will be placed upon a doubtful case for further consideration. Her child is identified upon the roll of 1896. He is still a minor; he is living at this time, and will be listed for enrollment as a Cherokee by blood.

-----e-----
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 20th day of November 1900.

[Signature]
Commissioner

[Signature]
Guy L. Emerson
Notary Public

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

FILED
NOV 20 1900



ACTING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION.

NOV 20 1900

Date 1900.

Name *Chelusa 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 *Jennie Henry Mc Sprague*

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen *Yes*

Married under what law Date of marriage *1887*

License *Filed* NOV 20 1900 Certificate *Filed* NOV 20 1900

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

Husband was admitted 1887

Spencer R. 1841

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JUL 11 1901

[Handwritten signature]
SPECIAL AGENT IN CHARGE

COMMISSIONERS:
HENRY L. DAWES,
TAMM BRISTY,
THOMAS S. NEEDLES,
C. R. BRIDENRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, July 2nd, 1901.

Received of the Commission to the Five Civilized Tribes
one copy of the original testimony in the matter of the applica-
tion of Jennie Henry et al for enrollment as citizens of the
Cherokee Nation.

Mrs Jennie Henry
APPLICANT.

Cherokee #1841.

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

fine and complete transcript of his stenographic notes thereof. testimony and proceedings in this case and that the foregoing are correct and true. Witness my hand and the seal of the Notary Public for the State of Louisiana at New Orleans this 18th day of November, 1901.

I know that was a young man and he stated went to the Seminary here about 1880. I know of it and used to go to the Male Seminary over there. I know that ever since that time he has been in the country. I know that ever since that time he has been in the country. I know that ever since that time he has been in the country.

Q Do you know where he is now? A No, the first time I saw him he was in the country. I know that ever since that time he has been in the country. I know that ever since that time he has been in the country. I know that ever since that time he has been in the country.

Q How long has he been in the country? A Not over a year. I know that ever since that time he has been in the country. I know that ever since that time he has been in the country. I know that ever since that time he has been in the country.

Q How long has he been in the country? A Not over a year. I know that ever since that time he has been in the country. I know that ever since that time he has been in the country. I know that ever since that time he has been in the country.

SUPPLEMENTAL: CHEROKEE D-841, Jennie Henry.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., November 16, 1901.

In the matter of the application of Jennie Henry for enrollment as a Cherokee citizen.

TESTIMONY TAKEN ON BEHALF OF THE APPLICANT.

Appearances:

J.L. Baugh, as Representative of the Cherokee Nation.

W. P. McCLELLAN, being sworn and examined testified as follows:

BY THE COMMISSION:

- Q What is your name? A W. P. McClellan.
- Q How old are you? A 46 years old next month.
- Q What is your post-office address? A Claremore.
- Q Are you acquainted with Jennie Henry? A Yes sir.
- Q She is an applicant for enrollment before the Commission as a Cherokee citizen is she? A Yes sir.
- Q Do you know anything as to her whereabouts after the death of her husband in 1890, just state briefly what you know about her? A I couldn't say as to where she was all the time in that time.
- Q Do you know where she was living at the time of the death of her husband? A No sir.
- Q Do you know when she came to the Cherokee Nation? A No sir, I couldn't state that either.
- Q Do you know whether or not she has maintained a residence in the Cherokee Nation for the past 6 or 7 years? A Why a part of the time; now I moved to Tahlequah here in '89 and awhile after that, I can't state just exactly what time, she came here though, she was here, then she was here along, - I moved away in '98, 3 years ago last May.
- Q You moved away from Tahlequah at that time? A Yes, and she was working with my wife's brother's wife, a sister-in-law of mine, and had been for several years, right here in Tahlequah, Mrs. John L. Adair; now that woman could tell you more about her staying here I expect than anyone else, because she worked for her in the millinery store, and they kept their store in Mr. Stapler's building, and Mr. Wilson here is their head salesman.
- Q Is Mrs. Henry afflicted in a physical manner at all? A Yes sir, very much; she is very deaf and she is a very delicate weakly woman.
- Q You think it is possible that she could not have understood the questions put to her at the time she made her original application? A I hardly think she is responsible for what statement she made; I am satisfied the must have been very much ~~un~~frustrated.
- Q She states in her testimony that she returned to the Cherokee Nation after the death of her husband in 1890 and after living here a year and a half, or until 1892, she went to the States, and lived there until ~~late~~ about 1896; did they go back to the states after the death of her husband? A Yes sir.
- Q Did they remain there as much as 2 or 3 years? A I expect she did.
- Q Then she came back to the Cherokee Nation? A Yes.
- Q And was here until about 1897? A I expect so; she was here 2 or 3 years.
- Q And then went to Tennessee? A Yes sir.
- Q And stayed there until January, 1900? A Yes Let's see, that was January a year ago last January a year ago; I moved from here to Cooweescoowee District 3 years ago last May, that would have been in 1898, and 1899, in December 1899 or December 1900 she came out there.
- Q To Cooweescoowee District? A Yes sir, she came to Claremore, and she wanted to buy a place there; she has one child, a son, and

she had, - first her cousin came out and looked around for her; she sent him out; she came out I know ~~and~~ on the morning of the excursion rate, and she was there a while then.

Q Now when you moved to Cooweescoowee in 1896 where was Mrs. Henry then? A She was out here in Tahlequah, working with Mrs. John L. Adair.

Q When did you move to Cooweescoowee? A In May.

Q You know how long she remained in Tahlequah after you left here? A Not personally, but I think until sometime that fall.

Q When did you next see her? A I guess it was December of '99.

Q And that is the first time you saw her after you left here in 1898? A Yes sir, I have never been back to Tahlequah until last fall and then again ~~at~~ here the other day since I moved away.

Q Mrs. Henry own any property in the Cherokee Nation? A She had her household effects all stored here all the time she was gone; she was burned out here.

Q For what reason did she leave the Cherokee Nation? A Her people all lived back in Tennessee.

Q She is claiming by intermarriage? A Yes sir.

Q Was she working there? A I couldn't tell you that.

Q You know whether she took her son with her? A Yes sir, she took him with her; he was a small boy just a little fellow, she had him with her all the time.

DEWITT WILSON, being sworn and examined, testified as follows:

BY COMMISSION:

Q What is your name? A DeWitt Wilson.

Q What is your age and post-office address? A 41.

Q Your post-office address? A Tahlequah, I. T.

Q Are you acquainted with Jennie Henry? A Yes sir.

Q Is she an applicant before the Commission for enrollment as a citizen of the Cherokee Nation? A Yes sir.

Q She claim by blood or by adoption? A By adoption.

Q When did you first learn to know Mrs. Henry? A Well I guess it must have been about '87. I knew her when she married and come back to this country; I knew her husband before they married.

Q What was her husband's name? A Bent Henry.

Q He was admitted to citizenship in the Cherokee Nation? A Yes sir.

Q When was that? A That must have been along about '86, I expect, no wait, well way back in there somewhere, because he went to school at the Male Seminary when I was a young man.

Q How long after his admission was it before he married the applicant? A It could not have been very long, probably a year or so.

Q They lived together then continuously up to the time of his death? A Yes sir, they lived here until something happened, and then they went back to Alabama; I think they got burned out here.

Q Where did Mr. Henry die? A He died in Alabama, either Alabama or Saint Louis, I don't know which, but he died away from here.

Q How long after he left the Territory did his death occur? A Well now let me see; he must have died, it must have been 2 or 3 years, I don't know exactly when he left here.

Q Why did he leave? A Well he didn't seem to be doing so well here; I think he burned out here, he was in the grocery business here and had a big fire here and burned out and he went back to Alabama where he came from, to my understanding he died back there.

Q He never returned to the Cherokee Nation after his departure?

A No sir, she did.

Q When did Mrs. Henry come back to the Cherokee Nation? A She came back after he died, she was a widow then; I suppose it must have been '90 or '91.

Q Did she come to Tahlequah? A Yes sir, I saw her; I don't remember how long she stayed here at that time.

Q When did you next see her? A Next time I saw her she come back to Tahlequah, it must have been '96 or '97.

Q Do you know where she was between the time you saw her first

and the next time? A The time that she left after her husband died, no, she went back and come back here then after her husband died, probably in '91 or '2, and I don't know how long she stayed; then she left this country and went back to her old home; I think it was in Alabama or Saint Louis; I think her people lived in Saint Louis and her husband's people lived in Alabama, anyway she went away from here and stayed until 1896 or '7, and came back to this country and stayed here until 1898, and then she went back to her home again in Alabama.

Q And stayed there until? A She stayed there until she came back again. I have not seen her since the fall of 1898 when she left here.

Q Are you positive that she was actually living in the Cherokee Nation in the summer of 1898? A Yes sir, I am positive of that, Kwasirir '97 I think it was, here and Mrs. Adair run a dress making establishment over our store and we burned down I think in the fall of 1897 and they didn't have any place of business, but she stayed here until the summer of 1898, I think she left here in September 1898; and I have not seen her since. I have heard from her, she would like very much for me to testify for her.

Q Have her rights ever been disputed? That you know of? A Not that I know of.

BY MR. BAUGH:

Q Was Henry married before he was admitted or afterwards? A I think it was after he was admitted, of course I don't know, but just what I have always been informed.

Q They were married June 30, 1887, and he was admitted September 30, 1887, that is what the record states? A Well I don't know about that

Q Do you know where they were married at? A No, the first time I ever saw her he brought her to this country with him after he came back.

Q They must have been married in Alabama? A Yes sir.

Q Were they ever remarried after their return to this country? A Not that I know of; he used to go to the Male Seminary over here when he was a young man and his sister went to the Female, - I know that.

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

M.D. Green

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

[Signature]

Notary Public.

284

STATE OF ALABAMA,

Madison County.

To Any of the Judges of said State, any Justice of the Peace of said County, or other Person Legally Authorized

These are to authorize you, or either of you, to Celebrate the Rites of Matrimony between Thomas Benton Henry and Miss Jennie H Sprague of said County, agreeable to the Statute in such case made and provided.

Given at the office of the Judge of Probate of said County, this 30 day of June 1887

Thomas J Baylor
Judge of Probate Court.

Solemnized on the 30 day of June 1887

J. W. Newman Pastor
M. E. Church South Hr

Code;- All persons solemnizing marriage must within one month thereafter certify the fact in writing to the Judge of Probate.

STATE OF ALABAMA--MADISON COUNTY
---o---

I, S. M. Stewart, Judge of the Court of Probate, in and for said County and State, do hereby certify that the above and foregoing 1 pages, containing a full, true and perfect transcript of Marriage License of T. B. Henry & Miss Jennie H Sprague as shown by and correctly copied from the Book 15 Page 246 of this office

Given under my hand at office, this 29 day of July 1897

Seal

S. M. Stewart
Judge of Probate Court.

Muskogee, I. T., June 26, 1902.

I, H. M. Vance, as stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above is a true and correct copy of a certified copy of a Marriage License and Certificate, which is now on file in the office of the Commission.

H. M. Vance

Thomas Benton Henry.

Office Commission on Citizenship.
Tahlequah C.N. Sep. 30th 1887.

Docket No.	Names	Age	Sex	Post Office	Attorney
613	1 Thomas Benton Henry	21	Male	Guntersville Ala.	Applicant for Cherokee Citizenship. Rolls 1835 to 1852 Ancestor Annie Henry.

Vs.
Cherokee Nation.

Now on this the 30 day of Sept. 1887 comes the above case for a final hearing and the parties having made application pursuant to the provisions of an act of the National Council approved Dec. 8 1886 and all the evidence being duly examined and found to be sufficient & satisfactory to the Commission and the name of Annie Henry appearing on the Rolls of 1835 to 1852 it is adjudged and determined by the Commission that Thomas Benton Henry is a Cherokee by blood and are readmitted to all the rights, privileges and immunities of Cherokees by blood and a certificate of said decision of the Commission and readmission was made and furnished to said parties accordingly.

J. T. Adair Chairman Com.
John E. Gunter, Commissioner.
C. C. Lipe Clerk Commission.

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 record of the citizenship Commission of the Cherokee Nation filed in this Office and in my Custody.

Given under my hand and the seal of the Cherokee nation this the 23rd day of October 1900.

Seal

B. W. Alberty
Assistant Executive Secretary
Cherokee Nation.

Muskogee, I. T., June 26, 1902.

I, H. M. Vance, as stenographer to the Commission to the Five Civilized tribes, do hereby certify that the above is a true and correct copy of a certified copy of a Certificate of Readmission to Cherokee Citizenship, which is now on file in the office of the Commission.

H. M. Vance

18

1111

IN RE
THE DEATH OF

Jinnie Henry
a citizen of the
Cherokee Nation.

Approved MAR 6 1902
C. B. Macindri
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 6 1902

[Handwritten signature]

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Jermie Henry (Here insert name of deceased.)
 a citizen of the Chelusa (Here insert name of post office.) Nation, who formerly resided at or near
Chelusa, Ind. Ter., and died on the 8 day of December,
1901.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,)
 INDIAN TERRITORY,)
Northern District.)

I, Patrick Henry on oath state that I am 67
 years of age and a citizen, by blood, of the Cherokee Nation;
 that my post office address is Chelusa, Ind. Ter.; that I am
her father-in-law (State relationship, as: the father; an uncle; a cousin, etc.) of Jermie Henry (Here insert name of deceased.)
 who was a citizen, by application, of the Cherokee Nation;
 and that said Jermie Henry died on the 8 day of
December, 1901.
 WITNESSES TO MARK: Patrick Henry

(Must be Two Witnesses.)

Subscribed and sworn to before me this 3 day of March 1902
Archibald Bonds
 Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,)
 INDIAN TERRITORY,)
Northern District.)

I, C. A. Davis, on oath state that I am 50
 years of age, and a citizen, by birth, of the Cherokee Nation;
 that my post office address is Chelusa, Ind. Ter.;
 that I was personally acquainted with Jermie Henry (Here insert name of deceased.)
 who was a citizen, by application, of the Cherokee Nation;
 and that said Jermie Henry died on the 8 day of
December, 1901.
 WITNESSES TO MARK: C. A. Davis

(Must be Two Witnesses.)

Subscribed and sworn to before me this 3 day of March 1902
Archibald Bonds
 Notary Public.

led

Cherokee D 841

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

In the matter of the application for the enrollment of Jennie Henry as a citizen by intermarriage of the Cherokee Nation.

O R D E R .

The record in this case shows that on November 20, 1900, Jennie Henry appeared before the Commission at Chelsea, Indian Territory, and made personal application for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her minor child as a citizen by blood of the Cherokee Nation. The minor child is listed for enrollment on Cherokee Roll Card Field No. 5633.

The evidence shows that the said Jennie Henry died on December 8, 1901.

It is, therefore, ordered by this Commission that the application for the enrollment of Jennie Henry as a citizen by intermarriage of the Cherokee Nation be dismissed without prejudice as to any future action which may be deemed necessary and proper.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.



Commissioner.

C. A. Reagin

Commissioner.

Dated at Muskogee, Indian Territory,

this NOV 12 1902

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10841

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



ACTING CHAIRMAN.

COMMISSIONERS.
HENRY L. DAVES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRACKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

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

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 19, 1902.

Mrs. Jennie Henry,

Chelsea, Indian Territory.

Madam:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 11th day of March, 1902.

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

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

Cherokee D-841
Register.

Yours truly,

~~Arthur C. ...~~

Commissioner in Charge.

COPY

Cherokee D 841.

Muskogee, Indian Territory, November 17, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of an order of the Commission to the Five Civilized Tribes, dated November 12, 1902, dismissing the application of Jennie Henry for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, who died on December 8, 1901.

Respectfully,

J. W. B. B. B.

Acting Chairman.

Enclosure H. No. 18.

COPY.

Cherokee D 841.

Montague, Indian Territory, November 17, 1902.

Joseph James Henry,
Chelsea, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of an order of the Commission to the Five Civilized Tribes, dated November 12, 1902, dismissing the application of your mother, Jennie Henry, for enrollment as a citizen by intermarriage of the Cherokee Nation, who died on December 8, 1901.

Respectfully,

Jams Dixby
Acting Chairman.

Register.

Enclosure No. No. 17.

Cher R 749

Cher R 749

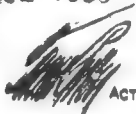
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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 21 1900



ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Muldrow, I.T., August 13, 1900.

In the matter of the application of Jeremiah Martin Harris for enrollment as a Cherokee by intermarriage; being sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A Jeremiah Martis Harris.
- Q What is your age? A 45.
- Q Your post office? A Hanson.
- Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
- Q Does your name appear upon the rolls? A Yes, sir, by adoption.
- Q What district do you live in? A Sequoyah district.
- Q How long have you been here? A Since about the beginning of the war.
- Q Been living continuously in the Territory? A Yes, sir.
- Q For whom do you apply for enrollment? A For Eliza Perdue.
- Q Is she any relation to you? A She is my wife.
- Q What is her name now? A She is dead now.
- Q Then you don't want to enroll her now? A Well, I want to enroll myself.
- Q You are a white man? A I guess so, I never did prove anything.
- Q What is your wife's name? A Eliza Perdue.
- Q She is not living? A No, sir.
- Q You are on the roll of 1880? A Yes, sir.
- Q Have you any children? A Yes No, sir.
- Q You ought to be on the roll of 1880? A I am on that roll.
- Q When did your wife die? A I don't remember whether it was in 1877 or 1878, I don't remember; she never lived but just a little over a year.
- Q You lived with her until she died? A Yes, sir.
- Q Have you been married since? A Yes, sir.
- Q What is your present wife's name? A I haven't any wife now, I married the widow Ragsdale.
- Q Was she a Cherokee citizen by blood? A Yes, sir.
- Q Have you any certificate of marriage as to her? A No, sir.
- Q What was her name? A Angie Ragsdale.
(On 1880 roll, page 701, No. 616, Jerry Harris, Sequoyah district.)
- Q In what year did you marry Angie Ragsdale? A, I don't remember, I can't read or write and I don't keep any dates.
- Q Was it 1880 or afterwards? A I think it was in 1879 I married her, but I would not be positive.
- Mr. W.W. Hastings, representative of Cherokee Nation: What was her maiden name? A Choate.
- Q She lived in Sequoyah district? A Yes, sir.
- Commissioner Needles: Have you married since? A No, sir. I don't know whether she was in this district or not, she moved to Canadian when we separated.
- Mr. Hastings: Did you leave her or she leave you? A I left her I reckon.
- Q Where did you leave her at? A In Sequoyah district.
- Q How long ago? A We didn't live together but a short time.
- Q Who married you? A Judge Falkner.
- Q About how long ago? A It has been a good while ago.
- Q About how many years? A I don't remember, it has been about 20 years ago.
- Q Since you left her? A Yes, sir, I have got a child by her about 20 years old.
- Q Where do you live at present? A I live between Hanson and Ganns Switch.
- Q How many children have you? A I haven't any.
- Q Are you living by yourself? A Yes, sir, of course I have a

Jeremiah Morris Harris - 2.

Q Are you married to that woman? A No, sir.

Q Haven't you been telling people around here you are married to her? A No, sir.

Q You and her are living in a house together? A No, sir, I generally always keep somebody hired in the house.

Q How long has she been living there? A I expect about 12 years, 10 or 12 years.

Q And you deny that you are holding her out to the community or ever told it about that you married her, or that she is your wife?

A Yes, sir.

Q Haven't you been treating her as your wife? A No, sir, I pay her for her work.

Q What do you pay her? A I pay her in clothing and give her money.

Q When did you last give her money? A I don't know, it has been over 2 years ago she went to Eureka Springs.

Q How much do you give her a year? A I don't know, I don't keep any account of it.

Q Do you pay her by the week or month? A No, sir.

Q You don't pay her like any other hired hands are paid? A I am not particular in her hire.

Q How is she staying there? A She is staying there as a member of the family.

Q She isn't related to you? A No, sir.

Q How many rooms you got in your house? A I have got three.

Q Did you ever get a divorce from this second wife? A Yes, sir.

Q Who got it? A I got it.

Q Where did you get it? A At Sequoyah Court House, and I had grounds to get it on and I got it and she wouldn't appear against me.

Q It went by default? A Yes, sir, that is the way I got it.

Commissioner Needles: Were William Choate and Vivey Choate any relation of Angie Choate? A I think so, I won't be positive; she had a man by the name of Ragsdale and Tom Ragsdale in Canadian district if her son, and she has got a daughter named Pink.

Q How old was she in 1880? A She was 20 years old.

Mr. Hastings: Was this woman living with you prior to your separation from your last wife, you have got here? A She was there in the house.

Q At the time of the separation? A No, sir.

Q Has she lived in the house before the separation? A No, sir, I don't know anything at all about her before the separation.

(On 1896 roll, page 1114, No. 78, Jerry Harris, Sequoyah district.)

Commissioner Needles: We don't find your second wife on the rolls?

A I don't know why, I think she was there.

Mr. Hastings: You think you married her about 1880, your second wife? A Yes, sir, I think I married her in 1879. I never enrolled her, I don't know how it is; she is in the Canadian district if she enrolled in my name.

Commissioner Needles: You have got no marriage certificate? A No, sir.

Q Who married you? A Judge Falkner.

Q Is he living? A No, sir, he is dead.

Q Is this woman living, Angie? A Yes, sir, she is living, she married a man named Reeves.

The name of Jeremiah Harris appears upon the authenticated roll of 1880 as well as the census roll of 1896. He avers that he was married to one Angeline Ragsdale in the year 1879 and acknowledges in his testimony that he abandoned her, left her and got a divorce from her. An examination of the roll of 1880 does not disclose her name there. No record is presented to show whether she was a white woman or an Indian. The testimony also shows that he has a white woman employed

and has had her at his house for the last ten or twelve years without wages, but he avers that he was not married to her. The evidence in 1896

Jeremiah Morris Harris - 3.

case is so conflicting as to whether the white woman he is now living with has been recognized as his wife or not, and also as to whether his second wife was a white woman, and also whether he abandoned her, even if she was a citizen, that final judgment as to his enrollment is suspended and his name will be placed upon a doubtful card.

When the Commission decides upon the case, you will be notified by mail. If you want to prove to this Commission, you will have an opportunity to do so at any time you want to that your second wife was a citizen of the Cherokee Nation.

Additional testimony.

Mr. Hastings: Were you ever arrested, charged with living in adultery with this woman that you have just spoke of a while ago? A Yes, sir.

Q Was she ~~me~~ tried? A It was before the Commissioner at Muskogee.

Q Before what Commissioner? A I don't remember the Commissioner's name.

Q How long ago? A It has been five or six years ago.

Q Who represented you in the case? A John Watkins.

Q Didn't you produce at that time a marriage certificate purporting to show that you had been married to this woman and then lived with her as your wife? A No, sir.

Q What was your defense? A I didn't have any defense, I gave the prosecutors the ropes and they cleared me themselves.

Q You didn't allege that you had been married to this woman at Van Buren or in Crawford County, Ark? A No, sir, I don't propose to swear to a lie, I am not married and would not swear to a lie to keep out of the penitentiary.

Q You didn't do it then? A No, sir, I didn't do it then.

D. M. Faulkner, being sworn, testified as follows:

Mr. Hastings: What is your name? A D. M. Faulkner.

Q What is your age, Mr. Faulkner? A About 59 or 58.

Q Your post office address? A Hanson.

Q Are you a Cherokee citizen by blood? A Yes, sir.

Q Did you know Angie Ragsdale, the second wife of Jerry Harris?

A Yes, sir.

Q Do you know whether she was a Cherokee citizen or not? A Yes, sir, she was a Cherokee.

Q Do you know whether she was on the rolls of the Cherokee Nation?

A I suppose she is, she has been in the Cherokee Nation all the while.

Q What name do you suppose it would be on there by in 1880? A I suppose it would be Ragsdale or Reeves.

Q She married a man named Reeves? A Yes, sir, the last husband she had was named Reeves; I can't say they were married, but they lived together. Angie Ragsdale we called her then, and after they separated she married a man named Reeves.

Commissioner Needles: What was her husband's given name? A L.W. Reeves.

(On 1880 roll, page 41, No. 1095, Angeronicia Reaves, Canadian district.)

Q Do you know whether that was the woman that was his wife or not? A No, sir, only they lived together.

Q The name just called, was that the same woman? A Yes, sir, that was her name, and she left here and went to Canadian, and I have seen her, it has been six months ago.

Mr. Hastings: How far did you live from Jerry Harris' place?

A I lived about a mile I guess.

Q How long has he lived that near to you? A He has been living nearer than that, about a quarter from me, three or four years.

Jeremiah Harris - 4.

- Q Does anyone live with him? A Yes, sir.
Q Who? A There is a white woman lives with him.
Q Who else lives in the house besides him and the woman? A None that I know of, unless he might have some hands hired there.
Q Does he have hands there all the time? A I don't know, I never was about his place since he moved out.
Q Do you know whether he is living with this woman as his wife or not, do you know whether he holds her out to the community as his wife? A No, sir, I never have heard it.
Q You never heard him say he was married to her? A No, sir.
Q What is the opinion that they are living together; what is the public opinion? A It is the public opinion that they live as man and wife.
Q That is what the neighborhood think? A Yes, sir, that is what they think, but can't swear to it.

Charles Fargo, being duly sworn, testified as follows:

- Mr. Hastings: What is your name? A Charles Fargo.
Q Where do you live? A In Sequoyah district.
Q What is your age? A 55.
Q Do you know Jerry Harris, this person here? A I do.
Q How long have you known him? A I have known him ten or twelve years.
Q How far does he live from your place, and has been for the last few years? A About 6 or 8 miles above here.
Q Do you know anything about the woman that is staying at his house? A Yes, sir, I have seen him and the woman together often riding around in a buggy, they come to Muldrow here about once a week.
Q Do you know whether or not he is living with this woman as his wife? A I understood he was living with her as his wife.
Q How do you get your information? A By various sources, neighbors and others around about the country.
Q He holds her out to the community as his wife? A I think so; I don't think he would deny that at all.

George Baldrige, being duly sworn, testified as follows:

- Mr. Hastings: What is your name? A George Baldrige.
Q What is your post office? A Maple.
Q What is your age? A About 48.
Q Do you know Jerry Harris, this man that is the applicant for enrollment? A Yes, sir, I have been knowing him ever since he was a little bit of a boy, before he was married.
Q Have you known him for the last ten or 12 years? A Yes, sir.
Q How near have you lived to him for the last 10 or 12 years? A I have lived in the neighborhood of a hundred or two hundred yards from him.
Q Has he been living with a woman for the last few years? A Yes, sir.
Q How does he treat this woman, his wife? A That is the way I looked at it.
Q How does he hold her out to the neighborhood? A I don't know about that, everybody thinks they are.
Q Does he just stay there in the house alone with this woman at times? A He has been a right smart of the time, yes, sir.
Commissioner Needles: Were you ever at the house? A Yes, sir, I have been there several times when they were living in town.
Q Ever see him in bed with her? A No, sir.

Jeremiah M. Harris - 5.

Bruce 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 witnesses, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce C. Jones


Sworn to and subscribed before me this the 20th day of August, 1900.

W. H. ...
Commissioner.

B110

B-

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 13 1900


ACTING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION.

Date **AUG 13 1880** 1880.

Name *Levinia W. ...*

District *...* Year *1880* Page *901* No. *...*

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Dist.	Year	Page	No.	Age
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

...

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 18 1888

 ACTING CHAIRMAN

Learn

Cherokee Nation }
Sequoyah Dist } To any of the Judges or clerks
of the Courts of the Cherokee Nation or any ordained
minister of the Gospel. Knowing you are
fully authorized to solemnize the rites of matrimony
between Jerry Harris a white man & Eliza Pardo
a Cherokee woman and due return made of
this license to this office. Given under my
hand and seal of this office this the 10th day of
June 1876

J. H. Alexander Clerk of Dist

Certificate of Marriage

Married June 14th 1876 Jerry Harris a citizen
of the U.S. to Miss Eliza Pardo of Sequoyah Dist
Cherokee Nation. Mr Jerry Harris age 22 yrs
Miss Eliza Pardo age 16 yrs. I certify that I
solemnized the rites of Matrimony between the
above named persons

Ezekiel Starr

Judge District of Sequoyah Dist

I certify that this is a true copy of
the license between Jerry Harris and
Eliza Pardo recorded in this office
on the 14th day of June 1876

J. H. Benge
Clerk of Dist

20.1115

IN RE
THE DEATH OF

Jeremiah M. Harris
a citizen of the
Cherokee Nation.

Approved: 
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 2 1901



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

In the matter of the death of Jeremiah Martin Harris
(Here insert name of deceased.)
a citizen of the Cherokee Nation, who formerly resided at or near
Hanson (Here insert name of post office.), Ind. Ter., and died on the 24 day of January,
1901

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Northern District.

I, Ellen Harris on oath state that I am 52
years of age and a ~~citizen~~ by marriage, of the Cherokee Nation;
that my post office address is Hanson (Here insert name of post office.), Ind. Ter.; that I am
Wife (State relationship, as: the father; an uncle; a cousin, etc.) of Jeremiah Martin Harris (Here insert name of deceased.),
who was a citizen, by Adoption, of the Cherokee Nation;
and that said Jeremiah Martin Harris (Here insert name of deceased.) died on the 24 day of
January, 1901 Ellen ~~Harris~~ Harris

WITNESSES TO SIGN:
(Must be Two Witnesses.) } J. B. Dyer
M. S. Billingsley

Subscribed and sworn to before me this 24 day of Sept 1901

Wm. Commission of the P. O. Turner
Jan 11 - 1900 Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Northern District.

I, D. M. Faulkner, on oath state that I am 59
years of age, and a citizen, by blood, of the Cherokee Nation;
that my post office address is Hanson (Here insert name of post office.) Ind. Ter.;
that I was personally acquainted with Jeremiah M. Harris (Here insert name of deceased.)
who was a citizen, by Intermarriage, of the Cherokee Nation;
and that said Jeremiah M. Harris (Here insert name of deceased.) died on the 24th day of
January, 1901.

WITNESSES TO SIGN:
(Must be Two Witnesses.) } D. M. Faulkner

Subscribed and sworn to before me this 27th day of Sept 1901

C. Starr
Notary Public.

Cherokee D-115.

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

IN the matter of the application of Jeremiah M. Harris
for enrollment as a citizen of the Cherokee Nation,

—o—
On the 15th day of August, 1900, Jeremiah M. Harris
appeared before the Commission to the Five Civilized Tribes and
made application for enrollment as a citizen by intermarriage of
the Cherokee Nation,

It appears that this applicant has died since the original
application made herein, and the application made for his enroll-
ment is dismissed without prejudice as to any future action that
may be deemed necessary or proper.

C. H. Beckwith

Commissioner.

Dated at Muskogee, Indian Territory,
March 9, 1902.

Cherokee D 115

J.H.L.
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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

DECISION.

--000--

The record in this case shows that on August 13, 1900, Jeremiah M. Harris appeared before the Commission at Muldrow, Indian Territory, and made application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

It appears from an affidavit on file in the office of this Commission, that Jeremiah M. Harris died on January 24, 1901.

It is, therefore, ordered that the application for the enrollment of Jeremiah M. Harris as a citizen by intermarriage of the Cherokee Nation, be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,

this NOV 20 1902

Cherokee D 115.

Muskogee, Indian Territory, November 20, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of an order of the Commission to the Five Civilized Tribes, dated November 20, 1902, dismissing the application of Jeremiah M. Harris for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, who died on January 24, 1901.

Respectfully,

J. C. McCoy

Acting Chairman.

Enclosure H. No. 18.

0011

Cherokee D 115.

Muskogee, Indian Territory, November 20, 1902.

Ellen Harris,

Hanson, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of an order of the Commission to the Five Civilized Tribes, dated November 20, 1902, dismissing the application of your husband, Jeremiah M. Harris, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, who died on January 24, 1901.

Respectfully,

L. L. ...

Acting Chairman.

Register.

Enclosure H. No. 13.

Cher R 730

Cher R 150

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 1, 1900.

In the matter of the application of Stand G. Woodall for enrollment as a citizen of the Cherokee nation, said Woodall being sworn by Commissioner Breckinridge, testified as follows:

- Q What is your name? A Stand G. Woodall.
Q How old are you? A 47.
Q What is your postoffice? A Klaus.
Q What District do you live in? A Delaware.
Q Whom do you want to have put on the roll? A Myself.
Q Are you a Cherokee by blood? A Yes.
Q How long have you lived in the Cherokee Nation? A I lived in California nine years.
Q When did you come to the Cherokee Nation? A Just after the war.
Q Are you on the roll of '80? A Yes.
Q '96? A Yes.
Q Have you lived here ever since you came after the war? A Yes.
Q Right straight along? A Yes.
Q What is your father's name? A George.
Q Dead or alive? A Dead.
Q Been dead more than 20 years? A No sir, not that much.
Q What is your mother's name? A Ellen.
Q Is she dead or alive? A Dead.
Q She has been dead more than 20 years? A I guess she has.

Applicant on '96 roll, page 552, number 3369.
The applicant is identified on the roll of '96 and states that he has been in the Cherokee nation ever since the war. He is not identified on the roll of '80. For his further identification he will be listed now upon a doubtful card and final decision of the Commission will be communicated to him at his postoffice address.

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.

Bone vovues

Subscribed and sworn to before me this 1st day of October, 1900.

C. H. Breckinridge

Commissioner.

19486

13

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 1 1980

~~SECRET~~

ACTING CHAIR
ACTING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 1 1900 1900.

47 Stand J Woodall, Klaus J,
Name

District DELAWARE. Year 1896 Page 552 No. 9989

Citizen by blood Yes Mother's citizenship Geo Woodall --- d

Intermarried citizen No Ellen " --- d

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Wife's name _____

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children:

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

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

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

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

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

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

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

DHS6

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D. C.

ACQUITTANCE

[Blacked out area]

RECEIVED
MAY 10 1966
BUREAU OF LAND MANAGEMENT
WASHINGTON, D. C.

FOR THE PURPOSES OF THE
ACQUISITION OF LAND
FOR THE BUREAU OF LAND MANAGEMENT
BY THE DEPARTMENT OF THE INTERIOR
I HEREBY AGREE TO

[Faint, illegible text, likely the main body of the agreement]

Supplementary in case
of Stan G. Woodall.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 1, 1900.

In the matter of the application of Stan G. Woodall for enrollment
as a citizen of the Cherokee Nation, supplementary testimony
given by his brother, William G. Woodall, said William G. Woodall being
first duly sworn by Commissioner Brackinridge.

- Q What is your name? A William G. Woodall.
- Q Your age? A 65.
- Q What district do you live in? A Delaware.
- Q What is your postoffice address? A Vinita.
- Q You want to give some additional testimony? A Yes, about my
brother that was in here.
- Q What was his name? A Stan G. Woodall.
- Q What was the trouble in his case? A They say his name does not
appear upon the roll of '80.
- Q Did he go by any other name that we can identify him by? A That
"s" would be for bonye. There is no other person in the family that
has a G in their name.
- Q How old is your brother? A He is over 40.
- Witness' brother on '80 roll, page 344, number 2094, of
G. D. Woodall.
- Q There is no "s" in your brother's name is there? A No sir.
- Q But there is a "s"y? A Yes.
- Q How long has your brother lived in the Cherokee nation? A Was
born here and has been here all his life with a little exception.
- Q What exception? A He has been here ever since '66 and was just
out a little during the war.

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.

Wm. G. Woodall
Subscribed and sworn to before me this 1st day of October, 1900.

Wm. G. Woodall

Commissioner.

Supl.-C.D.#486.

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

SUPPLEMENTAL in the matter of the enrollment of STAND G. WOOD-
ALL as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 12, 1902, that his application for the enrollment of himself as a Cherokee citizen would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 28th day of February, 1902, and that he could on said day appear either in person or by attorney and an opportunity would be given him to introduce any further testimony affecting his applicant. He has this day, to-wit: the 28th day of February, 1902, been called three times and failing to respond either in person or by attorney, it is directed that the case be closed, and that the same be reported to the Commission for final decision based upon the evidence now of record.

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



J.O.R.

Commissioner.

D486

~~3345~~

IN RE
THE DEATH OF

Stan G. Woodall

a citizen of the

Cherokee Nation.

Approved

April 29 1902

Commissioner.

COMMISSION TO

FILED

APR 29 1902

[Signature]
ACTING CLERK

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Stan G Woodall
a citizen of the Cherokee Nation, who formerly resided at or near
Cleora, Ind. Ter., and died on the 19 day of March
1901

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,

Southern District.

I, C. M. Landrum, on oath state that I am 41
years of age and a citizen, by Blood, of the Cherokee Nation;
that my post office address is Cleora, Ind. Ter.; that I am
stepson of Stan G Woodall
who was a citizen, by Blood, of the Cherokee Nation;
and that said Stan G Woodall died on the 19 day of
March, 1901.

WITNESSED TO ME:

C. M. Landrum

(Must be Two Witnesses.)

Subscribed and sworn to before me this 2 day of April, 1904

Jeff. D. Sexton
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,

Southern District.

I, C. F. Landrum, on oath state that I am 32
years of age, and a citizen, by Blood, of the Cherokee Nation;
that my post office address is Cleora, Ind. Ter.;
that I was personally acquainted with Stan G Woodall
who was a citizen, by Blood, of the Cherokee Nation;
and that said Stan G Woodall died on the 19 day of
March, 1901

WITNESSED TO ME:

C. F. Landrum

(Must be Two Witnesses.)

Subscribed and sworn to before me this 2 day of April, 1904

Jeff. D. Sexton
Notary Public.

H.H.

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

In the matter of the application of Stan G. Woodall for the enrollment of himself as a citizen by blood of the Cherokee Nation.

D E C I S I O N .

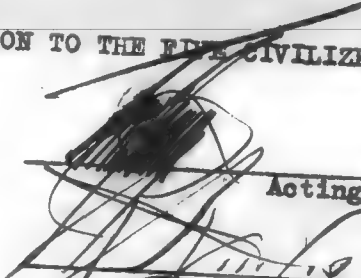
--oOo--

The record in this case shows that on October 1, 1900, Stan G. Woodall appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of himself as a citizen by blood of the Cherokee Nation.

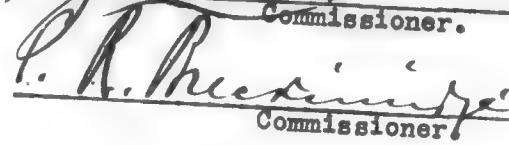
It appears from an affidavit on file in the office of this Commission that Stan G. Woodall died on March 19, 1901.

It is, therefore, ordered that the application for the enrollment of Stan G. Woodall as a citizen by blood of the Cherokee Nation, be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



 Acting Chairman.



 Commissioner.

Dated at Muskogee, Indian Territory,
this NOV 20 1902

2

2486

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 21 1902



ACTING CHAIRMAN

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.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 12, 1902

Mr. Stand G. Woodall,
Klaus, Indian Territory,

Sir:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 26th day of February, 1902.

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

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

Cherokee-486
Register.

Yours truly,

Acting Chairman.

Cherokee D-484

Muskogee, Indian Territory, March 25, 1903.

Mr. Ed Luning, Postmaster,
Clara, Indian Territory,

Dear Sir:-

The Commission is in receipt of your letter of February 27, returning registered letter addressed to Stand G. Weedall, and stating that this party is now deceased.

There is enclosed you herewith blank affidavit of death. Will you please have this affidavit executed and return to the Commission in order that its records may be corrected as to the enrollment of this party.

Yours truly,

Commissioner in Charge.

Enc. 1 death certificate.


9

4486

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 25 1902


ACTING CHAIRMAN

ED. LUNDAY
DEALER IN
GENERAL MERCHANDISE,
Dry Goods, Groceries, Hardware.
HAY, CORN. OATS AND LIVE STOCK.

Clara, Ind, Ind. 2/27 1902

Dear - dear
Gentleman

My
Dear
Stan & Woodall
is dead and there
is no administrator
I wanted there were
I am bound to return
this letter

Yours
Ed Lunday
E.L.M.

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 486.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 20, 1902.

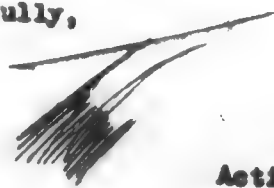
C. M. Landrum,

Chilcota, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of an order of the Commission to the Five Civilized Tribes, dated November 20, 1902, dismissing the application of your uncle, Stan G. Woodall, for the enrollment of himself as a citizen by blood of the Cherokee Nation, who died on March 19, 1901.

Respectfully,



Acting Chairman.

Register.

Enclosure H. No. 16.

Cherokee D 430.

Muskogee, Indian Territory, November 20, 1902.

F. V. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of an order of the Commission to the Five Civilized Tribes, dated November 20, 1902, dismissing the application of Stan G. Woodall for the enrollment of himself as a citizen by blood of the Cherokee Nation, who died on March 19, 1901.

Respectfully,

T. J. Taylor
Acting Chairman.

Enclosure H. No. 17.

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



4024

C. M. Landrum,

Chloeta, Indian Territory.

2596



Return

, Cher R 751

Cher R 751

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES
TANQUAH, I.T., DECEMBER 17th, 1900.

IN THE MATTER OF THE APPLICATION OF Carrie Smith for the enrollment of herself, husband and children as citizens of the Cherokee Nation, and she being sworn and examined by Commissioner, T. B. Needles, testified as follows:

- Q What is your name? A Carrie Smith.
Q How old are you? A Twenty seven.
Q What is your Postoffice address? A Lenapah.
Q What district do you live in? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A Adopted.
Q Whom do you desire to enroll? A Myself and children.
Q Is your husband living? A Yes sir.
Q What is his name? A Sylvester Smith.
Q Is he a Cherokee citizen by blood? A Yes sir.
Q Have you any proof of marriage to him? A Yes sir, I have my certificate.
Q Have you a marriage license? A No sir, not with me.

Com'r. T. B. Needles: The applicant presents a certificate of marriage, certifying that she was married under the name of Carrie Davis to one, Sylvester Smith, on the 13th day of May, 1890.

- Q What is the name of your child? A Lydia.
Q How old is she? A Four years old,

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

- Q Did your husband ever have any other name besides Sylvester? A Sherman.
Q Was he some times known as General? A Yes sir, that was his nick name.

Commission:

- (1880 Roll, Page 171, #2553, S. F. Smith, Cooweescoowee D'st)
(1896 Roll, Page 256, #4394, Sylvester S. Smith, Coe. D'st)
(1896 Roll, Page 323, #889, Carrie Smith, Coe. District)

- Q Are you living with your husband now? A No sir.
Q Are you divorced from him? A Yes sir.

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

- Q Your husband sued you for divorce? A Yes sir.
Q Did you answer the suit? A No sir.
Q When did he secure the divorce? A Last February one year ago.
Q February of 1898? A Yes sir.
Q Have you married since? A No sir.
Q With whom do you live: Make your home? A I live around: I am okkong for some hands on a farm: I live by myself.
Q On what farm? A One of Mr. Shuefelt's.
Q Near Lenapah? A Yes sir.
Q Why did you not appear at Claremore for enrollment? A I could not.
Q Why did you not appear at Nowata? A Things was arranged so I just was not able to go there: This is the first opportunity I have had.
Q What were the grounds alleged against you for divorce? A Abandonment.
Q You did not answer the charge? A No sir.
Q And he secured the divorce? A Yes sir.

Com'r. T. B. Needles:

- Q You acknowledge that you did abandon him? A No sir, I never.
Q You virtually acknowledged it by not making any answer?
A I was not able to answer: He sued me in the Cherokee Court, and

CARRIE SMITH AND CHILD.

-2-

then went to war, and when he came back, he sued me again, and I was not able to fight the case.

Q Did you fight him in the Cherokee Court? A Yes sir.

Q Did he get it in the Cherokee Court? A No sir.

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

Q Was it not pending when the jurisdiction of the Cherokee Court went out of existence? A No sir.

Com'r. T. B. Needles:

Q Have you the decree of divorce with you? A Yes sir.

Q You had a lawyer in the case? A Yes sir; I had Mr. Stanfield see after it for me.

Com'r. T. B. Needles: The name of Carrie Smith appears upon the census roll of 1896. She avers and makes satisfactory proof of her marriage to one, Sylvester Smith, a Cherokee citizen by blood, on the 13th day of May, 1890. She also files a certified copy of a decree of divorce, certifying that she was divorced from said Sylvester Smith on the 13th day of January, 1899, and the name of her husband is found upon the authenticated roll of 1890 as a Cherokee citizen by blood, according to the page and number of the roll, as indicated in the testimony.

By reason of the separation, final ~~xxx~~ judgment as to the enrollment of the said Carrie Smith will be suspended, and her name will be placed on a doubtful card. She also applies for the enrollment of her child, Lydia Smith, four years of age, the custody of whom was awarded to her by the decree of divorce. It is found that her former husband, the father of said child, Sylvester Smith ~~xxx~~ enrolled said child on the 10th day of September, 1900, on Straight Card, #2445

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

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

R. R. [Signature]
[Signature]
COMMISSIONER.

DEPARTMENT OF COMMERCE
COMMISSION TO INVESTIGATE UNREASONABLE PRICES

FILED
DEC 17 1940

ACTING CHIEF

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
FEB 13 1901



ACTING CHAIRMAN

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 11, 1901.

Supplementary testimony in the case of Carrie Smith.

Campbell H. Taylor, being sworn and examined by Commissioner G. R. Brackinridge, testified as follows:

- Q Give me your full name. A Campbell H. Taylor.
Q How old are you? A 62 years old.
Q What is your postoffice? A Coffeyville, Kansas.
Q In what district do you live? A Cooweescoowee district.
Q You want to give some testimony in the case of Carrie Smith do you? A Yes sir.
Q Who was divorced from Sylvester S. Smith? A Yes sir.
Q Are you acquainted with both of the parties? A Yes sir.
Q What was Carrie Smith's name when she married this husband? A I wasn't acquainted with her before she married him.
Q You don't know what her name was? A No sir.
Q You don't know whether she was married before? A No sir, I don't.
Q Was he married before? A I don't know that; they used to live right by me.
Q You know anything about the circumstances of their separation? A Only what I have heard; I understood she went off and left him.
Q Were they living by you at the time? A Yes sir.
Q Were you not in a position to know whether she staid with him or not? A She went away and left him, and he brought part of the household goods to my house.
Q You saw her occasionally did you from that time? A Yes sir.
Q You never saw anything of her after that time? A No sir.
Q Did you know as a neighbor that she had gone? A It was generally understood that she had gone. They were living close by me.
Q You never saw her when she left? A No sir.
Q But you missed her? A Yes sir, missed her. I saw him and his children there alone without her.
Q You know any occasion for her leaving? A No sir, I do not.
Q You know whether he was ever cruel or unkind to her? A No sir, I never heard of any disturbance.
Q Never heard of any complaints? A No sir.
Q How long had they lived near you? A For a couple of years.
Q Where did she go after she left her husband? A I don't know where she went.
Q You know anything of her since she left her husband? A I have seen her frequently.
Q You know whether she has ever married since she left this husband? A No sir, I don't know whether she ever married.

By W. W. Hastings, representative of the Cherokee Nation-

- Q Have you seen her within the past two years? A Yes sir.
Q Where did you see her? A I saw her at Vinita, last April a year ago.
Q That is the first time you have seen her since she left Smith's home? A No, I have seen her occasionally passing, but last April a year ago she was at Vinita in company with Jake Staats.
Q He's a white man? A Yes sir, a white man. They were arm in arm on the streets going up and down the Court House stairway.
Q Have you seen them together since? A Yes sir.
Q Where? A In Coffeyville together, and right at the close of the Commission at Tahlequah I saw them together when she came there to apply to this Commission.
Q That was in December last? A Yes sir, then I called on them at the Fuller House; they were together there at Tahlequah. He stated that he had had good luck in his cattle business, and had

made \$2000.00, and that he would spend it to get Carrie Smith's and her children's rights established.

Q This man's a white man? A Yes sir.

Q What is there for him to have any particular interest in this woman? A I can't tell you, sir; he seems to be very much interested in her.

Q Where does this man Staat live? A At Lenapa, in Cooweescoowee district.

Q Is this woman understood to be living in that neighborhood with him? A I suppose she is living with him.

Q How do you know she is living there with him? A He said himself she is living there.

Q What does she pretend to be doing there? A I can't tell you; she is there with him. I saw them in Coffeyville.

Q Does she pretend to be employed as house-keeper, or anything like that? A I don't know. She made a statement before the Commission that she was keeping house, as well as I remember, for Mr. Shufeldt.

Q Where does Mr. Shufeldt live? A He lives at Lenapa.

Q How far from Mr. Staat? A I don't know.

Q In the same neighborhood? A It is in the same town.

Sylvester S. Smith, being sworn and examined by Commissioner C.R. Breckinridge, testified as follows:

Q How old are you? A 41, this coming April.

Q What is your postoffice? A Coffeyville, at the present time.

Q Do you live in the Cherokee Nation? A Yessir.

Q In what district do you live? A Cooweescoowee.

Q Were you formerly married to a wife named Carrie? A Yes sir.

Q She seems to have made application for enrollment at Tahlequah last December? A Yes sir.

Q What is her present age? A She's 26 or 27.

Q You and she were divorced? A Yes sir.

Q Where was the divorce granted to you? A At Vinita by the United States Court.

Q On what ground? A Abandonment without cause of myself and two children.

Q Were you ever married before you married this woman? A Once before.

Q Was that wife dead when you married this wife, Carrie? A No sir.

Q Who was your first wife? A Catherine Armes, but we were divorced. I let her get a divorce in the Cherokee Court.

Q Have you a copy of the decree of that divorce from Catherine Armes? A No sir, she got it from the Cherokee Court.

Q What district? A Cooweescoowee.

Q In what year? A I believe in 1890.

Q So you were divorced from your wife, Catherine, before you married your wife, Carrie? A Yessir.

Q You know anything about this wife Carrie taking up with another man since she married you? A Yes sir, I have seen them together.

Q Are they living near you? A No sir, they live at Lenapa, a mile north of Lenapa.

Q How far from you? A Twelve or fifteen miles.

Q Does she live in the same house with this man? A I have never been in the house; that is the general report to me.

Q She said she was living on a farm with Mrs. Shufeldt. The place belongs to Shufeldt. He is a merchant there and a Cherokee citizen.

Q Who is this man she is said to be living with? A Jacob Staat.

Q He's a cattle man is he? A He claims to be. I never spoke to the man in my life.

Q Has she been guilty of any misconduct while she lived with you? A No.

Q Did she tell you that she was going to leave you before she went away? A No sir.

Q Were you at home when she left? A No sir, I was ten miles from home; I was moving my things to another place.

Q Moving your household goods? A Yes sir.

3- C.S.

Q Expected to move your family over there? A Yes sir.
Q I was taking a lot of farming tools, and she wanted to know when I will be back, and I said at sun down, and she said she would have supper; and when I came back she and the children were gone. I unhitched the team and just before dark she drove up in a buggy and put the two boys out, and went away to her mother's. I never saw her anymore after that.

Q Did you see her when she drove up to the house? A Yes sir.
Q Did you ask her where she was going? A She told the boys to go in the house. I didn't say anything. She had taken all the girls things.

Q You made no effort to persuade her to stay? A I never got a chance to see her at all. The only chance I had to talk with her was at Vinita in Don Carlos' office. I went to see if she wanted anything. I wanted to compromise and Don Carlos wouldn't let her.

By W. W. Hastings, representative of the Cherokee Nation-

Q Have you made inquiry of the neighbors around Lenapa as to who this woman is living with? A Yes sir.

Q What is the information that you gather from them? A That she was staying and was keeping house and living with Jake Staat; they have been living together a year. Jake Staat had his throat cut last winter and she went down there and ~~staid~~ nursed him.

Q You have seen the two in company with each other? A Yes sir, and I was told by some parties that this man Staats had said, he was not going to marry the woman until after she got her allotment, and then he would marry her.

Q You know whether they are living in a house together? A No sir, that is the report I hear.

Q What kind of a family has Staats? A He was a widower and has one boy.

Q You know how old this boy is reported to be? A No sir, I don't.

Q Is he a grown boy or a small boy? A No sir, he's a small boy.

Q Anything else you desire to state in this matter? A I don't know of anything else.

Commissioner-

Q How long since you got a divorce from your wife? A I think the 15th day of February, 1899.

Q How long is she said to have been associating with this man Staat? A She was keeping company with him before we got the divorce; that ~~is~~ is my information.

Q How far did he live from you? A I was living at Vinita and they were living at Coffeyville.

Q She made up with him after she left you? A Yes sir.

Q You know no reason why she left you? A No sir, I have never been able to find out. I got a law suit over a place that he is taking a part in. He is trying to control it; A place that she claims. The place that we were living on when she left. I got the case in Court now.

Q What has that got to do with that, does that interest you in that suit? A Yes sir.

By W. W. Hastings-

Q He had been taking a prominent part in this law suit then? A Yes sir.

Commissioner-

Q How many children have you by this woman, Carrie? A Three.

Q Who are they living with? A I have two of them, and she has the little girl.

Q One living with her? A I have the two boys, and she has the girl. She has no property rights; she left me and the children on this place.

4-
4-0.8.

The applicant presents a letter from the United States Indian Agent, dated Muskogee, July 11, 1900, enclosing verbatim copies of the affidavits of Jacob Thoroughgood and Jacob Staats, and the alleged copy represents that Jacob Staats, being duly sworn according to law, on his oath, states that he is acquainted with Mrs. Carrie Smith, formerly the wife of Sylvester Smith, but now divorced, that he, as her agent, bought a certain acre, etc. from one Bush, and that said Bush agreed to deed the land to Mrs. Smith in consideration of the articles referred to.

Q This refers to the suit you speak of? A Yes sir.
Q And in this matter Staats seems to be acting as the agent of your former wife? A Yes sir.

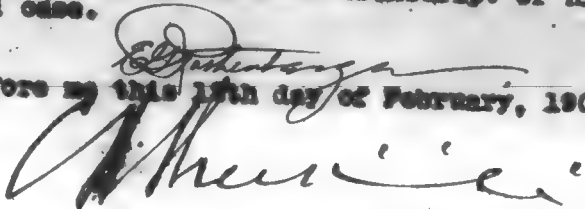
These documents are returned to the applicant.

Commissioner Breckinridge-

This evidence will be filed in Case D - 988.

E. G. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the ~~supplementary~~ supplementary testimony 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 February, 1901.


Commissioner.

"D"
DEPARTMENT OF THE INT
COMMISSION TO THE FIVE CIVIL CASES.

FILED
DEC 17 1900


ACTING CHAIRMAN.

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1599

"What God hath joined together, let not man put asunder."



THIS CERTIFIES THAT
THE RITE OF

Holy Matrimony

AND OF
ON AT
BY
WITNESS: WITNESS:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
DEC 17 1900

~~CONFIDENTIAL~~
Action Continued

77. ANY OTHER INFORMATION...

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8992

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Wednesday Feby 15^t Jan. Term 1899- 24day.

No. 892

S. S. Smith

vs

Carrie Smith
~~Carrie Smith~~

) Now on this day this cause coming on for trial, to be heard upon the proofs submitted and the report of the master in (Chancery filed this day the said report of the master being

) court is approved and it appearing to the court that said report recommends that a divorce be granted to the plaintiff as prayed for in his petition it is considered ordered and decreed by the court that the marriage relations existing between this plaintiff and this defendant be and the same are hereby set aside annulled and forever held as naught and that said S. S. Smith be divorced from the said Carrie Smith and that said parties have the custody of their children respectively as per the stipulation filed with the papers in this case.

United States of America)
)
Indian Territory (-ss-)
)
Northern District)

I, W. S. Stanfield, a Notary Public within and for the District and Territory aforesaid do hereby certify that the above and foregoing is a true and correct copy and transcript of the decree in the above and foregoing case as the same appears of record in the office of the United States Clerks office at Vinita, I.T. In testimony whereof I have here unto set my hand and affixed my notorial seal this the 6th day of Nov. 1900.

W. S. Stanfield

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FREE AND CIVILIZED TRIBES

FILED
DEC 17 1900

For the year of 1900

~~CONFIDENTIAL~~

of the year of 1900 to be held in the State of Alaska
to be held in the State of Alaska
to be held in the State of Alaska

Program and the results of the work of the Commission
to be held in the State of Alaska
to be held in the State of Alaska

not of the year of 1900 to be held in the State of Alaska
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has not received any report from the Commission
to be held in the State of Alaska
to be held in the State of Alaska

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12

To hold the year of 1900 to be held in the State of Alaska
to be held in the State of Alaska
to be held in the State of Alaska

Stipulation by and between S.S. Smith and Carrie Smith is as follows, to-wit:-

In the matter of the divorce proceedings of S.S. Smith against Carrie Smith it is hereby stipulated and agreed by and between the said parties that in the event a decree of divorce of divorce shall be rendered by the court in this case, the custody of the two children Logan Smith and Harrison Smith shall be awarded to the plaintiff and the custody of the child Lydia Smith shall be awarded to the defendant subject to the following conditions; that the plaintiff shall be permitted to have the said child Lydia Smith visit him for a period of one week in each three months at his expense, and shall return said child to the custody of the defendant at the expiration of said week free of expense to the defendant.

Second.- that the said defendant shall be permitted to have the said two children Logan Smith and Harrison Smith to visit her for a period of one week in each three months at her expense and at the expiration of said time shall return the said children to the plaintiff without expense to the plaintiff.

Witness our hands at Vinita this 4th day of February, 1899.

F.M. Smith per Mc.
Atty for Pl'iff

W. S. Stanfield,
Atty for Deft.

United States of America)
Indian Territory (-ss:-
Northern District)

I, W.S. Stanfield, a notary public with n a nd for the District and Territory aforesaid do hereby certify that the above and foregoing is a true and correct copy of the stipulation as filed in the above case on the 15th day of Feb'y, 1899. In witness whereof I have hereunto set my hand and affixed my Notorial Seal this the 6th day of Nov., 1900.

W. S. Stanfield

Notary Public, My Commission expires
Aug. 24, 1903, I. O. N. S. S. T.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
DEC 17 1900



ACTING CHAIRMAN



266
892

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

S.S. Smith

vs

ANSWER.

Carrie Smith.

Comes now the defendant and for an answer to plaintiff's says she and the defendant can not live together as husband and wife and therefore the defendant does not care to contest his suit for divorce but prefers to content herself with asking that the court in making its decree and awarding the care and custody of the two children Logan and Harrison to the plaintiff grant her the privilege of sending for the said children once in every three months if she so desires and of having them to visit her for a period of time not to exceed one week once in every three months.

Defendant asks that she be awarded the care and custody of the youngest child Lydia Smith and is willing that the plaintiff have the privilege of sending for said Lydia Smith once every three months on the plaintiff sending for her at his own expense.

Wherefore defendant asks that she be given the care custody and control of the said Lydia Smith and that she be divorced from the plaintiff herein.

United States of America)
Indian Territory)
Northern District)

W.S. Stanfield,
Atty for Deft.

I, W.S. Stanfield, a notary Public within and for the Northern District of the Indian Territory do hereby certify that the above and foregoing is a true and correct copy of the answer of the defendant in the case it purports to be and that the same was filed in the Clerks office on the 4th day of Feb'y, 1899.

In testimony whereof I have hereunto set my hand this the 6th day of Nov., 1900.

W. S. Stanfield

My commission expires
Aug. 2nd, 1903, P. O. Vinita, I. T.

S. S. Smith,

vs

No. 892

Carrie Smith.

Now on this the 15th day of February, 1899, this cause comes on for trial, to be heard upon the proofs submitted and the report of the Master in Chancery filed this day. The said report of the Master being heard by the Court is approved. And it appearing to the Court that the said report recommends that a divorce be granted to the plaintiff as prayed for in his petition; it is considered, ordered and decreed by the Court that the marriage relations existing between the plaintiff and this defendant be and the same are hereby set aside, annulled and forever held as naught. And the said S. S. Smith be divorced from the said Carrie Smith and that the said parties have the custody of their children respectively as per the stipulation filed with the papers in this case.

UNITED STATES OF AMERICA,

Indian Territory,

ss

Northern District.

I, Chas. A. Davidson, Clerk of the United States Court for the Northern District of the Indian Territory, do hereby certify the above and foregoing to be a true and correct copy of the answer, stipulation and the decree in No. 892, entitled S. S. Smith vs Carrie Smith, as appears from the records now on file in my office.

WITNESS, my hand and seal of said Court at Vinita
this the 11th day of March, A. D. 1902.

Chas. A. Davidson, Clerk

By W. Chandler Deputy

Ex "A"

Cherokee Nation
Congressional District.

To my lawful officer Greeting:

You are hereby summoned to appear S.S. Smith to be and appear at the lawful place of holding court in said District at 9 o'clock A.M. upon the second Monday in May A.D. 1890, they and there to answer the complaint of H.C. Smith who claims the right of being divorced from the bonds of matrimony now existing between her- the said H.C. Smith and the said S.S. Smith. Plaintiff further asks that in addition to the decree dissolving the bonds of matrimony that she be granted the custody of her infant child- Sella Smith-now one year old.

And for cause of action Plaintiff alleges,

- First, adultery.
- Second, Willful desertion and neglect for the term of one year next preceding the filing of this complaint or petition,
- Third Extreme cruelty

Fail not to execute this summons ~~summons~~ within the time and return as required by law.

Given under my hand and seal of office on this the 2, day of April A.D. 1890.
H.H. Trott, Clerk of,
Congressional District Cherokee Nation

(*good here*)

(A true copy of the citation)

Served this 21st day of April A.D. 1890

H. Sutherland, act. Dept.
Sheriff Congressional District
Cherokee Nation Ind. Terr.

(A true copy of Service of citation)

Served 4, 21, 1890.

I will not appear. Grant her a divorce is my wish and the custody of the child.
S.S. Smith.

Executive Office Cherokee Nation,
Tahlequah Ind. Terr.

I, B.W. Alberty, assistant Executive secretary of the Cherokee Nation do hereby certify that the foregoing is a true copy of a citation, service of same, and a statement written on back of citation, signed S.S. Smith, filed in this office and among cases of the Circuit Court of Congressional District, the same now being in my custody.

Given under my hand and the seal of the Cherokee Nation this the 23 day of March 1901.

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

A-1992
0692

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE MORE CIVILIZED TRIBES

FILED
MAR 20 1901

[Signature]
Acting Commissioner

Department of the Interior,
Commission to the Five Civilized Tribes,
Wash., D. C., March 26, 1901.

In the matter of the application of Carrie Smith for enrollment as a Cherokee citizen;
Being sworn and examined by Commissioner Needles, she testified as follows:

- Q What is your name? A Carrie Smith.
Q What is your age? A Twenty-seven.
Q What is your post-office address? A Lonayah, Indian Territory

QUESTIONS BY APPLICANT'S ATTORNEY, MR. THOMPSON.

- Q Mrs. Smith, I will ask you in what capacity you are living at the ranch of Jacob State and John Shufeldt? A I am hired by the month; him and Mr. Shufeldt give me ten dollars a month for staying there and looking for his havis.
Q What position does Jacob State occupy with regard to that ranch? A Him and his hands has the south room and I have the north room.
Q I know in what capacity is he engaged on that ranch? A Him and Mr. Shufeldt is partners, and he has the place rented.
Q Who manages the business? A Both of them.
Q After you and your husband, S. S. Smith separated did you take up with Jacob State and live with him as his wife? A No sir.
Q Or in any relation as his wife? A No sir, I did not.
Q Have you ever occupied that relation to him in any capacity? A No sir, I have not.
Q I will ask you to relate the circumstances of the separation of you and Sylvester S. Smith? A He was a drunkard; he drank so bad and abused me so, and didn't make any living for me; I had to almost support myself, and worked and raised chickens and sold butter and did washing as I could get them to do to make a living to support myself and children, and I couldn't stand it no longer. He was going to move from the farm where we was living; we moved about eight or nine miles west and was going to move into an old school house, and he made a contract with an old couple there unbeknownst to me for me to go to their house and do their washing and ironing and scrubbing, and I had my own work to do and my children, and I couldn't do it, and I didn't propose to live any such a life; he wouldn't let me have anything; he said if I didn't sell my cows that my mother gave me and give him the money that I shouldn't have anything in the house, that he would throw it out and break it up, and my mother told me that I could come there to her house and stay for protection; I was afraid to stay there, and I went and staid with my mother; he had done moved one load.
Q Then it is not a fact that you deserted him? A No sir, it is not; I went to my mother's for protection.
Q I will ask you, at this ranch what arrangement have you with regard to your own apartments? A I have my room and him and the hands has theirs.
Q He would go to town and drink and come home in the dead hours of the night and abuse me; get up in the night and get his old revolver and fool with it, and search the house from top to bottom, and I didn't know what he would do.
Q Was he in this condition at the time you and he separated?
A Yes sir, - do you mean as he drunk?
Q Well, I say about the time, - I mean right up to the time you separated? A Yes sir, right up to the time; never has sobered times I don't guess.
Q How did you regard your condition as to your safety in living with him at that time? A Well, my sister lived with me, and I wasn't afraid to stay there when she was there, but she went to her

mother-in-law's on a visit and I was afraid to stay there with him alone, and as he was moving during this time she was gone I staid one night after she went away and then I went and staid with my mother.

Q Was there any comforts that he intended to move you too? A I never saw the place; he said it was an old school house; that's what the people told me there that owned it.

Q Did that house belong to him? A No sir.

Q Was he living in a house that belonged to him? A Well, the place was in mine and his name, and I think he sold his interest out since.

Q Have you any children living with you? A Yes sir, I have a little girl.

Q Has Stets any children? A Yes sir, he has a little boy; I take care of him.

Q Aint there something mentioned about a law suit in which you are interested and your husband is interested in too? A Yes That's over this place.

Examined by Commissioner Needles:

Q Place you live on? A No sir, the place where we separated.

Examined by attorney Thompson.

Q I will ask you what interest Sylvester S. Smith has in seeing that you are not enrolled, with regard to that suit? A Well, he thinks if I don't get enrolled that will knock me out and he will get the place.

Q Is the case now pending in the United States Court at Vinita?

A Yes sir, it is; come up next court.

Q What was the general character of Smith at the time you married him? A He was pretty rough.

Examined by Commissioner Needles:

Q How long did you live with Smith as his wife? A About ten years.

Q How many children did you have? A Three.

Q Only one living? A He has two boys, and I have the girl.

Q When you left him did he ever try to get you to return to him afterwards? A No sir.

Examined by attorney Thompson:

Q You know anything about S.S. Smith having been convicted at Fort Smith for criminal offense? A Yes sir.

Q When? A It was in 1890.

Q You know what he was charged with? A Bigamy.

Q Do you know Campbell H. Taylor? A Yes sir.

Q How far does he live from you? A About twelve miles I guess.

Q You know what his general reputation in the neighborhood in which he lives is for truth and veracity? A Yes sir.

Q Is it good or bad? A It is bad.

Q You know anything about his having been convicted at Ft. Smith also? A No sir, only just what I heard.

Q You know what charge? A Using the mail for false pretense I believe.

Examined by Cherokee Representative, J.L. Naught:

Q When Mr. Smith was convicted for bigamy was that the time he was living with you? A Yes sir.

Carrie Smith 3

Q It was on account of your marriage with him that he was convicted? A Yes sir, he married me without a divorce from his other wife, unbeknownst to me; he told me he was divorced, and I thought he was telling the truth.

Examined by Attorney Thompson:

Q Did he afterwards get that divorce? A Yes sir, he got a divorce, and afterwards we married over, about three months after we first married.

Examined by Commissioner Needles:

Q He married you over after he was divorced from his first wife?

A Yes sir.

Q I understand you to say that his first wife, he got a divorce from her? A She got a divorce from him.

Q And then you married again? A Yes sir.

Examined by Cherokee Representative Baugh:

Q That was after he served his time for highway? A No sir, he thought that by marrying me over it would save him, but it didn't.

Con'r Needles: Attorney for Mrs. Smith presents certified copy of record, marked exhibit "A".

Examination continued by Mr. Baugh:

Q Was you acquainted with Mr. Smith's former wife before you married him? A No sir, I was slightly acquainted with her afterwards.

Q How far did you live from where she lived at the time you married Mr. Smith? A I guess probably twenty miles or more.

Q You didn't know that he had a wife? A No sir, well I knew he had a wife, but he told me he was divorced from her, and I supposed he told me the truth.

Examined by Cherokee Representative Caleb Starr:

Q Mrs. Smith, how do you know the general reputation of Campbell Taylor for truth and veracity in the community in which he resided is bad? A That's what I have heard; there aint no one hardly speaks good of him.

Q Who did you hear say so? A I heard Mr. Thornbrough say so, I have heard Mr. Elder say so; I don't know as I could speak all of their names; I have heard Mr. Ham say so.

Q When did they say that? A I can't remember the time, but I have been acquainted with these parties a long time, and I have not only heard them say so once but lots of times.

J.W. STATS, being sworn and examined by Commissioner Needles, testified as follows: Examined by Attorney Thompson:

Q What is your name? A J.W. Stats.

Q What is your age? A Thirty-seven years old.

Q What is your age? A Lemah, Indian Territory.

Q You know Mrs. Smith, the applicant for citizenship in this cause?

A I do.

Q I will ask you where she lives? A She lives on a farm - a

Garric Smith 4

ranch about a mile north of Lenapah, Indian Territory.

Q Who is that ranch owned by? A It is owned by J.H. Shufeldt at the present time.

Q I will ask you in what capacity she is staying on that place?

A She is cooking there for my partner J.H. Shufeldt and myself; we are running a cattle ranch there, and she is also taking care of a child of mine for me individually.

Q Do you and Mr. Shufeldt as partners on the ranch pay her a salary? A Yes sir.

Q What does she do for you for that salary? A She cooks, keeps house and does general housekeeping.

Q I will ask you if you employ any hands on that place, and if so, where they take their meals, and who does the cooking? A They take their meals there, she does the cooking.

Q I will ask you if she has separate apartments there in the ranch house? A Yes sir.

Q Is she living with you, having taken up with you, and performing any of the rights of a wife towards you? A No sir.

Q Has she ever done so? A No sir.

Q Do you know Campbell H. Taylor? A Yes sir.

Q Do you know what his general reputation is in the community in which he lives for truth and veracity? A Yes sir.

Q Is it good or bad? A It is awful bad.

Q Do you know Sylvester S. Smith? A Yes sir.

Q Do you know what his general reputation is for truth and veracity? A Yes sir, I do.

Q What is his reputation? A It is bad.

Q Is there any further statement you desire to make at this time?

A Not that I know of.

Examined by Caleb Starr, on behalf of Cherokee Nation:

Q Who did you ever hear say the reputation of Campbell H. Taylor is bad? A Well, I could just start and name the neighborhood all over, parties that I am acquainted with that I ever talked with, and if you like I will start and name the neighborhood; Mr. Thornburgh, Mr. John Ham and there's another man right there by, I can't call him by name now; Mr. Beatty, and Mr. Stingleton; Mr. Bryden, and Mr. Elder.

Q When did you hear them talking about his reputation? A For the last twelve years.

Q Does Campbell H. Taylor live in that neighborhood? A He lives there in about five miles of where I have run cattle about fifteen years.

J.H. SHUFELDT, being sworn by Commissioner Needles and examined by attorney Thompson, testified as follows:

Q What is your name? A J.H. Shufeldt.

Q What is your age? A 30 years.

Q Post-office? A Lenapah, Indian Territory.

Q You know Mrs. Garric Smith, the applicant in this case? A Yes sir.

Q Where does she live? A Just a mile north of Lenapah.

Q On whose place or farm? A On a ranch of mine.

Q In what capacity is she there on that ranch, Mr. Shufeldt? A We have her employed there as housekeeper to cook for the cow men and the hands.

Q Do you pay her a salary? A Yes sir.

Q You say we, are you partners? A He and Mr. State together, we are partners in the cattle business.

Carrie Smith 5

Q And you pay her a regular salary in that capacity? A Yes sir.
Q Do you know Campbell H. Taylor? A Yes sir, I am acquainted with him.
Q Do you know his general reputation in the neighborhood of his for truth and veracity? A Yes sir, in the neighborhood around Lanapah there I do.
Q Is it good or bad? A Its bad.
Q Would you believe him on oath? A I would rather not answer that. - I don't know whether I would or not.
Q Well, I ask you the question, would you or not? A I don't know.

Examined by Caleb Starr, on behalf of Cherokee Nation;

Q How do you know the reputation of Campbell H. Taylor in that vicinity is bad? A By hearing the neighbors in that neighborhood talking about it.
Q Who did you hear talking about it? A Mr. Jim Elliott, Mr. Randolph Wells; I don't know that there's anybody else I could recall now.
Q Where did you hear them speak of him? A I can't just recollect the time now, some time within the last seven or eight years though.
Q Do these people live in the vicinity in which Campbell H. Taylor lives? A I suppose it is six or seven miles from where he lives; Mr. Taylor is pretty well known around through there.

GEORGE PARSONS, being sworn by Commissioner Needles, and examined by Attorney Thompson, testified as follows:

Q What is your name? A George Parsons.
Q How old are you? A 22.
Q What is your post-office? A Lanapah.
Q Do you work for Mr. Shufeldt and Mr. State in the cattle business near Lanapah, on their ranch? A Yes sir.
Q Do you live in this ranch house where Mrs. Smith is employed and stay there? A Yes sir.
Q How long have you lived there, staid there? A It will be five months the 17th of next month.
Q In what capacity is Mrs. Smith living there at that ranch house?
A She is keeping house for Mr. Shufeldt and Mr. State, cooking for the heads.
Q Does she have separate apartments there at that house? A Yes sir.
Q Does anybody occupy that apartment except her and the children?
A No sir.
Q Do you have a girl named Sam? A Yes sir.
Q And has Mr. State's boy? A Yes sir.
Q I will ask, during these five months that you have been living there if you have seen anything suspicious in the actions of Jacob State and this woman? A No sir.
Q Have they shown to be living there in any other relation other than as employer and employe? A No sir.
Q If there had been any conduct of that kind during these five months you would have had plenty of opportunity to discover it, haven't you? A Yes sir.

W.M. STORY, being sworn by Commissioner Needles and examined by attorney Thompson, testified as follows:

Carrie Smith 6

- Q What is your name? A W.H. Story.
- A Age? A fifty-four.
- Q Post-office? A Tanapah.
- Q How long have you known Jacob Stats and Carrie Smith, the applicant in this case.
- A I have known Jacob Stats eight years, probably, I have known Carrie Smith about eighteen months.
- Q How far do you live from them? A Our places is about half a mile apart, houses probably a mile.
- Q Is there any nearer neighbors than you to them? White neighbors I mean? A No sir, not on the north, they may be probably a little nearer towards town.
- Q Have you been to the house that's occupied by Jacob Stats and Shufeldt as a ranch house out there? A Yes sir, frequently.
- Q In what capacity is Mrs. Smith employed there at that place?
- A She is keeping house for Mr. Stats and Mr. Shufeldt on the ranch.
- Q Have you ever seen anything between Stats and this woman other than what was proper and right as between employer and employee?
- A No sir.
- Q I will ask if your wife vid to Mrs. Smith? A Yes sir.
- Q You know what reputation Mrs. Smith bears in that community?
- A Good.
- Q Do the women of the community respect her as a good woman? A Yes sir, all that I have ever heard talk.
- Q Do you know Campbell K. Taylor? A I know him just by what I have heard.
- Q You know his general reputation in that community for truth and veracity? A Only by what I have heard, principally only by hearsay; yes sir, it is bad.

Examined by Caleb Starr, on behalf of Cherokee Nation:

- Q Now do you know, Mr. Taylor's reputation is bad? A I have heard people talking.
- Q Who did you hear talk? A Well there was four or five years ago I heard them talking about it; I never met the man at all before we went-- it was about the time that they convicted John Beck for getting money under false pretense, that was there was a great talk about he ought to go up with John Beck.
- Q Is that all you heard them talk about? A Talking the reason why, he was getting money under false pretense, that is under this claim business.

LAFAYETTE ELDER, being sworn by Cornelia over Needles and examined by attorney Thompson, testified as follows:

- Q What is your name? A Lafayette Elder.
- Q Where do you live? A I live six miles south-east of Coffeyville in the Territory.
- Q How old are you? A I am forty-two years old.
- Q How long have you known S.S. Smith? A I have knowed him between sixteen and eighteen years.
- Q Do you know what his general treatment of Carrie Smith was?
- A Yes sir.
- Q State what his treatment of her was? A It was pretty bad; I know if I had treated my woman the way he done my woman wouldn't have staid with me; I have seen her chopping wood and I have been to the house when they didn't have bread and coffee to eat; I have seen her go out and chop wood to wash with and him lying around in the shade.
- Q Well, go on and tell anything else you may know about his mis-

Carrie Smith ?

treatment of her this woman? A I have known her to take eggs and chickens off, and he would take the money and go and buy whiskey with it.

Q Was he a drunkard? A Yes sir, he would get drunk every time he would go to town if he had money to get drunk on.

Q What was his general character? A Well, sir, it was bad.

Q I mean morally, and every other way? A Well, I will tell you I knowed him that length of time, he never done a hard day's work in that length of time that I knowed him.

Q Did he contribute anything toward her support? A No sir, she made might near the living herself, for him too.

Q Do you know his general reputation for truth and veracity?

A Yes sir.

Q Is it good or bad? A It is bad.

Q Would you believe him on oath? A No, I would not.

Q Do you know Campbell H. Taylor? A Yes sir, I know that gentleman too.

Q Do you know what his general reputation is in the community where he lives for truth and veracity? A Yes sir.

Q Is it good or bad? A It is bad.

Q Would you believe him on oath? A No sir, I wouldn't.

Q Do you know anything of his having been convicted at Ft. Smith for forgery? A No sir.

Q You have heard of it? A Yes sir.

Q You know of S. S. Smith having been convicted at Ft. Smith?

A Yes sir.

Q You know what the charge was? A Yes sir, it was for bigamy, I believe, he has got two little boys; then two little boys he has got there, are they by this woman? A Yes sir. It is a shame the way that man treats them little fellows; they are locked around from pillow to post; there was an old fellow lived up there last year, and he begged at Coffeyville for what he got, and he took it out and divided it with them little boys, and they were running around half naked all the time, and the lowliest little fellows you ever saw; my wife fed them twice and washed their clothes and patched them.

Examined by Cherokee representative J. E. Haugh:

Q Did Mr. Smith have an improvement or farm that they lived on?

A Yes sir, - that is, him and his wife together did.

Q Did the proceeds of that improvement go to support the family?

A No sir, my father-in-law bought that place, and he was to get no more years on it, and the old man got six years on it, and Smith wanted to run him out then.

Q Wasn't that your part what caused that made Smith so bad - made him look so bad in your peoples eyes, because he wanted to run your father off? A No sir, he fired me off my place he there in Vinita once, caused me to lose about three hundred dollars.

Q Didn't such things as that cause a man to feel bad towards a woman? A Why no, that man staid at my house three months last winter, him and his little boys, and never paid me a cent for it.

Examined by Caleb Starr, on behalf of the Cherokee Nation:

Q Did you ever have trouble with Campbell Taylor? A No sir.

Q Ever have any ill feeling towards him? A No sir.

Q How about Smith? A Well, me and Smith had some trouble.

Q You didn't feel the best towards him now? A Well, no, I can't say I feel well towards Smith.

Examined by attorney Thompson:

Carrie Smith 8

Q You couldn't have any respect for him could you? A No sir.
Q You couldn't feel very well towards a man who has treated his wife and children the way he has? A No sir, I could not.

JENNIE ELDER, being sworn by Commissioner Needles and examined by Attorney Thompson, testified as follows:

Q What is your name? A Jennie Elder.
Q What is your age? A Thirty-six.
Q What is your post-office? A Coffeyville, Kansas.
Q Are you related to Mrs. Carrie Smith the applicant? A Yes sir.
Q You are her sister? A Yes sir.
Q Do you know what the treatment of Carrie Smith was by her husband, S.S. Smith during the time they were living together as husband and wife? A I have been there several times and heard a few words of them.
Q You know how he provided for her? A Not very good.
Q State what his treatment was of her generally? A Well, she just had herself to clothe and had to help keep him up too.
Q Were you at your mother's house the day that Carrie Smith and S.S. Smith separated? A Yes sir.
Q Do you know what he was trying to do with Mrs. Smith at that time, the reason they separated? A I don't know what the trouble was, but he was moving away and she came home; he had some took one load away when she came home.
Q Go on and tell what you saw and heard at that time? A She went up there that evening and took the little boys to get the chickens, and he come down and took the little boys away from her and took them to the house.
Q Have you seen these little boys since they were taken away? A Yes sir, I kept them a year ago this last winter; they was as lousy as little dogs when they come there; I patched their clothes and cleaned them up; the neighbors all say now they are just as lousy as they can be, and I know the oldest one was at my house about three weeks ago and he was as lousy as he could be; he had nothing on but a little shirt and pair of overalls.

ROSA BUSH, being sworn by Commissioner Needles and examined by Attorney Thompson testified as follows:

Q What is your name? A Rosa Bush.
Q Your age? A Twenty-three.
Q Post-office? A Catoys, Kansas.
Q Are you related to Mrs. Carrie Smith, the applicant in this case? A Sister.
Q Do you know what the treatment of Mrs. Smith was by her husband, S.S. Smith? A Yes sir.
Q State to the Commission here how he treated her? A I never lived there three months I believe it was, with them, and he would drink and carouse around at night; was never at home when he ought to be evenings; she had to make her own clothes and most of her living off of her cattle, her garden and chickens, and things like that.
Q Did he contribute anything to her support? A Not very much.
Q What was his general treatment of her personally? A Well, I don't know hardly; he was awful mean to her in that way; they didn't agree, on account of his drinking and carousing around; she worked whenever she could get washing to do and helped make a living that way.
Q She took in washing to support herself and children? A Yes sir.

Carrie Smith 9

He never worked to do anything; he had in twelve acres of corn, and had an old man hired to help tend that.

Q How long was it before they were separated that you are speaking of now? A It was during the time I staid there, it was about three months I guess before they separated.

Examined by Commissioner Needles:

Q Did you ever know of him striking her or abusing her or anything of that kind? A No sir, I never saw him strike her or anything like that.

Q Was he habitually drunk about the house? A Why he always come home and went to bed when he was drunk; he was mad and cross the next day, and ill. He never chopped any wood; I have seen her chop enough wood to do her two weeks at a time; I saw her do that while I was living there.

Q Was he in good health so that he could have chopped wood if he wanted to? A Yes sir, good health, fleshy stout man; I never heard him complaining; I suppose he was in good health.

Examined by Charles Representative, J. E. Baugh:

Q Do you know anything about his being convicted of bigamy? A A Why I was only just a child then; I couldn't say anything much about that; I heard my ~~parents~~ parents speak of it, that was all.

Q Was he sent to the penitentiary for it? A I don't know, I couldn't say.

Q After he was convicted did he go back then and live with your sister? A With his wife, yes sir.

Q How long did they live together before they separated? A About nine or ten years I think; about nine years I guess it was; I was rather small, I don't remember much about that.

Q Up to the time that he was convicted did he treat your sister then with kind affection, and so on? A For about five years before, - maybe not so long, he never allowed her to come home or have anything to do with us; we never knew anything about her treatment; it was just about three years before they separated that we knew how they got along.

Examined by applicant's attorney, Mr. Thompson:

Q Do you know anything about his going away from home at one time there and leaving your sister? A Yes sir, he went to, - I don't know where he ~~went~~ did go to; he said he was going off and get a divorce.

Q How long was that before they separated? A About two weeks before they separated.

GARRIE SMITH, being re-called, is further examined by her attorney, Mr. Thompson:

Q Mrs. Smith, did your husband leave you just a short time before you and he separated for good? A Well it was about five years.

Q You had some trouble immediately before you separated; didn't he go away and stay away? A Yes sir, he was gone a week; I didn't know where he was.

Q What did he say? A Said he was going away and sue me for a divorce.

Q How long was that before you separated for good? A Probably two weeks; I don't just remember.

Q I will ask you if he ever at any time before that threatened

Carrie Smith 10

to leave you, to separate from you? A Yes sir, he had ordered me to leave lots of times, and I know he wanted me to leave.

Examined by Commissioner Needles:

Q Ever use bad language to you Mrs. Smith? A Yes sir, he has cursed me lots of times, and pulled my hair a time or two.

Q Never struck you? A No sir.

Examined by Attorney Thompson:

Q Pulled your hair and cursed you and abused you? A Yes sir, several times he has done that, especially if I would say anything to him about being out late of nights.

Examined by Commissioner Needles:

Q Was he in good health? A Yes sir.

Q Able to work? A Yes sir., perfectly able to work, but he was too lazy.

Q Would he pay any attention to you when you were sick, or get you any? A No sir, mighty little getting I got; it was mostly in the wash tub.

Q Did he take the money you made? A Yes sir, lots of times he has done that.

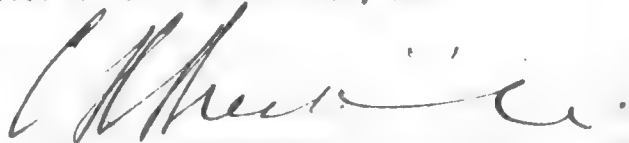
Q He would take your money that you made to buy butter and eggs for and get drunk on it? A Yes sir, when I let him take butter and eggs to town for me he would generally spend it that way; get drunk whenever he had the money to get drunk on.

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

M.D. Green

Subscribed and sworn to before me this March 28th, 1901.

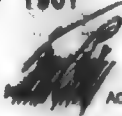


Commissioner.

Carrie Smith
Cher W992

DEPARTMENT OF THE INTERIOR
MISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 9 1901



ACTING CHAIRMAN.

S. S. Smith,

vs No.892.

Report of Master.

Carrie Smith,

I, N. A. Gibson, Master in Chancery of this Court, show to the court that under the general order of reference I have taken the proof and examined the pleadings herein, and find as follows:

I.

That the parties both reside in the Northern District, Ind. Ter, and have resided therein for more than one year next before the institution of this suit. That this suit was filed on Dec. 1, 1898, and that on Feb'y 4, 1899, the defendant filed her answer herein.

That the parties were married ^{in Vinita} on Feb'y 5, 1890, and lived together in the Ind. Ter. until Nov. 20, 1897; at which time the defendant deserted plaintiff without just cause and has ever since remained absent and apart from him. That the plaintiff alleges the said desertion as his cause of ~~action~~ divorce, and that the proof on file herein is sufficient to sustain the allegations of his complaint. That the said cause of divorce occurred and existed in the Ind. Ter., and within the five years next before the institution of this action.

That three children were born to said parties, Logan, a boy, aged 9 years, Harrison, a boy, aged 6-years, and Lydia, a girl, aged 3 years. That the two boys are in the custody of the plaintiff and the ^{girl} in the custody of the defendant.

That the parties have filed a stipulation herein as to the custody of said children.

The premises considered I recommend that plaintiff be

granted a divorce as prayed & also the custody of said two boys. & that defendant be awarded the custody of said girl, subject to the provisions of said stipulation, which is made a part of this report.

Respectfully submitted this Feb'y 15, 1899.

N. A. Gibson,
Master in Chancery.

United States of America,
Indian Territory, SS
Northern District.

I, CHARLES A. DAVIDSON, Clerk of the United States Court for the Northern District of the Indian Territory, hereby certify that the above and foregoing is a true and correct copy of the Report of the Master in Chancery in the within styled cause, wherein S. S. Smith is plaintiff and Carrie Smith is defendant, filed the 15th day of February, 1899, as the same appears of record in my office.

In TESTIMONY WHEREOF, I hereunto set my hand and affix the seal of said Court at Vinita this the 8th day of October, 1901.

CHARLES A. DAVIDSON, Clerk.

By T. A. Chaud Deputy Clerk.

Q

5992

UNITED STATES

VERSUS

MITTIMUS

FILED
MAR 14 1902

[Handwritten signature]
JAMES H. HARRIS

RECEIVED, at the United States Jail, at Fort Smith, Arkansas,
this day of A. D., 190

from
Marshal of the United States for the Western District of
Arkansas, the body of the within-named.....

.....
together with a copy of this Writ.

..... Jailer.

I CERTIFY That I have served the within Writ by delivering the body of the within-named
..... together with a copy of this Writ, into the custody
and hands of the United States Jailer, at Fort Smith, in the State of Arkansas, on the..... day of
..... 190..... and have his receipt therefor endorsed thereon, as within I am
commanded.

.....
United States Marshal, Western District of Arkansas.

B
DAN

UNITED STATES

VERSUS

MITTIMUS

FILED
MAR 14 1902

HAMBURG BOOK, PRINTERS, FORT SMITH, ARK.

In the District Court of the U. S. for the Western District of
Arkansas, Fort Smith Division.

Wednesday *Feb* TERM, 1896
Morning, *8* O'clock, *May 25* A. D. 1896

Court met pursuant to adjournment. Present, the Honorable *Leakes* JOHN H. ROGERS, Judge of the
District Court of the United States for the Western District of Arkansas.

UNITED STATES

VERSUS
Campbell & Taylor
vs *F Read*

No. *4438*

INDICTMENT FOR *Viol Postab Law*
IN THE WESTERN DISTRICT OF ARKANSAS.
Judicial Circuit

On motion of *JAMES K. BARNES, Esq.*, Attorney for the Western District of Arkansas, the said
defendant, *Campbell & Taylor* was brought to the bar of the
Court, in custody of the Marshal of said District, and it being demanded of him what he has to or can say
why the sentence of the law upon *the verdict* of *(2nd et al)* *returned against*
him by the jury in this cause on the *17* day of *May* A. D. 1896 shall not now
be pronounced against him, he says he has nothing further or other to say than he has heretofore said:

WHEREUPON, The premises being seen, and by the Court well and sufficiently understood, it is con-
sidered by the Court that the said *Campbell & Taylor* for his misdemeanor
aforesaid, be imprisoned in the United States Jail, situated at Fort Smith, in the Western District of Arkansas,
for the term and period of *60* days, and that he pay to the United
States of America a fine of *200* DOLLARS,
together with all their costs in and about this prosecution laid out and expended, and that they have execu-
tion therefor.

IT IS FURTHER CONSIDERED, That the Marshal of the Western District of Arkansas, to whose
custody the said *Campbell & Taylor* is now here committed, is hereby required to
receive and safely keep and convey the body of the said *Campbell & Taylor* hence
to said United States Jail, without delay, and deliver him to the custody of the Keeper of said Jail, who is
hereby required to receive and safely keep the said *Campbell & Taylor* in jail in
execution of the sentence aforesaid, and in conformity with the same, for the full period of time aforesaid.
And it is further ordered that the Clerk of this Court is hereby required to furnish the Marshal of this District
with two duly certified copies of this Judgment, Sentence and Order, one of which shall be delivered to the
Keeper of said Jail, and the other returned by the Marshal to this Court, with a full and true account of the
execution of the same.

I, H. B. ARMISTEAD, Clerk of the District Court of the United States, in and for the Western District of Arkansas, Fort
Smith Division, hereby certify that the foregoing is a true and correct copy of the Judgment, Sentence and Order in the above entitled
cause, as the same appears of record.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the
seal of said Court, at Fort Smith, in said District, this *1st* day

of *April* A. D., 1901
H. B. Armistead Clerk.
H. B. Armistead D. C.

Q

2992

UNITED STATES

VERSUS

MITTIMUS

FILED
MAR 14 1902

[Signature]
ACTING CHAIRMAN

RECEIVED, at the United States Jail, at Fort Smith, Arkansas,
this day of A. D., 190

from
Marshal of the United States for the Western District of
Arkansas, the body of the within-named

.....
together with a copy of this Writ.

..... Jailer.

I CERTIFY That I have served the within Writ by delivering the body of the within-named
..... together with a copy of this Writ, into the custody
and hands of the United States Jailer, at Fort Smith, in the State of Arkansas, on the day of
..... 190..... and have his receipt therefor endorsed thereon, as within I am
commanded.

.....
United States Marshal, Western District of Arkansas.

In the District Court of the U. S. for the Western District of Arkansas, Fort Smith Division.

Thursday ^{May} TERM, 1890 Morning, 10 o'clock, July 3 A. D., 1890

Court met pursuant to adjournment. Present, the Honorable JOHN H. ROGERS, Judge of the District Court of the United States for the Western District of Arkansas.

UNITED STATES

No. 432

VERSUS Sylvester Smith

INDICTMENT FOR Bigamy IN THE WESTERN DISTRICT OF ARKANSAS. Judean Canales

On motion of JAMES B. BARNES, Esq., Attorney for the Western District of Arkansas, the said defendant, Sylvester Smith was brought to the bar of the Court, in custody of the Marshal of said District, and it being demanded of him what he has to or can say why the sentence of the law upon his plea of guilty heretofore entered by him by the jury in this cause on the 3 day of July A. D. 1890 shall not now be pronounced against him, he says he has nothing further or other to say than he has heretofore said:

WHEREUPON, The premises being seen, and by the Court well and sufficiently understood, it is considered by the Court that the said Sylvester Smith for his misdemeanor aforesaid, be imprisoned in the United States Jail, situated at Fort Smith, in the Western District of Arkansas, for the term and period of 30 days, and that he pay to the United States of America a fine of Fifty DOLLARS, together with all their costs in and about this prosecution laid out and expended, and that they have execution therefor.

IT IS FURTHER CONSIDERED, That the Marshal of the Western District of Arkansas, to whose custody the said Sylvester Smith is now here committed, is hereby required to receive and safely keep and convey the body of the said Sylvester Smith hence to said United States Jail, without delay, and deliver him to the custody of the Keeper of said Jail, who is hereby required to receive and safely keep the said Sylvester Smith in jail in execution of the sentence aforesaid, and in conformity with the same, for the full period of time aforesaid. And it is further ordered that the Clerk of this Court is hereby required to furnish the Marshal of this District with two duly certified copies of this Judgment, Sentence and Order, one of which shall be delivered to the Keeper of said Jail, and the other returned by the Marshal to this Court, with a full and true account of the execution of the same.

I, H. B. ARMISTEAD, Clerk of the District Court of the United States, in and for the Western District of Arkansas, Fort Smith Division, hereby certify that the foregoing is a true and correct copy of the Judgment, Sentence and Order in the above entitled cause, as the same appears of record.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court, at Fort Smith, in said District, this 1st day

of April A. D. 1901. H. B. Armistead Clerk. By Thomas Ammerly D. C.

R.

C. D-992.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., March 14, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Carrie Smith for the enrollment of herself as a citizen of the Cherokee Nation.

Appearances:

W. P. Thompson, Attorney for applicant.
W. W. Hastings, attorney for Cherokee Nation.

The applicant was notified by registered letter February 26, 1902, that her application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskegee, I. T., on the 14th day of March, 1902. Receipt has been acknowledged of the Commission's letter, and the applicant this day, to-wit: the 14th day of March, 1902, appears by her attorney W. P. Thompson, of Vinita, I. T.

BY COMMISSION OF MR. THOMPSON: Is there any statement you desire to make relative to the case?

MR. THOMPSON: I want to file, in accordance with the requirements of the Commission, a certified copy of decree of divorce, stipulation and answer in the case of S. S. Smith vs. Carrie Smith, No. 892, Vinita Decket.

BY COMMISSION: The documents will be filed and made a part of the record:

The Answer in that case is as follows:

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

S. S. Smith,

vs.

Carrie Smith.

Answer.

Comes now the defendant and for answer to the plaintiff's complaint says she and the defendant cannot live together as husband and wife and therefore the defendant does not care to contest his suit for divorce but prefers to content herself with asking that the court in making its decree and awarding the care and custody of the two children Logan and Harrison, to the plaintiff, grant her the privilege of sending for the two children once in every three months if she so desires and of having them to visit her for a period of time not to exceed one week once in every three months.

Defendant asks that she be awarded the care and custody of the youngest child, Lydia Smith, and is willing that the plaintiff have the privilege of sending for said Lydia Smith once every three months on the said plaintiff sending for her at his own expense.

Wherefore defendant asks that she be given the care, custody and control of the said Lydia Smith and that she be divorced from the plaintiff herein.

W. S. Stanfield,
Atty. for defendant.

Stipulation by and between S. S. Smith and Carrie Smith is as follows, to-wit:

In the matter of the divorce proceedings of S. S. Smith and Carrie Smith it is hereby stipulated and agreed by and between the said parties that in the event a decree of divorce shall be rendered by the court in this cause, the custody of the two children, Logan Smith and Harrison Smith, shall be awarded to the plaintiff, and the custody of the child, Lydia Smith, shall be awarded to the defendant subject to the following conditions: That the plaintiff shall be permitted to have the said child, Lydia Smith, visit him for a period of one week in each three months at his expense, and shall return said child to the custody of the defendant at the expiration of said week free of expense to the defendant.

Second: That the said defendant shall be permitted to have the said two children, Logan Smith and Harrison Smith, to visit her for the period of one week in each three months at her expense and at the expiration of the said time shall return said children to the plaintiff without expense to the plaintiff.

Witness our hands at Vinita this 4th day of February, 1899.

S. S. Smith, per Me.
Atty. for Plaintiff.

V. S. Standfield.
Atty. for Defendant.

S. S. Smith,

vs.

No. 892.

Carrie Smith.

Now on this the 15th day of February, 1899, this cause comes on for trial, to be heard upon the proofs submitted and the report of the Master in Chancery filed this day. The said report of the Master being heard by the Court is approved. And it appearing to the Court that the said report recommends that a divorce be granted to the plaintiff as prayed for in his petition; it is considered, ordered and decreed by the Court that the marriage relations existing between the plaintiff and this defendant be and the same are hereby set aside, annulled and forever held as naught. And the said S. S. Smith be divorced from the said Carrie Smith and that the said parties have the custody of their children respectively as per the stipulation filed with the papers in this case.

UNITED STATES OF AMERICA,

Indian Territory, ss.

Northern District.

I, Chas. A. Davidson, Clerk of the United States Court for the Northern District of the Indian Territory, do hereby certify the above and foregoing to be a true and correct copy of the answer, stipulation and the decree in No. 892, entitled S. S. Smith vs. Carrie Smith, as appears from the records now on file in my office.
WITNESS my hand and seal of said Court at Vinita this the 11th day of March, A. D. 1900.

(REAL)

Chas. A. Davidson, Clerk,
By S. A. Chandler, Deputy.

The foregoing papers were endorsed as follows:

Department of the Interior.
Commissioner to the Five Civilized Tribes.

F I L E D

Mar 14 1902

Tom Bixby,

Acting Chairman.

MR. THOMPSON: I also desire to file the mittimus committing Sylvester Smith to the United States Jail at Fort Smith by the United States Court for the Western District of Arkansas, in the case of the United States vs. Sylvester Smith, No. 432, on the charge of highway.

The mittimus is as follows:

IN THE DISTRICT COURT OF THE U. S. FOR THE WESTERN DISTRICT OF
ARKANSAS, FORT SMITH DIVISION.

MAY TERM, 1890.

Thursday Morning, at 1 1/2 O'clock, July 1, A. D. 1890.

Court met pursuant to adjournment. Present, the Honorable
J. C. Parker, Judge of the District Court of the United States for
the Western District of Arkansas.

UNITED STATES,
versus

No. 432.
Indictment for Highway.
In the Indian Territory.

Sylvester Smith.

On motion of M. H. Daniels, Esq., Attorney for the Western District of Arkansas, the said defendant Sylvester S. Smith, was brought to the bar of the Court, in custody of the Marshal of said District, and it being demanded of him what he has to or can say why the sentence of the law upon his plea of guilty heretofore entered by him in this cause on the 5 day of July, A. D. 1890, shall not now be pronounced against him, he says he has nothing further other to say than he has heretofore said;

WHEREUPON, The premises being seen, and by the Court well and sufficiently understood, it is considered by the Court that the said Sylvester S. Smith for his misdemeanor aforesaid, be imprisoned in the United States Jail, situated at Fort Smith, in the Western District of Arkansas, for the term and period of 30 days, and that he pay to the United States of America a fine of Fifty Dollars, together with all their costs in and about this prosecution laid out and expended, and that they have execution therefor.

IT IS FURTHER ORDERED, That the Marshal of the Western District of Arkansas, to whose custody the said Sylvester S. Smith is now here committed, is hereby required to receive and safely keep and convey the body of the said Sylvester S. Smith hence to said United States Jail, without delay, and deliver him to the custody of

the Keeper of said Jail, who is hereby required to receive and safely keep the said Sylvester E. Smith in jail in execution of the sentence aforesaid, and in conformity with the same, for the full period of time aforesaid. And it is further ordered that the Clerk of this Court is hereby required to furnish the Marshal of this District with five duly certified copies of this Judgment, Sentence and Order, one of which shall be delivered to the Keeper of said Jail, and the other returned by the Marshal to this Court, with a full and true account of the execution of the same.

I, H. B. ARMISTEAD, Clerk of the District Court of the United States, in and for the Western District of Arkansas, Fort Smith Division, hereby certify that the foregoing is a true and correct copy of the judgment, Sentence and Order in the above entitled cause, as the same appears of record.

(SEAL)

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court, at Fort Smith, in said District, this 1st day of April, A. D. 1902.

H. B. ARMISTEAD, Clerk.
By Florence Hunsaraly, D. C.

The endorsement on said mittimus is as follows:

Department of the Interior.
Commission to the Five Civilized Tribes.
F I L E D
Mar 14, 1902
Tamm Kirby,
Acting Chairman.

MR. THOMPSON: I also desire to file the commitment in the case of the United States vs. Campbell H. Taylor, No. 4438, in the United States Court for the Western District of Arkansas, on the charge of violating the postal laws.

The Mittimus is as follows:

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF
ARKANSAS, FORT SMITH DIVISION.

FEB. TERM, 1896.

Wednesday Morning, 8 1/2 O'clock, Mar. 25, A. D. 1896.

Court met pursuant to adjournment. Present the Honorable J. C. Parker, Judge of the District Court of the United States for the Western District of Arkansas.

.....

UNITED STATES,)

No. 4438.

versus)

Indictment for Viol Postal Law.

Campbell H. Taylor.)

In the Indian Territory.

On motion of Jas. F. Read, Esq., Attorney for the Western District of Arkansas, the said defendant, Campbell H. Taylor, was brought to the bar of the Court, in custody of the Marshal of said District, and it being demanded of him what he has to or can say why the sentence of the law upon the verdict of guilty and et. heretofore returned against him by the jury in this cause on the 17 day of May, A. D. 1895 shall not now be pronounced against him, he says he has nothing further or other to say than he has heretofore said;

WHEREUPON, The premises being seen, and by the Court well and sufficiently understood, it is considered by the Court that the said Campbell H. Taylor, for his misdemeanor aforesaid, be imprisoned in the United States Jail, situated at Fort Smith, in the Western District of Arkansas, for the term and period of 60 days, and that he pay to the United States of America a fine of 200 Dollars, together with all their costs in and about this prosecution laid out and expended, and that they have execution therefor.

IT IS FURTHER CONSIDERED, That the Marshal of the Western District of Arkansas, to whose custody the said Campbell H. Taylor is now here committed, is hereby required to receive and safely keep and convey the body of the said Campbell H. Taylor hence to said United States Jail, without delay, and deliver him to the custody of the Keeper of said Jail, who is hereby required to receive and safely keep the said Campbell H. Taylor in jail in execution of the sentence aforesaid, and in conformity with the same, for the full period of time aforesaid. And it is further ~~ordered~~ ordered that the Clerk of this Court is hereby required to furnish the Marshal of this District with two duly certified copies of this Judgment, Sentence and Order, one of which shall be delivered to the Keeper of said jail, and the other returned by the Marshal to this Court, with a full and true account of the execution of the same.

I, H. B. ARMISTEAD, Clerk of the District Court of the United States, in and for the Western District of Arkansas, Fort Smith Division, hereby certify that the foregoing is a true and correct copy of the Judgment, Sentence and Order in the above entitled cause, as the same appears of record.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court, at Fort Smith, in said District, this 1st day of April, A. D. 1901.

(SEAL)

H. B. ARMISTEAD, Clerk.
By Florence Hammersly, D. C.

The foregoing Writimus is endorsed as follows:

Department of the Interior.
Commission to the Five Civilized Tribes.
F I L E D
Mar 14 1902
Tans Lixby,
Acting Chairman.

MR. HASTINGS: The representative of the Cherokee Nation objects to the filing of both of these documents, for the reason that neither of them would disqualify the persons as witnesses, because they were only convicted of misdemeanors and sentenced to jail, and they were not infamous crimes which would disqualify them from testifying under the law.

MR. THOMPSON: It goes to their credibility.

BY COMMISSION: The documents will be filed and made a part of the record.

W. S. STANFIELD, being first duly sworn, and being examined, testified as follows:

MR. THOMPSON: What is your name? A. W. S. Stanfield.

Q How old are you? A Thirty-four.

Q Where do you live? A Vinita.

Q What official position do you hold? A United States Commissioner

Q What is your profession? A Lawyer.

Q How long have you been practicing law? A Nine years.

Q As such practicing attorney did you represent Mrs. Carrie Smith as defendant in the divorce case in the Circuit Court of the Cherokee Nation at Claremore, Indian Territory.

A Yes sir, I was employed by her, and not being licensed to practice in the Cherokee Courts I employed another attorney to appear for me in the case.

Q What disposition was made of that case?

MR. HASTINGS: Object to that, the record is the best testimony.

BY COMMISSION: The objection will be noted.

A The case was dismissed.

Q Did you represent Mrs. Smith in another case instituted afterwards by Sylvester S. Smith in the United States Court for the Northern District in the Cherokee Nation, sitting at Vinita? A Yes sir.

Q State why and under what circumstances a full defense was not made in that case.

MR. HASTINGS: Object to that. Certainly the record is obtainable in the United States Court, and same has already been filed and is a matter of record; and the complaint, the answer and a synopsis of all the testimony is required to be taken down, and the report of the master, and all these things are matters of record, and oral testimony ought not to be introduced concerning them.

THE WITNESS: In that case I was employed by Mrs. Smith to defend the case for her. She had previously exhausted her means for fighting the case in the Cherokee Courts. At the time she employed me in the Cherokee case she had a few or two, which she disposed of but it would be enough to take the case to the United States Court, so she instructed me to get out of it the best way I could. She told me to make the best arrangement I could on account of the children, and I did so.

Q Do you know Sylvester S. Smith, her former husband? A Yes sir.

Q Do you know his general reputation for truth, veracity and morality? A Yes.

Q Is that reputation good or bad? A It is bad.

Q Do you know Campbell H. Taylor? A Yes sir.

Q Do you know what his general reputation is for truth, veracity and morality? A Yes sir.

Q Is that reputation good or bad? A It is bad.

MR. HASTINGS: Do you know the reputation of Carrie Smith for truth and veracity? A No sir.

Q You was her attorney, Mr Stanfield? A Yes sir.

Q Mr. Thompson knew that you was her attorney when you came down here? A Yes sir.

Q And he brought you down here to impeach a witness that he knew would not be here today? A I don't know about that.

MR. THOMPSON: You were not present when they were down here, and had no opportunity?

A Concerning the question that I knew her reputation for truth, I could not say that I knew her reputation for truth, because I never heard it questioned. I don't know that that ever came up at all.

MR. HASTINGS: How far did Sylvester Smith live from Vinita?

A I understand that he owned a farm up toward Coffeyville.

Q How far? A Fifteen or twenty miles.

Q How far did Campbell Taylor live? A I don't know where he lives. I have known Sylvester Smith for seven or eight years, most of the time he has lived right at Vinita.

MR. THOMPSON: The attorney for the applicant states that the applicant, nor her as her attorney were ever notified that the testimony of S. S. Smith and Campbell Taylor or any other witness would ever be taken in this case, and had no opportunity to be present at that time and cross examine them, so as to lay any foundation against them for attacking their character for truth, veracity and morality.

The attorney for the applicant submits the case. The attorney for the Cherokee Nation presents submits the case, same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

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

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

Wm Hutchinson

No D 992

In the matter of
the application
of Carrie Smith
for enrollment
as a citizen of the
Cherokee Nation

Brief of Applicant

APR 5 1902

ACTING CHAIRMAN

Wm P. Thompson,
Atty for Applicant.

Before the Commission to the Five Civilized Tribes.

In the matter of the application
of Jarric Smith for enrollment
as a citizen of the Cherokee
Nation.

Brief of Applicant.

Statement of Facts.

The applicant has proven beyond question, first, that she married Sylvester S. Smith, a citizen of the Cherokee Nation by blood on May, 13th, 1900, under the laws of the Cherokee Nation; That her husband's name appears on the Roll of 1880, page 171, No. 2553; That her name appears on the Cherokee Roll of 1896 as Carrie Smith, page 325, No. 889, Cooweescoowee District; that her husband was a worthless, thriftless, drunken vagabond, and treated her with inhuman cruelty and barbarous brutality, compelling her to support herself and him and her children by washing, and he would take her money, made by marketing butter and eggs etc, and squander it in his drunken carousals and subjected her to all sorts of indignities, the bare mention of which brings disgrace upon the sex to which he belongs; that by his brutal and inhuman conduct and threats, which ended in his leaving her once or twice and trying to drive her to a separation and threatening divorce proceedings etc, and finally in actually starting to move her from her home to an old abandoned school house, for her own protection against this brute, she went to her mother's, after suffering for years from his brutality with a patience no other woman would have permitted for an instant; After she went to her mother's he made no effort to have her return but it seems from the record that this act was what he used ever endeavor to drive her to for years and that this was the consummation of his

desires. He instituted divorce proceedings against her in the Cherokee Courts and she sold the last cow she possessed in order to fee a lawyer to defend her in this case; that her attorney defeated this case in the Cherokee Courts. that he, after sometime later, instituted another divorce proceeding against her in the United States court at Vinita; That her means were exhausted and she was not able to employ counsel to represent her and she could not fight the case there, so she was compelled to do the best she could in the matter and he on an ex parte hearing took the divorce on false grounds and false testimony as the overwhelming mass of evidence in support of this application taken by this Commission shows; That the only evidence taken against the applicant is the testimony of Campbell H. Taylor and Sylvester S. Smith, two ex-convicts, whose testimony has been impeached and discredited by eight or ten creditable witnesses in this case.

Argument.

I respectfully submit that this woman is entitled to enrollment by your Commission for the reasons, First: That she is an intermarried citizen of the Cherokee Nation under the Cherokee Law, and her child, Lydia Smith, has already been enrolled by you on the tenth day of September 1900, on straight card, No. 2445, as the result of this marriage; Second: That she appears on the Cherokee Roll of 1896, page 323, No. 889 as Carrie Smith and she is identified as the same person whose name appears on said Roll and under Section 21 of the Act of Congress of June 28th, 1899 she is properly on said Roll and was not placed there fraudently or improperly as is shown conclusively by the record in this case. Third: That she never forfeited her rights to citizenship by leaving her husband as contemplated under the Cherokee Law.

The story of her life with her Cherokee husband as disclosed by the record of the sworn testimony in this case is one of unbroken misery, of patient endurance on her part of the most inhuman brutality, bestiality and personal indignities heaped upon her by her ex-convict, drunken, lazy, vagabond of a husband, she did not desert him or abandon him, he drove her from him by his cruelty, his threats of violence to her, his threats of separation from her and did leave her for weeks at one or two times before, his drunkenness, his squandering of her hard-earned money in his drunken orgies and debauchments, gotten together by her at the wash-tub, from the raising of chickens and marketing them, together with her butter and eggs; and finally trying to compel her to move from the only home she possessed on earth to an old abandoned school house and hired her out to do washing etc, etc. and this last coupled with all that had gone before was more than this most patient and long suffering woman could stand, and she went to her mother when she should have gone long before. This woman suffered more than human nature should be called on to stand and she was thrice justified in leaving and going to her mother's.

Hence I submit that she did not abandon him, but he drove her away. If not, why did he not make some effort to have her return. She fought him in the courts until she sold the last cow she had to pay her attorneys fees and exhausted her means and defeated him in the Cherokee Courts, and no doubt would have done so again had she been able to pay lawyers and costs. *where he said his first for divorce* The testimony of herself and Wade S. Stanfield shows that she was not able to fight further and that the decree of divorce was granted ex parte on false grounds and false testimony as *shown* by this record in the sworn testimony of several other witnesses besides that of applicant, which fully support and corroborate applicant

in her testimony as to cause of separation.

The only testimony on the other side is the testimony of Taylor and Smith who appeared before your Commission without notice to applicant or her attorney, and applicant and her attorney were thereby deprived of the privilege of Cross-examination but they are shown in this record to be ex-convicts and eight or ten good citizens have impeached their oaths and have stated under oath that their general reputations for truth and veracity were bad and numbers swore that they would not believe them on oath. Hence I say their statements should be disregarded by you.

Now in support of our contention that applicant did not desert or abandon her husband we ~~may~~ leave to submit the following propositions of law and the authorities supporting them. "The unwritten rule of law is, that would not be desertion to which the will does not consent." Sec. 773, Bishop on Marriage and Divorce, Vol. I; "It must be without the act or consent of the other party," Sec. 773, Vol. I Bishop; Sec. 776, Vol. I, Bishop on Marriage and divorce, defines desertion to be "The voluntary separation of one of the married parties from the other, or a voluntary refusal to renew a suspended co-habitation, without justification either in the consent or the wrongful conduct of the other." Sec. 777, page 583, Vol. I, Bishop on marriage and divorce says. Third Element. "The separation must be against the will of the party deserted." "Such party must not consent." "And beyond this, when two separate by mutual consent, there cannot be, and is not, in either, an intent to desert the other." 32 Cal. 467; 27 Tex. 390; 9 R. I. 57. "When a party makes no efforts to prevent the desertion but acquiesces and appears satisfied with its continuance it is not desertion." Harold vs Harold, Vol. 9, page 696, Lawyers reports Annotated; *"The act of a woman leaving her husband for cause is not desertion"* and "The act of a party leaving another for cause is not

desertion within the meaning of the law authorising a divorce for desertion. ^{*Bosittle vs Bosittle*} Vol. 6, page 187, Sawyer's Reports Annotated. Section 668, page 333, Compiled Laws of the Cherokee Nation 1892, says: "But whenever such abandoned ^{*man*} shall be planned or effected by the wife for the purpose of ridding herself of her husband, then and in that case such wife shall be entitled to such property as shall be ~~forwards~~ ^{*forwarded*} upon application of either party for divorce, by the Courts having jurisdiction." Hence the Cherokee Law itself does contemplate a forfeiture of intermarried citizens rights to citizenship when the separation has been planned or effected by the party for the purpose of ridding ^{*themselves of the other*} and section 669 provide that no forfeiture shall take place until a forfeiture is declared in a regular judicial proceeding in the Circuit Court of the Cherokee Nation. This has ~~not been done~~ ^{*and forfeiture*} ~~to~~ declared in this case.

Therefore I respectfully submit that as a act of Justice as an act of law this applicant should be enrolled and as her child, Lydia, Smith, has already been enrolled it is unnecessary to mention her further.

Respectfully Submitted.

Wm P Thompson
Atty. for Applicant.

COMMISSION TO THE UNITED STATES

FILED

JUN 5 1902



ATTEST

RECEIVED
JUN 5 1902
U.S. DEPT. OF JUSTICE

pleases and bring a vast number of witnesses and we submit that upon
this ground we do not believe the applicant is entitled to enrollment
as a citizen of the Cherokee Nation.

Respectfully Submitted,

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

CORRECTION

THESE DOCUMENTS

HAVE BEEN

REPHOTOGRAPHED

TO ASSURE

LEGIBILITY

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Muskogee, I. T. June 6th 1902.

In the matter of the application of Carrie Smith for enrollment as
a citizen of the Cherokee nation by Intermarriage.
Cherokee D 992.

Brief on part of the Cherokee Nation.

The testimony in this case shows that Carrie Smith the applicant is a
white woman and that she was married to Sylvester S Smith, a Cherokee by
blood on the 13th day of May 1890 and that she subsequently abandoned her
husband secured a divorce from her on the grounds of abandonment in the
United States Court for the Northern District of the Indian Territory and
the Cherokee Nation contends that she is not entitled to enrollment under
Section 667 of the Compiled Laws of the Cherokee nation, 1892, which
reads as follows:

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

Section 687 of the Compiled Laws of the Cherokee Nation, 1892, pro-
vides:

"Words in the masculine gender shall embrace a female, as well as
a male, unless a contrary intention is manifest."

It is therefore clear that Section 667 of the Compiled laws of the
Cherokee Nation, 1892, applies to the case of a white woman where she
abandons her husband the same as where the husband abandons the wife.

For vituperative epithets the brief of the attorney for the applicant
is perhaps without a ~~parallel~~ parallel but it is often said that where a
lawyer is short on law he must get long on fact and as applied to this
case the attorney being short on both law and ~~fact~~ evidence he is long
on vituperation.

The testimony clearly shows in this case that after the applicant
had lived with her husband until three children were born that she volun-
tarily abandoned him, leaving his residence and that soon thereafter he
instituted a divorce suit against her in the Cherokee Courts and when

the Cherokee courts were abolished by the act of Congress, ~~approximately~~ he reinstated suit in the United States Court at Vinita on the grounds of abandonment.

The records in this case show that she employed an attorney W. S. Stanfield who was a resident of the town of Vinita. The records further show that he filed an answer in the case; and the records further show that there was a stipulation as to the division of the Children but the Commission will observe that there was no compromise as to the divorce itself. . The Commission will further note that divorce suits are not granted by default but that testimony must be introduced and was introduced in this case and a judgment rendered Sylvester S Smith against the applicant on the grounds of abandonment. Clearly this question has been adjudicated by a court of competent jurisdiction and the Commission certainly will not reopen it now.

But the applicant pleads the want of means to defend herself in this case. This is contradicted by the very facts and circumstances connected with her case; Although this woman lives at Lenapah she did not apply at Chelsea, Nowata, Claremore or partlesville for enrollment but she awaits until the Commission leaves the vicinity of her home where she would not be confronted with her neighbors and in company with Jacob Staats she appeared before the Commission with an attorney at Tahlequah, Indian Territory some seventy-five miles from her home, and twenty miles of which is across the country, at a great expense, to apply for enrollment and this of itself is a suspicious circumstance and one that the Commission may well take note of.. She is able now to employ an attorney and she was equally as able when her divorce suit was pending at Vinita but the record shows that she did and will Mr. Stanfield now deny his own signature but he pleads that he neglected it because of the insufficiency of a fee paid; still we see him signing a stipulation for the settlement of the Children and all of the records in this case show that W. S. Stanfield was and acted as her attorney.

Again she was able to bring a great number of witnesses along with this same noted Jacob Staats to testify in her behalf at Muskogee on March 24th 1901; look at the expense incurred? Is this not corroborative of the fact that there is some improper relation existing between this

woman and Jacob Staats a whiteman as testified to by both Campbell Taylor and Sylvester S Smith.

Again this woman in one breath swears that she had to earn a living for the family at drudgery work etc and if she was so able to earn a livelihood while living with Smith both for herself and Smith how much greater would be her capability after her separation from Smith to defend her honor in a divorce suit instituted in the court of competent jurisdiction?

Abuse and vilify Smith and Taylor all you like still the decree of divorce remains. If these two people were unworthy to believe why did not Standfield take their reputations before the Master when their testimony was taken before the Master in the divorce proceedings. By remaining silent he admitted every fact alleged in the applicants petition and the testimony in this case shows that the divorce was granted on the ground of abandonment alone.

There is a further fact which the Commission will note and that is that Smith was convicted of Bigamy at Fort Smith Arkansas in July 1890 and because of his illegal marriage to applicant now the certificate of marriage filed in this case and upon which Garris Smith relies for her admission to citizenship by intermarriage shows that she was married to Sylvester S Smith on May 15th 1890 or prior to his conviction for bigamy and therefore prior to his divorce from his former wife and if this be true she was never legally married to Smith.

She introduced no testimony whatever to show that she did not abandon Smith but relies upon a number of witnesses testifying as to the bad reputation of both Taylor and Smith but what we especially urge upon the Commission is that a court of competent jurisdiction has granted a decree of divorce in this case against the applicant and section 657 of the Compiled Laws of the Cherokee Nation, 1898 is clearly applicable to this case.

We also believe that the testimony in this case shows improper relations between Garris Smith and Jacob Staats. She would not apply at home but preferred to go to Tahlequah; she has been seen in company with Staats frequently; he was with her at Tahlequah; he was with her at Muskogee. She seems to have sufficient means to enable her to go where she

pleases and bring a vast number of witnesses and we submit that upon
this ground we do not believe the applicant is entitled to enrollment
as a citizen of the Cherokee Nation.

Respectfully Submitted,

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

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Carrie Smith for enrollment as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N .

The record in this case shows that on December 17, 1900 Carrie Smith appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment of herself, among others, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on the following dates: - February 11th 1901, March 26th 1901 and March 14th 1902. The other parties to this application are differently classified and are not embraced in this decision.

The evidence shows that on May 13th 1890 the applicant was married to Sylvester S. Smith, who is identified on the 1890 authenticated roll of the Cherokee Nation and on the 1896 Census Roll as a native Cherokee. The applicant is identified on the 1896 Census Roll of the Cherokee Nation as a white adopted citizen of said Nation.

The evidence further shows that in July 1890 the said Sylvester S. Smith was convicted of bigamy by the District Court of the United States for the Western District of Arkansas, Fort Smith Division, at the May term thereof 1890; and it is shown by testimony herein that this conviction was on account of his having a former wife living when he married this applicant.

The applicant testifies, however, that said Sylvester S. Smith was subsequently divorced from his first wife, and after such divorce the applicant and said Smith were remarried.

It further appears from a certified copy on file with the Commission of the proceedings in the case of S. S. Smith vs. Carrie Smith (No. 392) in the United States Court for the Northern District of the Indian Territory, decided February 15th 1899, that the Court found that Carrie Smith, the applicant herein, abandoned Sylvester S. Smith, her husband, without just cause, and he was granted a divorce from her by said Court. It further appears that the applicant resided in the Cherokee Nation at the date of this application, and has resided therein for more than ten years prior thereto.

Section 21 of the Act of Congress approved June 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, as follows:

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

Section 787 of said Compiled Laws further provides that:

"Words in the masculine gender shall embrace a female as well as a male, unless a contrary intention is manifested".

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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JUL 16 1982

[REDACTED]

P. Thompson

SECTION 11
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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., September 22, 1902.

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

It appears from the records of the Commission that on July 16, 1902, a decision was rendered in the matter of the application of the said Carrie Smith for the enrollment of herself as a citizen by intermarriage in which the Commission held that her application for enrollment as such should be denied, and it was so ordered. It further appears that on the 16th day of July, the applicant and her attorney, W. P. Thompson, and the attorney for the Cherokee Nation were notified that the record of the proceedings had in said case, including the decision of the Commission denying the enrollment of the applicant, had been forwarded to the Secretary of the Interior for his review and consideration. Under date of August 16, 1902, the Department of the Interior held that the applicant was entitled to enrollment as a citizen by intermarriage of the Cherokee Nation, and reversed the decision of the Commission rendered on July 16, 1902, and directed the Commission to enroll the applicant should no other objection appear.

Applicant appears by her attorney, W. P. Thompson; Cherokee Nation by W. W. Hastings.

W. P. Thompson: Comes now the applicant by her attorney and objects to any further proceedings in this case for the reason that upon notification by the Dawes Commission both parties, namely the applicant and the attorneys for the Cherokee Nation, appeared before the Commission on March 14, 1902, for the purpose of taking final action and closing said case, and the records in this case show on said date, March 14, 1902, the applicant submitted the case and the attorney for the Cherokee Nation submitted the case to the Commission for final consideration; that a decision of the Commission was forwarded to applicant denying the right of enrollment, notifying applicant that said decision had been forwarded to the Secretary of the Interior for his action; that the Commissioner of Indian Affairs on the 31st day of July, 1902, recommended to the Secretary of the Interior that the decision of the Commission be overruled or reversed, and that applicant be admitted and enrolled; that on August 16, 1902, the Secretary of the Interior approved the recommendation of the Acting Commissioner of Indian Affairs, and reversed the decision of the Commission and ordered that applicant be enrolled; that said action of the Secretary of the Interior is final in this cause. The case having been closed by all parties on March 14, 1902, and the case decided by the Commission and referred to the Secretary of the Interior for final decision, this decision, applicant contends, is res adjudicata.

W. W. Hastings: Comes now the Cherokee Nation and represents to the Cherokee Nation that the Cherokee agreement submitted by act of Congress approved July 1, 1902, to the Cherokee people and ratified by the Cherokee people on August 7, 1902, directing the Commission to make the rolls of the Cherokee Nation as of date September 1st, 1902, and the Commission is directed to enroll all persons entitled under section twenty-one of the Curtis Bill and the amendments thereto, who are living and in being on the first day of September, 1902.

2- Carrie Smith.

The Cherokee Nation further represents that the testimony in this case was closed and submitted to the Commission on the 14th day of March, 1902, and that the Commission on the 16th day of July, 1902, rejected the applicant, Carrie Smith, and the same was forwarded to the Secretary of the Interior for review, and that the Secretary, upon the testimony submitted to the Commission on and before March 14, 1902, reversed the decision of the Commission and the Commissioner of Indian Affairs and directed that if no further objections appear that the applicant should be enrolled as a citizen of the Cherokee Nation by intermarriage, which amounts to saying that if there is no further objection that the applicant, Carrie Smith, was entitled to be enrolled as a citizen of the Cherokee Nation upon the date namely March 14, 1902, upon which the case was submitted by both sides to the Commission for final determination. The Cherokee Nation further represents that it has testimony which shows that the applicant, subsequent to March 14, 1902, subsequent to July 16, 1902, when a decision was rendered by the Commission in this case, and prior to September 1st, 1902, married a white man, not a citizen of the Cherokee Nation, thereby forfeiting whatever rights she may have had as a citizen by intermarriage of the Cherokee Nation under section 666 of the Compiled Laws of the Cherokee Nation. Said section is as follows:

"Sec. 666. Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

And moves the Commission to be permitted to introduce said testimony, which, if established, the representative of the Cherokee Nation contends would show that this woman was not entitled to be enrolled as a citizen by intermarriage of the Cherokee Nation on September 1, 1902, the date provided for the final closing of the Cherokee rolls, in the agreement ratified August 7, 1902.

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

Mr. Thompson: To which applicant excepts.

W. W. Hastings: The Cherokee Nation offers in evidence a certified copy of a marriage license and marriage certificate showing that Jacob W. Staats, of Nowata, I. T., aged 38, and Mrs. Carrie Smith, of Nowata, I. T., aged 27 years, were united in matrimony on the 13th day of August, 1902, at Coffeyville, Kansas, by George Kline, pastor of the Baptist Church, at Coffeyville.

Mr. Thompson: To the introduction of which the applicant objects for the reason that section 669, page 353 of the Compiled Laws of the Cherokee Nation of 1892 provides:

"Sec. 669. The circuit court shall have authority to hear and determine all cases that may be brought before it by any person or by the solicitor of the district wherein it may be alleged that a citizen of the United States or of any other government, adopted by intermarriage under the laws of the Cherokee Nation, has forfeited his rights to citizenship in said nation by acts which declare such forfeiture. Proceedings in such cases shall be by citation if the party be resident in the Cherokee Nation, or by thirty days notice of such proceedings in the Cherokee Advocate and be conducted as are civil suits before such courts. On the finding of verdict by

3- Carrie Smith.

the jury against such person, it shall be the duty of the clerk of the court to notify the principal chief of such finding, and it shall be the duty of the principal chief to make known such finding to, and call on, the United States Indian Agent for the removal of such person beyond the limits of the Cherokee Nation. It shall not be lawful thereafter for any clerk to issue a marriage license, or permit to reside in the Cherokee Nation, in any capacity whatever, to any person so declared to have forfeited his rights to citizenship in the Cherokee Nation. - (December 6, 1890.) :

that there is but one tribunal by which a forfeiture of citizenship could have ever been judicially determined and that was a circuit court of the Cherokee Nation. The act of Congress of June 7, 1897, being the Indian Appropriation Act of said year, discontinued said courts and deprived them of all jurisdiction on and after January 1, 1898; and the act of Congress of June 28, 1898 abolished said courts on and after July 1, 1898, and since that time said courts have had no existence, and no tribunal has had any authority to declare a forfeiture under said section 666, referred to by the Cherokee Nation's attorney; that said case had been closed by the order of Secretary of the Interior prior to July 1, 1902; that a certificate attached to said document is not in accordance with the Federal Statutes governing certificates to documentary testimony to be used in a foreign jurisdiction, there being no showing on said certificate that the party making the same is the authorized officer, custodian of said document, and is authorized and empowered to make such certificate.

W. W. Hastings: In answer to the objection made by the attorney for the applicant that she should have been protested against under section 669 of the Compiled Laws of the Cherokee Nation, reference is made to the Departmental decision in the case of Isaac B. Hitchcock, No. 1184, and the case is therein cited.

Commission: The tribal rolls of the Cherokee Nation examined and the name of Jacob Staats does not appear thereon.

W. W. Hastings: The Cherokee Nation desires to call attention to the testimony given in this case by Campbell H. Taylor, on February 11, 1901, where these questions are asked him and the following answers given:

Q. That is the first time you have seen her since she left Smith's home? A. No, I have seen her occasionally passing, but last April a year ago she was at Vinita in company with Jake Staats.

Q. He is a white man? A. Yes sir, a white man."

Attention is further called to the fact that the ages of Jacob W. Staats and Mrs. Carrie Smith, as shown in the marriage license, are the same as those given in their testimony.

J. C. Starr, being sworn and examined, testified as follows:

By W. W. Hastings: What is your name? A J. C. Starr.

Q What is your age? A 32.

Q What is your postoffice address? A Vinita, I. T.

Q Are you the stenographer for the Cherokee Nation? A Yes sir.

Q Do you know Jacob W. Staats? A Yes sir.

Q What is his citizenship? A He is a non citizen of the Cherokee Nation, a white man.

Q Do you know that this is the same one that is reputed to have married Carrie Smith? A Yes sir.

Q This Carrie Smith, the divorce wife of Sylvester S. Smith? A Yes sir.

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

B. L. Johnson

Subscribed and sworn to, before me this 27th day of September, 1902.

B. L. Jones
Notary Public.

PROBATE JUDGE'S CERTIFICATE.

Legal Blanks Printed and for Sale by THURFFER Co., Independence, Kansas.

STATE OF KANSAS, }
MONTGOMERY COUNTY, } SS.

IN THE PROBATE COURT IN AND FOR MONTGOMERY COUNTY, KANSAS.

I, M. B. Sauls, Probate Judge, in and for said County and State,
hereby certify that the papers hereto attached is a full and complete copy,

a marriage license issued by me to Jacob W.
Slatts and Mrs. Carrie Smith, and also
of the Certificate of the Marriage of said parties
as returned to this office

as the same appears of record in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the

Seal of said Court, at Independence, Kansas, this 26th day

of August, A. D. 1902

M. B. Sauls, Probate Judge.

State of Kansas, County of Montgomery.

OFFICE OF PROBATE JUDGE OF SAID COUNTY.

BE IT REMEMBERED, That on the _____ day of _____ A. D. 190____, there was issued from the office of said Probate Judge, a Marriage License, of which the following is a true copy:

MARRIAGE LICENSE.

[Signature]
MONTGOMERY COUNTY, KANSAS
Probate Judge

No. _____
A. D. 190____

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

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MONTGOMERY COUNTY, KANSAS

You are hereby authorized to join in Marriage

aged _____ years, and _____

aged _____ years, and of this License you will make due return to my office within thirty days.

(SEAL)

And which said Marriage License was afterwards, to wit, on the _____ day of _____ A. D. 190____, returned to said Probate Judge, with the following Certificate endorsed thereon, to wit:

State of Kansas, County of Montgomery, ss.

I, _____ do hereby certify that in accordance with the authorization of the within License, I did, on the _____ day of _____ A. D. 190____, at _____ in said County, join and unite in marriage the within named _____ and _____

WITNESS MY HAND, the day and year above written.

Attest:

Probate Judge

State of Kansas, County of Montgomery.

OFFICE OF PROBATE JUDGE OF SAID COUNTY.

BE IT REMEMBERED, That on the 30th day of July A. D. 1902, there was issued from the office of said Probate Judge, a Marriage License, of which the following is a true copy:

MARRIAGE LICENSE.

No. 417

STATE OF KANSAS, COUNTY OF MONTGOMERY, ss.

Independence, July 30th

A. D. 1902

To any Person Authorized by Law to Perform the Marriage Ceremony, Greeting:

You are hereby authorized to join in Marriage Jacob W. Staats of Nowata Co. T.
aged 38 years, and Mrs Carrie Smith of " "
aged 27 years, and of this License you will make due return to my office within thirty days.

(SEAL)

M. B. Soule

Probate Judge

And which said Marriage License was afterwards, to wit, on the 15th day of August A. D. 1902, returned to said Probate Judge, with the following Certificate endorsed thereon, to wit:

State of Kansas, County of Montgomery, ss.

I, Minister of the Gospel do hereby certify that in accordance with the authorization of the within License, I did, on the 13th day of August A. D. 1902, at Coffeyville in said County, join and unite in marriage the within named Jacob W. Staats and Mrs Carrie Smith

WITNESS MY HAND, the day and year above written.

Attest:

M. B. Soule

Probate Judge

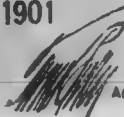
George Kline - Pastor Baptist ch
Coffeyville

Daan "Z"

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

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ACTING CHAIRMAN

COMMISSIONERS
HENRY L. DAVIS,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRACKINRIDGE,

ALLISON L. AYLSWORTH,
SECRETARY.

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

Muskegee, Indian Territory, February 14th, 1901.

Received of the Commission to the Five Civilized Tribes one
copy of the testimony in the matter of the application of Carrie
Smith for enrollment as a citizen of the Cherokee Nation.

Wm. F. Thompson

Atty. for Applicant.

D.--992.

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

ALLISON J. AYLESBORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Ft. Gibson, Indian Territory, April 10, 1901.

Received of the Commission to the Five Civilized Tribes
one copy of the supplemental testimony in the matter of the applica-
tion of Carrie Smith for enrollment as a citizen of the Cherokee
Nation.

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W. C. Thompson
Atty for Carrie Smith

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

FEB 20 1902

COMMISSIONERS:
HENRY L. DAWES.
TAMM SIXBY.
THOMAS B. NEEDLES.
C. R. BRACKENRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

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

ADDRES ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 26, 1902.

Mrs. Carrie Smith,

Lenapeh, Indian Territory,

Madam:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 14 day of March, 1902.

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

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

You are required to supply the Commission with certified copy of your decree of divorce, stipulation and answer.

Copy to Wm. P. Thompson, Yours truly,
Vinita, I.T.
Cherokee D-998
Register.

Acting Chairman
Commissioner in Charge

Char. D 992.

Muskogee, Indian Territory, July 16, 1902.

Carrie Smith,

Lenapeh, Indian Territory.

Madam:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation. A copy of the record of proceedings had in the case has heretofore been furnished your attorney of record, W. F. Thompson, Vinita, Indian Territory, and there has been this day forwarded to him a copy of the Commission's decision.

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,

James H. H. H.

Acting Chairman.

Register.

Enc. C. No. 109.

COPY

Char. D 998.

Mustoge, Indian Territory, July 16, 1908.

W. F. Thompson, Esquire,
Attorney for Carrie Smith,
Vinita, Indian Territory.

Sir:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes, rejecting the application of Carrie Smith for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings had in the case.

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,

Texas Dixon

Acting Chairman.

Register.

Enc. C. No. 110.

COPY

Char. D 992.

Waskagee, Indian Territory, July 16, 1902.

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

Sir:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes, rejecting the application of Carrie Smith for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

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

Yours truly,

Texas Dwyer.

Acting Chairman.

Enc. C. No. 111.

COP

Char. D 201.

Cherokee, Indian Territory, July 14, 1902.

The Honorable

the Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Carrie Smith for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, including the decision of the Commission, dated July 16, 1902, rejecting said application.

Respectfully,

Tama Bixby

Acting Chairman.

Through the Commissioner of Indian Affairs.

1 Inclosure

C. No. 112.

(COPY)

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42718-1902.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, July 31, 1902.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 16, 1902, by the Acting Chairman of the Commission to the Five Civilized Tribes, forwarding for the Department's consideration the record relative to the application of Carrie Smith for enrollment as an intermarried citizen of the Cherokee Nation.

July 16, 1902, the Commission held that the applicant was not entitled to enrollment as an intermarried citizen. In its decision of that date it quotes from the twenty-first section of the Curtis Act relative to the right of intermarried persons to enrollment in the Cherokee Nation; section 667 of the Compiled Laws of the Cherokee Nation, which declares that:

"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."

and also section 787 of said Compiled laws which provide that:

"Words in the masculine gender shall embrace a female as well as a male, unless a contrary intention is manifested."

The record in this case shows that the applicant, Carrie Smith, nee Davis, was married to Sylvester S. Smith, a recognized citizen of the Cherokee Nation whose name appears on the 1890 roll

of said Nation; that soon after said marriage said Sylvester S. Smith was accused of bigamy, in that he had a wife living at the time he married Carrie Smith, from whom he was not divorced, and on July 3, 1890, he was sentenced by the United States court at Fort Smith, Arkansas, Judge J. C. Parker presiding, to a term of thirty days imprisonment in the United States jail situated at Fort Smith, Arkansas, and was fined \$50.00 together with all of the costs in the prosecution.

The applicant testifies that prior to his conviction and after he had obtained a divorce from his first wife, they were re-married. This second marriage, she states took place about three months after the first marriage. It is shown by the record that the applicant did not know that her husband, Sylvester S. Smith, had a wife living from whom he was not divorced at the time they were married; that she knew he had been married, but that he told her he had procured a divorce from his first wife.

The record in this case shows that Sylvester S. Smith was a strong man, able to perform manual labor, but that he made no effort to provide for his wife or the members of his family; that he was a drunkard; that she took in washing to support herself and the members of her family including her worthless husband; that she was compelled to chop the wood used in connection with her washing; that after she had collected the money for the washing taking in, her husband would take the money, if he could procure it, and spend it for drink; that he would come home late at night, pull her hair,

curse her and otherwise abuse her, except that she testifies that he never struck her; that in addition to doing washing for the neighbors she raised chickens and made butter, the proceeds of which she used to support her family; that if she gave him any of the chickens, eggs or butter to take to town to sell, he would take the proceeds from the sale thereof and squander it in drinking and carousing around; that he at diverse times threatened to desert her, and did on one occasion leave home for one week, and that at the time he left her he informed her that he was going to make application for divorce; that his general reputation as well as his reputation for truth and veracity is bad; that she was forced by his actions in not providing for her and in squandering the money which she procured by her own manual labor, to go to her mother for support as well as for protection.

The record further shows that the husband of this applicant applied to the Cherokee courts for divorce; that she fought the case and defeated him; that in order to procure money to employ a lawyer to defend her in said court, she sold the cows which were all of the stock that she had left; that thereafter he brought suit for divorce in the United States District Court for the northern district of the Indian Territory, alleging abandonment; that she was without means to contest said proceeding; that she went to an attorney, W. S. Stanfield, told him her circumstances and requested him to do the best he could for her, stating that she would agree to said divorce and would not contest it and authorized her attorney

to sign a stipulation and agree that the divorce should be granted with the understanding that she was to have the custody of their girl Lydia Smith, and that her husband, Sylvester S. Smith, should have the custody of the two boys, Logan and Harrison Smith; the decree to authorize the girl to visit her father for a period of one week in each three months, the expense of such visit to be borne by the father, and to also provide that the two boys should be permitted to visit their mother for a period of one week every three months, the expense of such visit to be borne by her. The divorce was granted February 15, 1899.

The Cherokee Nation in this case, by its attorney, attempted to reflect upon the character of this applicant for the reason that she is now employed as housekeeper by Jacob Staats and J. H. Shufelt, who are cattle men living near Lemphah, Indian Territory.

The evidence in this case shows that she is employed by said parties as housekeeper at a stated salary; that she does the cooking and general house work, and there is not a particle of evidence that has a tendency to show that her character is bad. The examination of this applicant by her own attorney and by the attorney for the Cherokee Nation relative to her employment by the parties above named, in the opinion of this office, was unnecessarily harsh and should not have been permitted by the Commission.

The applicant was absolutely forced by the cruel treatment of her husband to go to her mother for protection and she has, since her separation from her said husband, earned her livelihood

by working for the parties above mentioned, in the capacity of housekeeper.

The only persons who attempt to cast reflection upon the character of this applicant in their testimony are the former husband of the applicant, who was convicted of bigamy and Campbell H. Taylor who was convicted in the United States District Court at Fort Smith, Arkansas, of having violated the postal laws.

The record in this case shows that about the time the applicant and her husband separated, he had concluded, without consulting her, to remove from the place they were then living and take up their residence in an old dilapidated schoolhouse; that he had, without her knowledge or consent at that time, made arrangements with the neighbors relative to her doing their weekly washing.

The Commission in it's decision stated that --

"Without deciding whether the applicant was ever lawfully married to her said husband or not, it is clearly established by the evidence that she lost her rights of Cherokee citizenship through intermarriage by her abandonment of him" (her husband).

This office believes that the record clearly shows in this case that the applicant and her husband were lawfully married. The first marriage was of course void because her husband had living at the date of said marriage a wife from whom he had not been divorced, but the applicant testifies that she and her husband were again married after her husband had procured a divorce from his first wife and prior to the time her husband served the sentence pronounced by the United States Court at Fort Smith, Arkansas. She states in her

testimony that "he thought by marrying me that it would save him." This testimony is uncontradicted and must therefore be given full weight. If the testimony of the applicant is true, and so far as this office has been able to discover there is no reason why she should be disbelieved, she was legally married to her husband and should be enrolled as an intermarried citizen of the Cherokee Nation.

In connection with that part of the record relative to the divorce proceedings in the case of Sylvester S. Smith v. Carrie Smith, the attention of the Department is invited to Department letter of July 18, 1900 (IIX-3004), in which it was held that the Department did not consider that that decision of the Cherokee court was binding upon the Commission to determine the question of alienation. The decree of court divorcing these parties was, however, rendered by the United States Court.

It is therefore respectfully recommended that the decision of the Commission rejecting the application be not approved, and that the Commission be instructed to enroll the applicant, Carrie Smith, as an intermarried citizen of the Cherokee Nation.

Very respectfully,
Your obedient servant,
A. C. Tomer,
Acting Commissioner.

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3 inclosures.

(COPY)

D. C. No. 13661

48089

J. P.

L.R.S.

DEPARTMENT OF THE INTERIOR.

ITD. 4661-1902.

WASHINGTON.

August 16, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

With your letter of July 16, 1902, you submitted the papers in the case of Carrie Smith, applicant for enrollment as a citizen by intermarriage of the Cherokee Nation.

The applicant's name appears on the Cherokee census roll of 1896. It appears that on May 13, 1890, the applicant, a white woman, was married to Sylvester S. Smith who is identified on the 1880 roll of the Cherokee Nation as a native Cherokee; that in July, 1890, Smith was convicted of bigamy, and it appears that this conviction was on account of his having a former wife living when married the present applicant; that Smith was subsequently divorced from the first wife, and afterwards applicant and Smith were remarried; that in February, 1899, Smith procured a divorce from the applicant.

You found from a certified copy of the proceedings in that case, that Mrs. Smith abandoned her husband without just cause. Referring to section 667 of the Cherokee laws (1892 edition), which reads:

"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;" and to section 787 of said laws, which provides that

"Verbs in the masculine gender shall embrace a female as well as a male, unless a contrary intention is manifest;" you held that, without deciding whether the applicant was ever lawfully married to her said husband, it is clearly established by the evidence that she lost her rights of Cherokee citizenship through intermarriage, by her abandonment of him.

Reporting in the matter of July 31, 1902, the Acting Commissioner of Indian Affairs does not concur in your decision. He states that the evidence shows that the applicant did not know that her husband had a wife living, from whom he was not divorced, at the time they were first married; that she knew he had been married, but that he told her that he had procured a divorce from his first wife; that Smith made no efforts to provide for the applicant or the members of his family; that he was a drunkard; that she took in washing to support herself and the members of her family, including her worthless husband; that she was compelled to chop the wood used in connection with her washing; that after she had collected the money for the washing taken in, her husband would take the money, if he could procure it, and spend it for drink; that he would come home late at night, pull her hair, curse her and otherwise abuse her; that it appears he never struck her; that if his wife gave him any chickens, eggs or butter to take to town to sell, he would take the proceeds of the sale thereof and squander it in drinking and

carousing; that he frequently threatened to desert her, and did on one occasion leave home for one week, and at that time he informed her that he was going to make application for divorce; that Smith's general reputation, as well as his reputation for truth and veracity, is bad; that applicant was forced by his actions in not providing for her and in squandering the money which she procured by her own labor, to leave him and go to her mother for support as well as for protection; that Smith applied to the Cherokee court for divorce, and the applicant defended the case with success; that she was without means to contest when the divorce was granted in the United States district court; that she agreed to said divorce and authorized her attorney to sign a stipulation that the divorce should be granted, with the understanding that she was to have the custody of their girl, and that her husband was to have the custody of the two boys.

The Acting Commissioner states that the record clearly shows that the applicant and her husband were lawfully married; that their first marriage was void because her husband had, living at the date of said marriage, a wife from whom he had not been divorced, but as applicant testifies that she and her husband were again married after her husband had procured a divorce from his first wife, and, as this testimony is uncontradicted, must be given full weight, she was, apparently, legally married to her husband, and should be enrolled as an intermarried citizen of the Cherokee Nation.

The Acting Commission referred to departmental decision in the case of Malinda King et al., of July 18, 1902. Apparently

the mistake is that case has been misinterpreted. The Department held therein that the decree of the District Court should be accepted as competent evidence showing that the decree was a divorce, and that such decree was not binding upon you as to the truth of the alleged facts upon which it was based. Copy of the Acting Commissioner's letter is inclosed.

The Department agrees with the Acting Commissioner, and your decision is hereby reversed. You are authorized to enroll the applicant should no other objections appear.

Respectfully,

Thos Ryan,
Acting Secretary.

RD.

1 inclosure.

NO.....

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

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

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

.....
Subscribed and sworn to before me this
.....

.....
Notary Public.

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

.....
Attorney for Applicant.

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

.....
Agent for Applicant.

7/16-02

NOTICE.

In the Matter of the application of Carrie Smith
for enrollment as Cherokee citizens:

To Carrie Smith or W. P. Thompson her 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, Cherokee Enrollment Division, in the town of Muskogee, Indian Territory, on Sept. 22nd, A. D. 1902, at 8 o'clock a. m., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands at Muskogee, Indian Territory, this Sept 10, 1902

W W Hastings
JCS

No.

Attorneys for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
SEP 22 1902



ACTING CHAIRMAN

SEP 22 1902

United States of America,
Eastern Territory
Western District 25

RECORDED IN THE OFFICE OF THE CLERK OF THE DISTRICT COURT OF THE EASTERN TERRITORY OF ARIZONA

J. C. Starr of lawful age being duly sworn on oath
says that on the _____ Day of September 1908 he mailed to Wm P. Thomp-
son Atty for Carris SMITH
whose post office address is Vinita I. T. a true
copy of a notice hereto attached in a registered letter and he attaches
hereto the registry return receipt signed by the said Wm P. Thompson
showing that the registered letter containing said notice was duly receiv-
ed.

J. C. Starr

Subscribed and sworn to before me this 22nd day of September 1908.

Prince G Jones
Notary Public.

Cherokee 2-002

Muskogee, Indian Territory, October 16, 1902.

W. P. Thompson,

Attorney for Carrie Smith,

Vinita, Indian Territory.

Dear Sir:-

Enclosed herewith please find copy of a letter this day forwarded by the Commission to the Secretary of the Interior, recommending that the application of Carrie Smith, for enrollment as a citizen by intermarriage of the Cherokee Nation, be denied, under section 666 of the Compiled Laws of the Cherokee Nation for the reason that prior to September 2, 1902, she married a white man, not a citizen of the Cherokee Nation.

Respectfully,

Acting Chairman.

Enc. M-651/2

Cherokee 2-000

Cherokee, Indian Territory, October 12, 1900.

Gervie Wicks,

Lawson, Indian Territory.

Dear Madam:

Enclosed herewith please find copy of a letter this day forwarded by the Commission to the Secretary of the Interior, recommending that you be denied enrollment as a citizen by inter-marriage of the Cherokee Nation, under the provisions of section 608 of the Compiled Laws of the Cherokee Nation of 1898, for the reason that prior to September 8, 1898, you married a white man, not a citizen of the Cherokee Nation.

Respectfully,

Acting Chairman

Cherokee D-998

Muskogee, Indian Territory, October 18, 1902.

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

Dear Sir:-

Enclosed herewith please find copy of a letter this day forwarded by the Commission to the Secretary of the Interior, recommending that the application of Carrie Smith, for enrollment as a citizen by intermarriage of the Cherokee Nation, be denied, under section 666 of the Compiled Laws of the Cherokee Nation, for the reason that prior to September 2, 1902, she married a white man, not a citizen of the Cherokee Nation.

Respectfully,

Acting Chairman.

Enc. N-65

T. J. P. J.

Cherokee B-992



Muskogee, Indian Territory, October 18, 1902.

The Honorable,
The Secretary of the Interior.

Sir:-

The Commission has the honor to acknowledge the receipt of Departmental letter under date of August 16, 1902, (I.T.D. 4661--1902), reversing the decision of the Commission, rendered July 16, 1902, refusing to enroll Carrie Smith as a citizen by intermarriage of the Cherokee Nation and authorizing the Commission "to enroll the applicant should no other objection appear."

September 22, 1902, further proceedings were had in this case, a copy of which is herewith transmitted for the consideration of the Department, from which it appears that Carrie Smith and Jacob W. Statts were united in marriage on the 15th day of August, 1902, subsequent to the rendition of the Commission's decision and prior to its disapproval by the Department.

It further appears, that Jacob W. Statts is a white man and not a recognized citizen of the Cherokee Nation. He is not identified upon any of the tribal rolls of the Nation in the possession of the Commission.

In view of the fact that Carrie Smith prior to September 2, 1902, married a white man, the Commission respectfully recommends

that the Department withdraw its letter reversing the decision of the Commission and that the applicant be denied enrollment as an intermarried citizen of the Cherokee Nation, under section 666 of the Compiled Laws of the Cherokee Nation of 1892, as follows:--

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

Respectfully,

(SIGNED) James D. Doby.
Acting Chairman.

(SIGNED) T. B. J. ...
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

Through the
Commissioner of Indian Affairs.
Enclosure H. No. 1.

COPY.

Refer in reply
to the following:
Land.
62427-1902.

Department of the Interior,
Office of Indian Affairs,
Washington, Oct. 23, 1902.

The Honorable

The Secretary of the Interior.

Sir:

Referring to office report of July 31, 1902, and Department letter of August 16, 1902 (ITD-4661), relative to the application of Carrie Smith for enrollment as an intermarried citizen of the Cherokee Nation, there is inclosed herewith a report from the Commission to the Five Civilized Tribes dated October 18, 1902, forwarding a copy of further proceedings had in the Carrie Smith case September 22 last.

W. P. Thompson, attorney for applicant Carrie Smith, objected to any further proceedings in the case on the ground that the case had been closed by all parties on March 14, 1902, when the Commission heard the testimony.

The attorney for the Cherokee Nation, W. W. Hastings, states that the nation has testimony which shows that the applicant, subsequent to March 14, 1902 and prior to September 1, 1902, married a white man not a citizen of the Cherokee Nation, and takes the position that by reason of

such marriage Carrie Smith forfeited whatever rights of citizenship she had in said nation.

The copy of proceedings shows that there was filed with the Commission a certified copy of the marriage license and marriage certificate showing that Jacob W. Staats, of Nowata, I. T., aged 38, and Mrs. Carrie Smith, of the same place, aged 27, were united in matrimony August 13, 1902, at Coffeyville, Kansas, by Rev. George Klein, pastor of the Baptist Church at Coffeyville.

The Commission held in its decision of July 16, 1902, that the applicant was not entitled to enrollment for the reason that in its opinion she had abandoned her citizen husband. July 31, 1902, in reporting to the Department on the case, the office took the position that the record did not show that Carrie Smith had abandoned her citizen husband, but that from the record his treatment of her was such as to constitute an abandonment and the applicant was therefore entitled to enrollment as an intermarried citizen of the Cherokee Nation. In its letter of August 16 last, the Department concurred in this opinion, and the Commission was directed to enroll Carrie Smith as a citizen of the Cherokee Nation "should no further objection appear."

Section 25 of the Cherokee agreement approved July 1, 1902, is 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."

Section 666 of the Cherokee laws, 1892 edition, declares --

"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 Commission in its report recommends, in view of the fact that Carrie Smith prior to September 2, 1902 married a white man, that the Department withdraw its letter reversing the decision of the Commission, and that the applicant be denied enrollment as an intermarried citizen of the Cherokee Nation.

From the record before this office, in view of the provisions of section 25 of the Cherokee agreement, the applicant is not now entitled to enrollment as a citizen of the Cherokee Nation for the reason that she was not entitled to enrollment on the first day of September, 1902,

because of the fact that prior thereto she married a white man who had no rights of citizenship in said nation.

The recommendation of the Commission, the office believes, should therefore be approved, unless the Department shall consider that the certified copy of the marriage license and certificate of marriage, filed with the Commission, should be forwarded for its inspection before a decision is rendered in the premises.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

GAW
D

3 inclosures.

D. C. No. 20579-1902.

J.P.

Department of the Interior,

I. T. D. 6563-1902. Washington, October 29, 1902.

FHE.

L. R. S.

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

Gentlemen:

October 23, 1902, the Acting Commissioner of Indian Affairs transmitted your communication of October 18, 1902, in regard to the marriage of Carrie Smith to Jacob ^W Staats, a white man and a non-citizen of the Cherokee Nation, since the action of the Department of August 16, 1902, reversing your decision rejecting her application for enrollment as an intermarried citizen of said Nation, and directing her enrollment, "should no other objection appear."

As your attention was directed to the fact of this marriage to Staats, on September 22, 1902, over the objection of the applicant, further proceedings were had which showed the marriage to have taken place August 13, 1902, in view of the provisions of Section 25 of the act of July 1, 1902 (32 Stat., 716,) that

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

and of Section 666 of the Cherokee laws, (Edition of 1892), you recommended that the Department rescind its decision in this case, in which recommendation the Acting Commissioner concurs. The roll of the Cherokee Nation now being prepared by you, in accordance with the acts of July 28, 1898 (30 Stat., 495), and said act of July 1, 1902, not having been approved, the action of the Department of August 16 could not prevent your Commission or the Department from inquiring further into the rights of the applicant to be enrolled. The applicant by her marriage to Staats has de-citizenized herself, and the decision of August 16, 1902, is hereby rescinded and her application for enrollment is rejected.

In answer to the objection of the applicant's claim in regard to Section 666 of the Cherokee law, reference is made to Departmental decision in the case of Isaac B. Hitchcock, and the case therein mentioned.

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

Respectfully,

E. A. Hitchcock,
Secretary.

G. W. E.

1 inclosure.

COPY.

Cherokee D 992.

Waskage, Indian Territory, November 10, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Waskage, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's recommendation of date October 18, 1902, that Carrie Smith be denied enrollment under Section 666 of the Compiled Laws of the Cherokee Nation of 1892, was approved by the Secretary of the Interior on October 29, 1902.

Respectfully,

James D. Cox
Acting Chairman

CCPT.

Cherokee D 992.

Muskogee, Indian Territory, November 10, 1902.

W. P. Thompson,

Attorney for Carrie Smith,

Visita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's recommendation of date October 18, 1902, that Carrie Smith be denied enrollment under Section 666 of the Compiled Laws of the Cherokee Nation of 1892, was approved by the Secretary of the Interior on October 29, 1902.

Respectfully,

[Signature]
Acting Chairman.

COPY.

Cherokee D 992.

Muskogee, Indian Territory, November 10, 1902.

Carrie Smith,

Lenapah, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's recommendation of date October 15, 1902, that you be denied enrollment under Section 666 of the Compiled Laws of the Cherokee Nation of 1892, was approved by the Secretary of the Interior on October 29, 1902.

Respectfully,

W. H. P. G.
Acting Chairman.

Cher R. 752

Cher R 752

49
757

Wells & Thornton

REFUSED

ACTED IN ACCORDANCE WITH THE ORDER OF THE SECRETARY OF INTERIOR.

OCT - 4 1902

Wells & Thornton
Trans.
1902

Cher R 753

Cher R 753

Augustus L. Rogers 1882

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR.

OCT 29 1902

GRANTED

ACTION APPROVED BY SECRETARY OF INTERIOR.

APR 9 1906

753

*General ... record
to: ...*

CHEROKEE CASE

No. 11248

Department of the Interior,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE MATTER OF THE
APPLICATION FOR ENROLLMENT
OF

Augustus L. Rogers,

Mary M. Rogers,

John W. Rogers,

Louise E. Rogers,

Ruth A. Rogers,

Robert C. Rogers,

James C. Rogers.

6559

As _____ citizen^s of the Cherokee Nation

DEPT. OF THE INTERIOR

1740

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Euck

Muskogee, I. T., Sept. 24, 1902

Respectfully forwarded to the Secretary of the Interior
for review.

Tams Bixby,

Enc. C. No. 23.

Acting Chairman.

Cher R 754


Cher R 754

A

F 1213

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JUL 19 1901


ACTING CHAIRMAN

Cherokees by intermarriage;

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 1, 1901.

In the matter of the application of R. J. Warren for the enrollment of himself and his wife as Cherokee citizens by intermarriage; being sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A R. J. Warren.
Q What is your age? A 67.
Q What is your present office address? A Cooweescoowee.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee by blood? A Adopted.
Q Cherokee by adoption? A Yes sir.
Q What is your wife's name? A Minnie Bell Warren now, she was a Bell. This is my second wife; I married since she died; that's where my right to adoption comes.
Q What is this wife's name? A Willie C. J. Warren.
Q In what district? How old is she? A 62 or 3 last November.
Q Do you apply for your wife as a Cherokee by blood? A By adoption I guess.
Q You both apply by adoption? A That would be the proper way I suppose.
Q Have you been recognized as Cherokees by the Cherokee Nation?
A Yes sir.
Q Your wife also? A Yes sir.
Q Are you a white man? A Yes sir.
Q You apply by virtue of your former marriage? A Yes sir.
Q What was your former wife's name? A Minnie Bell.
Q Is she a Cherokee by blood? A Yes sir, she went by the name of Minnie.
Q Was Minnie her name? A Yes sir.
Q Is she living? A No sir, she is dead.
Q Is her name on the roll of 1880? A Yes sir.
Q Since her death, you have married your present wife? A Yes sir.
Q Well she applies to be enrolled as a Cherokee by adoption, by what right does she claim? A By Richard Colston, her husband.
Q Was he a Cherokee by blood? A Yes sir.
Q Is he living? A No sir, he is dead.
Q Did your wife live in Cooweescoowee District? A Yes sir, she died at Vinita.
Q BY MR. HASTINGS, Cherokee Rep'vs:
Q What was her father's name? A Colonel Jim Bell.
Q Her mother? A Her mother, I don't know, she died in '81 I think; Hoelie Bell is her cousin.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant's former wife identified on page 76 #424 Minnie Belle, Cooweescoowee District, native Cherokee.

1880 roll, page 240 #425 Richard Colston, Delaware District, native Cherokee.

BY MR. HASTINGS:

- Q Did you ever apply to the Dawes Commission in 1896 for enrollment? A No sir, I sent my marriage record there. The Dawes Commission has my marriage record at the office in Muskogee.
Q You didn't apply in 1896? A No sir, I got lazy to make out the marriage two marriage records and I sent one to the Chief and the other to the Dawes Commission.

BY COM'R NEEDLES:

- Q What proof of your marriage have you got now to your wife, Minnie? A That record.

E. J. Warren et al 2

Q You know it is filed with the Dawes Commission, I had it made out here at the Clerk's office at Claremore, I thought while I was here I had better make record of it here.

Q Were you married according to the laws of the Cherokee Nation?
A Yes sir, got my license of John Lips, Clerk, married May 13th, 1891.

Q Did you live with your wife Minnie until her death? A Yes sir, she died in Vinita.

Q Since that you have married your wife here, Willie G. J. Colston?
A Yes sir.

1896 census roll of citizens of the Cherokee Nation examined and applicants not found;

1896 census roll of citizens of the Cherokee Nation examined for applicant's former wife, and not found.

BY MR. HASTINGS:

Q Were you ever married before you married Minnie Bell? A Yes sir.

Q Where? A Married in Tennessee.

Q Was that your first marriage? A No, my first marriage I married Nancy Pierce, she died here in Vinita, then I married Minnie Bell.

Q Minnie Bell was your second marriage? A Yes sir.

Q Was your first wife dead when you married her? A Yes sir.

Q Was your second wife dead when you married this woman? A Yes sir.

Q When did you marry this woman? A It will be 9 years this fall.

WILLIE G. J. WARREN, being sworn by Commissioner Needles, testified as follows:

BY MR. HASTINGS:

Q What is your name? A Willie G. J. Warren.

Q You say you once married Richard Colston? A Yes sir.

Q Were you ever married before you married Richard Colston? A Yes sir.

Q What was your first husband's name? A Cox.

Q Did you live with him until his death? A Yes sir.

Q Did he die before you married Colston? A Yes sir.

Q Is this your third husband? A Yes sir.

Q Colston was dead before you married this man? A Yes sir.

Q Where have you been living since you married this man? A Catoosa.

Applicant, E. J. Warren, re-called and further examined;

BY COM'N NEEDLES:

Q How long have you lived in the Cherokee Nation? A Ever since '71.

Q Your wife lived here ever since that time? A (No reply)

Wife: MRS. WILLIE G. J. WARREN) I have been living here ever since '63.

Q By what law were you married to Willie G. J. Colston? A United States, done before Parson Jackhere at Claremore.

Q Have you got any certificate of your marriage? A No sir.

Q Is he living? A No, he is dead.

Q Have you got any proof of your marriage? A We can get proof at Claremore.

Q You have got none here? A No sir.

Com'N Needles: Eli J. Warren applies for the enrollment of himself and wife WILLIE G. WARREN as intermarried Cherokee citizens; the applicant swears that he was formerly married to one Minnie Bell, a Cherokee citizen by blood, and her name is found upon the authenticated roll of 1890 according to page and number of the roll as indicated in the testimony.

JUL 19 1901
EX 173
COMMISSION TO THE FIVE CIVILIZED
TRIBES

H. S. Warren et

he avers that his wife, Minnie C. J. Warren was formerly married to a Cherokee citizen by blood, named Richard Colston, and the name of Richard Colston is found upon the authenticated roll of 1887, according to page and number of the roll as indicated in the testimony applicant presents satisfactory proof of marriage according to the laws of the Cherokee Nation with his former wife Minnie Bell, through whom he claims citizenship by intermarriage. Minnie C. J. has presented satisfactory proof of her marriage to her husband, Richard Colston, said proof being filed in her application for enrollment of her child, Lewis R. B. Colston, who was enrolled on Cherokee card number 2123; they are duly identified, but no proof is made as to the marriage of the said applicant to his present wife, Willie G. J. They both applied to be admitted as Cherokee citizens by intermarriage, having both parties aver that they are white persons, and not Indian citizens.

MR. HASTINGS: The Representatives of the Cherokee Nation object in protest against their enrollment, because they contend that they have married out, under section 686 of the compiled laws of the Cherokee Nation.

Consequently, Eli J. Warren and his wife, Minnie C. J. will be listed for enrollment as Cherokee citizens upon a doubtful card; proof of present marriage to be supplied.

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

M. D. Green

Subscribed and sworn to before me this July 17, 1901.



Commissioner.

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5110

ADMISSION TO THE FIVE CIVILIZED TRIBES
JUN 6 1901

JUN 1 12 11

[Handwritten signature]

**CHEROKEE NATION:
COO-WEE-SCOO-WEE DISTRICT.**

To all whom it may concern:-----

Be it known that I, C. C. Lipe, Clerk of the above named District and Nation, by authority vested in me by law, do issued this License of Marriage to Dr. Eligah J. Warren, a citizen of the United States to Marry Miss Minnie Bell, a citizen of Cooweescoowee District Cherokee Nation, he the said Dr. Warren having complied with the requirements of the law in regard to intermarriage with white men. Therefore any ordained minister of the Gospel of any Evangelical Denomination or any of the Judges or Clerks of this Nation, is hereby authorized to solemnize the rites of Matrimony between the parties, and attach a certificate of such marriage to the back of this License and return to this office within thirty days for record. (SEAL) Given under my hand and seal of office this the 2nd day of May 1881.

C. C. Lipe, Clerk of Cooweescoowee
District.

This certifies that Dr. Eligah J. Warren and Miss Minnie Bell were solemnly united by me in the Holy Bonds of Matrimony at Vinita, Cherokee Nation on the 8th day of May 1881, conformably to the ordinance of God and laws of the Cherokee Nation.

R. C. Parks, Minister of the
C. P. Church.

recorded in the Clerks office on this the 7th of Sept.
1881.

C.C.Lipe, Dist Clerk.

Cherokee Nation, I. T.
Cooweescoowee District.

This is to certify that the above is a true and correct copy of the original as was shown to me this day.

(SEAL) In witness whereof I hereunto set my hand and seal of office on this the 21st day of August A.D.1897 .

Joe M. Lahay, Clerk.

Cooweescoowee District, C.N.

By R. Lee Comer
Dept Clk.

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 the enrollment of E. J. Warren et al as citizens of the Cherokee Nation.
Muskogee, Indian Territory,

June 20, 1902.

M. S. Kaufman

Supl.-C.D.#1213.

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

SUPPLEMENTAL in the matter of the enrollment of **MILJAH J. WARREN, 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 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 by his attorney, N. A. Gibson, Muskogee, Indian Territory.

The Attorney for the applicant and representative of the Cherokee Nation present submit the case. The same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

The attorney for the applicant requests and will be granted 15 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.

---ooo000ooo---

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 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

MEMORANDUM

COMMISSION TO INVESTIGATE THE DEEDS

FILED
JUN 11 1902



ACTING CHAIRMAN

Witnessed for the Charles Hester.

Witnessed for the Charles Hester.

at the Charles Hester.

for the law these obligations are not entitled to be enrolled as officers
or citizens of the Charles Hester. The Charles Hester expects that an-
other a nation with no Charles Hester should in itself acting should not be enrolled
or enrolled should not make place and in itself. Great officers born of
which a consideration was that would that nation in order that that army
be observed that an law Charles Hester's nation in order that that army

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,
Muskegee I. T. June 11th 1902.

In the matter of the application of E. J. Warren for the enrollment of himself and his wife as citizens of the Cherokee Nation by Intermarriage.

Cherokee B 1213.

Brief on part of the Cherokee Nation.

The testimony in this case shows that both E. J. Warren and his wife Willie C. J. Warren are white persons and that neither claim to have any Cherokee blood. Both have been previously married to Cherokee Citizens and were Cherokee citizens by intermarriage and the Cherokee nation contends that by their marriage they have forfeited their rights to citizenship in the Cherokee Nation under section 646 of the Compiled laws of the Cherokee Nation, 1892, which reads 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 he 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."

You will observe that after the death of the Cherokee husband or wife the surviving widow or widower retains rights to citizenship, in the Cherokee Nation by adoption unless he or she shall marry a whiteman or woman " HAVING NO RIGHTS OF CHEROKEE CITIZENSHIP BY BLOOD," in that case all of his or her rights acquired under the provisions of that act should cease. After the death of his wife E. J. Warren married a white woman having no rights of Cherokee citizenship by blood. He clearly violated Section 646 of the Compiled laws of the Cherokee Nation above quoted and by his marriage to his present wife he forfeited his citizenship in the Cherokee Nation; his present wife violated the same section; she married a white man having no rights of CITIZENSHIP BY BLOOD, she lost her rights in the Cherokee Nation. Section 646 of the Compiled laws of the Cherokee Nation was in force when these two white people first

married married into the Cherokee nation, they married knowing that this was the law and subject to its provisions and they can not now be heard to complain of it..

We contend that the Commission takes the place of and has the jurisdiction once conferred upon the Cherokee Courts to adjudicate the questions of forfeiture of citizenship. From the ~~part~~ peculiar wording of section 666 of the compiled laws of the Cherokee Nation, 1898, it will be observed that our law makers evidently sought to provide against just such a contingency and they worded that section in order that just such a marriage should not take place and in order that children born of such a union with no Cherokee blood in their veins should not be enrolled as citizens of the Cherokee Nation. The Cherokee Nation submits that under the law these applicants are not entitled to be enrolled as citizens of the Cherokee nation.

Respectfully submitted,

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

J. C. S.

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

In the matter of the application of E. J. Warren for the enrollment of himself and his wife, Willie C. J. Warren, as citizens by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on June 6, 1901, E. J. Warren appeared before the Commission at Chelsea, Indian Territory, and made personal application for the enrollment of himself and his wife, Willie C. J. Warren, as citizens 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 evidence shows that the said E. J. Warren was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, on May 8, 1861, to Minnie Bell, a citizen by blood of the Cherokee Nation. His said wife, Minnie, died, but the date of her death does not appear.

About the year 1892, and subsequent to the death of his wife, Minnie, the said E. J. Warren married Willie C. J. Colston, a white woman. It appears that the said Willie C. J. Colston, at the time of her marriage to E. J. Warren, was the widow of one Richard Colston, a citizen by blood of the Cherokee Nation, to whom she was lawfully married on March 13, 1861.

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

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

It is, therefore, the opinion of this Commission that the application for the enrollment of E. J. Warren and Willie C. J. Warren as citizens by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this SEP 24 1902

**CHEROKEE NATION
COCONAWASSEE DISTRICT.**

To all whom it may concern:-----
Be it known that I, G. C. Lipe, Clerk of the above named District and Nation, by authority vested in me by law, do issue this license of Marriage to Dr. Eligh J. Warren, a citizen of the United States to Harry Eliza Winnie Bell, a citizen of Coconawassee District Cherokee Nation, in the said Dr. Warren having complied with the requirements of the law in regard to intermarriage with white men, therefore my ordained minister of the Gospel of my Evangelical denomination or any of the Judges or Clerks of this Nation, is hereby authorized to solemnize the rites of Marriage between the parties, and attach a certificate of such marriage to the back of this license and return to this office within thirty days for record. (SEAL) Given under my hand and seal of office this 20th day of May 1881.

G. C. Lipe, Clerk of Coconawassee District.

This certifies that Dr. Eligh J. Warren and Miss Winnie Bell were solemnly united by me in the Holy Bonds of Marriage at Vinita, Cherokee Nation on the 24th day of May 1881, conformably to the ordinance of God and laws of the Cherokee Nation.

R. C. Parks, Minister of the C. N. Church

Recorded in the Clerk's office on this the 9th of Sept, 1881.
G.C.Lipe, Dist. Clerk.

Cherokee Nation, I. T.
Coconawassee District.

This is to certify that the above is a true and correct copy of the original as was shown to me this day.

(SEAL) In witness whereof I hereunto set my hand and seal of office on this the 31st day of August A.D. 1887.

Jos E. Lohay, Clerk.

Coconawassee District, C.N.

By: R. Lee Gump,
Dept. Clk.

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 the enrollment of R. J. Warren et al as citizens of the Cherokee Nation, Muskogee, Indian Territory.

June 20, 1888.

M. S. Kempfman

Cherokee Nation, Indian Territory,

To Whom it May Concern:

This is to certify that I Thompson Barrett, a minister of the Gospel, did on the 18th day of May A. D. 1901 join in the Holy Bonds of matrimony and solemnize the rights of marriage between Richard Colston, and Mrs. Willie S. J. Cox.

In witness whereof I hereunto set my hand on this the 18 day of May A.D. 1901,

Witness to name J. H. Cox

W. H. Inlow

His
Thompson & Barrett
Minister of the Gospel

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

David W. Fink
Notary Public.

My Commission Expires July 26, 1904.

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 W. J. Warren et al. as citizens of the Cherokee Nation.

Muskogee, Indian Territory

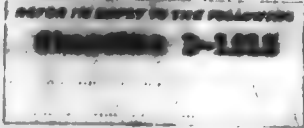
June 20, 1902.

W. S. Kaufman

COMMUNICATIONS
HERBERT L. BROWN,
TAMM BERRY,
THOMAS B. HENKLES,
C. R. SWANBERGER.

ALLISON L. AYLSBORTH,
SECRETARY

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



ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 2, 1909.

Mr. Elijah J. Young,

Okotoca, Indian Territory.

SIR:-

You are hereby notified that the application of yourself and wife

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 21, 1909.

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 of your marriage.

Yours truly,

Acting Chairman
Commissioner in Charge.

6074
Cherokee D 1213.

Muskogee, Indian Territory, September 29, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of N. J. Warren for the enrollment of himself and his wife, Willis C. J. Warren, as citizens by intermarriage of the Cherokee Nation, including the decision of the Commission, dated September 20, 1902, rejecting said application.

Respectfully,

James Dixon
Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enc. C. No. 4.

COPY

Cherokee D 1213.

Muskogee, Indian Territory, September 29, 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 E. J. Warren for the enrollment of himself and his wife, Willie C. J. Warren, as citizens 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,

James Bixby
Acting Chairman.

Enc. C. No. 3.

CLERK

Cherokee D 1213.

Muskogee, Indian Territory, September 20, 1902.

W. A. Gibson,

Attorney for E. J. Warren, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of the application of E. J. Warren for the enrollment of himself and his wife, Willie C. J. Warren, as citizens by intermarriage of the Cherokee Nation, together with a copy of the Commission's decision, dated September 20, 1902, rejecting said application.

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

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

Respectfully,

W. A. Gibson
Acting Chairman.

Enc. C. No. 2.

Register.

copy
Cherokee D 1213.

Muskogee, Indian Territory, September 29, 1902.

E. J. Warren,
Catoosa, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 20, 1902, rejecting your application for the enrollment of yourself and your wife, Willie C. J. Warren, as citizens by intermarriage of the Cherokee Nation.

There has this day been forwarded your attorney, N. A. Gibson, Muskogee, Indian Territory, a copy of the record of proceedings, together with a copy of the Commission's decision.

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

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

Respectfully,

[Signature]
Acting Chairman.

Enc. C. No. 1.

Register.

Refer in reply
to the following:
Land.
59,331-1902.

(Copy)

Department of the Interior,
Office of Indian Affairs,
Washington, October 23, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of E. J. Warren for the enrollment of himself and his wife as Cherokee citizens by intermarriage.

On September 20, 1902, the commission rendered a decision in this case finding that the evidence shows that said E. J. Warren was married under a Cherokee marriage license, in accordance with the laws of the Cherokee Nation, on May 8, 1881, to Minnie Bell, a citizen by blood of the Cherokee Nation; that his said wife Minnie died but the date of her death does not appear; that about the year 1892, subsequent to the death of his wife Minnie, the said E. J. Warren married Willie C. J. Colston, a white woman; that said Willie C. J. Colston at the time of her marriage to E. J. Warren was the wife of one Richard Colston, a citizen by blood of the Cherokee Nation, to whom she was lawfully married on March 13, 1881.

It is further found in said decision that section 666 of the Compiled Laws of the Cherokee Nation (1892) provides that:

"Should any man or woman, a citizen of the United States
"or of any foreign country, become a citizen of the Cherokee
"Nation by any marriage and be left a widow or widower by the
"decease of the Cherokee wife or husband, such surviving widow
"or widower shall continue to enjoy the rights of citizenship
"unless he or she shall marry a white man or woman or person
"(as the case may be) having no rights of Cherokee citizenship by
"blood; in that case all of his or her rights acquired under
"the provisions of this act shall cease," and under said section
the commission finds that the application for the enrollment of
said E. J. Warren and Willie C. J. Warren as citizens by inter-
marriage of the Cherokee Nation should be denied.

The office has examined the testimony offered by the appli-
cants herein in support of their applications and finds that the
facts set out in said decision of the commission are supported
thereby and that the provisions of said section 666 of the laws
of the Cherokee Nation are applicable in this case. As the
names of these applicants do not appear upon the Cherokee roll
of 1880 the office knows of no provision by which they can be
enrolled as citizens by intermarriage, or otherwise, and it is
therefore recommended that the decision of the commission herein
be affirmed by the Department.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

(W.C.B.) P.

D.C.No.20578-1902.

J.P.

Department of the Interior,

I. T. D. 6560-1902.

Washington, October 29, 1902.

FHE

L. R. S.

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

Gentlemen:

The Department has considered the application of E. J. Warren, for the enrollment of himself and his wife, Willie C. J. Warren, as citizens by intermarriage of the Cherokee Nation. It appears that said E. J. Warren, a white man, became a citizen of the Cherokee Nation by intermarriage in 1881; that his wife by that marriage, died, and he married Willie C. J. Colston, a white woman. At the time of this marriage Willie C. J. Colston was a citizen of the Cherokee Nation by intermarriage, the widow of Richard Colston.

Referring to Section 656 of the Compiled Laws of the Cherokee Nation of 1892, which provides that

"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,

you rejected the application on September 20, 1902.

Submitting the case October 23, 1902, the Acting Commissioner of Indian Affairs recommended that your decision be concurred in. Seeing no reason to disturb your decision it is hereby affirmed.

As to the statement of the Acting Commissioner that, as the names of these applicants do not appear upon the Cherokee roll of 1880, he knows of no provision by which they can be enrolled as citizens by intermarriage, attention is called to departmental decision of August 19, 1902, in the case of William R. Riddle, and of September 9, 1902, in the case of Mary Lamar.

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

Respectfully,

E. A. Hitchcock,

Secretary,

G. W. E.

1 inclosure.

Cherokee D 1215.

COPY,

Mustang, Indian Territory, November 6, 1902.

V. W. Hastings,

Attorney for the Cherokee Nation,

Mustang, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, of date September 20, 1902, rejecting the application of E. J. Warren for the enrollment of himself and his wife, Willie C. J. Warren, as citizens by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 29, 1902.

Respectfully,

Commissioner in Charge,

Cherokee D 1213.

COPY.

Muskogee, Indian Territory, November 8, 1902.

E. A. Gibson,

Attorney for E. J. Warren et al,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, of date September 20, 1902, rejecting the application of E. J. Warren for the enrollment of himself and his wife, Willie C. J. Warren, as citizens by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 29, 1902.

Respectfully,

Commissioner in Charge.

COPY

Cherokee D 1213.

Muskogee, Indian Territory, November 6, 1908.

H. J. Warren,
Oatoka, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, of date September 20, 1908, rejecting your application for the enrollment of yourself and your wife, Willie C. J. Warren, as citizens by inter-marriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 29, 1908.

Respectfully,

Commissioner in Charge.

Cherokee R-754

Muskogee, Indian Territory, December 11, 1902.

M. J. Warren,

Catoosa, Indian Territory.

Dear Sir:-

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application certified copy of marriage license and certificate, showing your marriage on May 8, 1881, to Miss Minnie Bell; also original of said marriage license and certificate.

The same are herewith returned to you, copies having been made and retained in the Commission's files.

Respectfully,

Acting Chairman.

Enc. M-215

Cher R 755

Cher R 755

Cherokee by blood.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 13, 1901.

In the matter of the application for the enrollment of Mary Lowe, Cynthia A. Moore, Clifton Moore, and John Moore, as citizens by blood of the Cherokee Nation.

John J. Lowe, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A John J. Lowe.
Q What is your age? A 53.
Q What is your post office address? A Duluth, Georgia.
Q Are you a citizen of the Cherokee Nation? A No, sir.
Q For whom do you apply? A For my daughter, who is a minor, and three children of my sister, who are minors.
Q Are you a citizen? A No, sir; I am applying for the daughter.
Q You are a non citizen, I suppose? A Yes, sir.
Q What are the names of the children now you desire to enroll?
A My daughter is named Mary Lowe.
Q What is her age? A She is 14 years old.
Q The names of the other children? A Well, the Moore children are Cynthia A. Moore.
Q How old is she? A She is 18.
Q What is the next one? A Clifton Moore, he is 16.
Q The next one? A John Moore is 14.
Q Any others? A No, sir.
Q What is the name of Mary Lowe's father? A Mary Lowe's father is John J. Lowe.
Q Is he living? A Yes, sir, I am.
Q Are you her father? A Yes, sir.
Q What is her mother's name? A Her mother's name is Anna Lowe.
Q Is she living? A No, sir, she is dead.
Q Where do you reside? A I reside at Duluth, Georgia.
Q Where was Mary born? A She was born at Duluth.
Q She lived there all her life? A Yes, sir.
Q Living there now? A Yes, sir.
Q What claims has she to citizenship? A She is the descendant of the Cherokees.
Q Her name on any of the rolls of the Cherokee Nation? A No, sir, she has been readmitted though, I believe it is.
Q Have you any certificates? A Yes, sir, I have the certificates, I haven't got them here; I have the Moore children's certificates here; I believe they call it a certified copy (hands Commissioner papers). I have got another copy, but I haven't got it with me; I can forward it by mail if it is necessary; that I got a short time ago.
Q You apply for yourself? A No, I am out.
Q Are you the John J. Lowe mentioned in this certificate? A Yes, sir.
By J.S. Davenport, representing Cherokee Nation: Have you, married since your wife died? A No, sir.
Commissioner: The applicant presents a certificate signed by William H. Mays, Assistant Executive Secretary, under the seal of the Cherokee Nation, certifying, among others, that Mary Lowe, age 10 months, was admitted to Cherokee citizenship on the 14th day of June, 1887. The certificate is filed herewith.
Q Got any other certificates as to Mary? A No, sir, I haven't got it with me, I have a certificate though for the Moore children (hands Commissioner paper.)
Q Mary Lowe was born in the State of Georgia? A Yes, sir.
Q Resided there ever since? A Yes, sir.
Q Was her mother a citizen of the Cherokee Nation? A No, sir,

Mary Lowe - 3.

Q She was a white person? A Yes, sir.

Q You, her father, was at one time admitted to citizenship?

A Yes, sir.

Q You never complied with their requirements? A No, sir, I was situated so I couldn't do it.

Commissioner: Applicant presents a certificate of admission to Cherokee citizenship, issued from the office of the Commission on Citizenship, dated Tallequash, on the 14th day of June, 1889, signed by J. F. Adair, Chairman of the Commission on Citizenship, Henry Hiffert, Clerk, approved and endorsed by D. W. Bushyhead, Principal Chief, issued under the great seal of the Cherokee Nation, certifying, among others, that Cynthia A. Moore, Clifton Moore, and John Moore, were on the 14th day of June, 1887, admitted to Cherokee citizenship. The age of Cynthia A. at that time was 4 years of age, Clifton 2 years of age, and John Moore, a mile, age one year.

Q Who was Sarah A. Moore? A She was my sister.

Q She the mother of these children? A Yes, sir.

Q She living? A Yes, sir.

Q She doesn't apply; you don't apply for her? A No, sir, she is like myself, she is out.

Q She was admitted, according to this certificate, but has never complied with the requirements? A No, sir.

Q Were these children born in the Cherokee Nation? A No, sir, born in Georgia.

Q Live in the State of Georgia now? A Yes, sir.

Q Never have resided in the Cherokee Nation? A No, sir.

Q Are their names upon any of the rolls of the Cherokee Nation?

A I don't think so.

The rolls of the Cherokee Nation in the hands of the Commission examined and none of the applicants identified thereon.

Q Did you ever draw any Cherokee money for these children?

A No, sir.

Q Who was the mother of Mary? A Why her name was Anna.

Q She was a non citizen? A Yes, sir, a white woman.

Q And the mother of the Moore children was Sarah A. Moore, your sister? A Yes, sir.

Q Are you the father of Mary Lowe? A Yes, sir, that is right.

Q You have never availed yourself of the rights of citizenship given to you by your admission papers? A No, sir.

Commissioner: John J. Lowe applies for the enrollment of his daughter, Mary Lowe. He also applies for the enrollment of Cynthia A. Moore, Clifton Moore, and John Moore. He avers that they are children of Sarah A. Moore. He presents a certificate more particularly described in the testimony, certifying to the fact that he was, the said John J. Lowe and his daughter Mary Lowe, were admitted to the rights of Cherokee citizenship on the 14th day of June, 1887, Mary Lowe at that time being ten months of age. He also presents a certificate of admission, more particularly described in the testimony, certifying that Sarah A. Moore, Cynthia A. Moore, Clifton Moore, and John Moore, were duly admitted to citizenship on the 14th day of June, 1887, the said Sarah A. Moore being the mother of the said Cynthia A. Moore, Clifton Moore, and John Moore. He avers that both he and his sister, Sarah A. Moore were at that time admitted to Cherokee citizenship, that they never availed themselves of the rights of Cherokee citizenship, consequently he does not apply. He applies for the enrollment of said children from the fact that they were minors. He avers that they were born and raised in the State of Georgia, and

Mary Love - 3.

never have been residents of the Cherokee Nation, and their names are not found upon any of the rolls of the Cherokee Nation. Consequently, the said Mary Love, daughter of the said John J. Love, Cynthia A., daughter and John Moore, daughter of Sarah A. Moore, his sister, will be listed as Cherokee citizens by blood upon a doubtful card, awaiting further consideration of the Commission as to their rights to citizenship.

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 17th of June, 1901.

C. A. [Signature]

Commissioner.

H1214

CHEMIST

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 13 1901

[Handwritten signature]

ASST. SEC. OF INTERIOR

CHEROKEES BY BLOOD AND ADOPTION.

Date June 13, 1901 1900.

Name John G. Lowe

District Quitman Ga. Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

- | | | | | | |
|-----------------------------|-------------------|------------------|------------------|-----------------|-----------------|
| 1 <u>Mary Lowe</u> | Dist. <u> </u> | Year <u> </u> | Page <u> </u> | No. <u> </u> | Age <u>14</u> |
| 2 <u>Elizabeth A. Moore</u> | Dist. <u> </u> | Year <u> </u> | Page <u> </u> | No. <u> </u> | Age <u>18</u> |
| 3 <u>Whitton</u> | Dist. <u> </u> | Year <u> </u> | Page <u> </u> | No. <u> </u> | Age <u>16</u> |
| 4 <u>John</u> | Dist. <u> </u> | Year <u> </u> | Page <u> </u> | No. <u> </u> | Age <u>14</u> |
| <u> </u> | Dist. <u> </u> | Year <u> </u> | Page <u> </u> | No. <u> </u> | Age <u> </u> |
| <u> </u> | Dist. <u> </u> | Year <u> </u> | Page <u> </u> | No. <u> </u> | Age <u> </u> |
| <u> </u> | Dist. <u> </u> | Year <u> </u> | Page <u> </u> | No. <u> </u> | Age <u> </u> |
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| <u> </u> | Dist. <u> </u> | Year <u> </u> | Page <u> </u> | No. <u> </u> | Age <u> </u> |

App. made by John G. Lowe, Steno, D.C. Jones

1, 2, 3 and 4 Re-admitted 1887

Executive Department,
Cherokee Nation.

...ing named persons, John
... months, were by the
... June the 14th 1887, re-ad-
... and now recognized as
citizens of the Cherokee Nation.
This the 10th day of Nov. 1894.

W. H. Mayes,
Ass't. Executive Secretary.

Seal.

Executive Department,
Cherokee Nation.

To Whom it May Concern:

This is to certify that the following named persons, Sarah
A. Moor, age 36 years, Cynthia A. Moor age 4 years, Clifton Moor,
age 2 years, and John Moor, age 1 year, were by the commission on
citizenship re-admitted to citizenship in the Cherokee Nation and
now recognized as citizens of the Cherokee Nation.
This the 10th day of Nov. 1894.

W. H. Mayes,
Ass't. Executive Secretary.

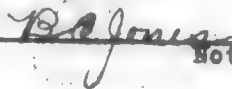
Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., Sept. 27, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment
Division of the Commission to the Five Civilized Tribes and custodian
of the records of the said Division, do hereby certify that the above
and foregoing is a true and correct copy of the original on file in
the office of the said Division.



Chief Clerk Cherokee Division.

Subscribed and sworn to before me this 27th day of Sept., 1902.



Notary Public.

CD 1214

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAR 31 1902



Acting Clerk

[Faint, mostly illegible text from the reverse side of the document is visible through the paper.]

Supl.-C.D.#1214.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., March 21, 1902.

SUPPLEMENTAL in the matter of the enrollment of MARY LOWE,
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 Muskegee, 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 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 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 above proceedings and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

CERTIFICATE OF ADMISSION TO CHEROKEE CITIZENSHIP.

OFFICE OF COMMISSION ON CITIZENSHIP,
Tahlequah, Cherokee Nation.

TO ALL WHOM IT MAY CONCERN--GREETING:

THIS IS TO CERTIFY, that the following named, to-wit:
Sarah A. Moor, female age 36 years, Cynthia A. Moor, female age 4
years, Clifton Moor, male age 2 years, John Moor, male age 1 year,
did, pursuant to the provisions of an Act of the National Council of
the Cherokee Nation, approved December 8th, 1886, entitled "An Act
providing for the appointment of a Commission to try, and determine,
applications for Cherokee citizenship," make such application to and
before said "Commission" on the 14 day of June 1887; that the
proof submitted by the above named Sarah A. Moor in support of
her said application has been found, and is hereby declared and
certified to be sufficient and satisfactory to the said Commission
according to the requirements of Section Seventh of said Act of the
National Council- and that, by virtue of such finding of fact by
the Commission, and in conformity with the Fourteenth Section of
said act, the above named parties (applicants for citizenship) are,
from this, the date of said finding and decision of the Commission
as announced and recorded, re-admitted by the National Council, as
provided in said Fourteenth Section, to the rights and privileges
of Cherokee citizenship under Section 2, Art. 1 of the Constitution
of the Cherokee Nation; and this certificate of the said decision
of the Commission and of re-admission by Council is made and furn-
ished to the said parties accordingly.

IN WITNESS WHEREOF, I hereunto sign my name,
as Chairman of the Commission, on this
the Fourteenth day of June 1887.

Signed - J. T. Adair,
Chairman Com. on Citizenship.

Attest -

Henry Eiffert,
Clerk Com. on Citizenship.

Approved and endorsed:

Signed - D. W. Bushyhead,
Principal Chief C. N.

Signed -

R. O. Trent,
Asst. Ex. Secy., C.N.

Muskegee, Indian Territory, June 12, 1902.

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 the enrollment of Mary Lowe et al
as citizens of the Cherokee Nation.



Charles A. Moor

Office Commission on Citizenship

Washington, D.C., June 14, 1907.

Special Reg.

Family Names

- 1. Charles A. Moor
- 2. Cynthia A. Moor
- 3. Clifton Moor
- 4. John Moor

Age

- 1. Female
- 2. Male
- 3. Male
- 4. Male

Birth Day

Applicants for Shawnee
Citizenship

Rolls 1907

vs

Answer

Shawnee Nation,
Filed June 14th 1907.

Cynthia Low

Now on this the 14th day of June 1907 comes the above case for final hearing and the parties having made application pursuant to the provisions of an act of the National Council approved December 8th 1898 and the evidence having been examined and found to be sufficient and satisfactory to the Commission it is adjudged and determined by the Commission Charles A. Moor, Cynthia Moor Clifton Moor and John Moor to be citizens of the United States and a certificate of said decision of the Commission was made and furnished as follows:

Henry

Chair, Chairman Commission
 Secretary, Commissioner,
 Commissioner,

Executive secretary of the
 We is a true copy
 of the records

Shawnee Nation Co
 Albert
 Executive secretary

I, the undersigned stenographer in the Commission to the
 This certifies that the above copy foregoing
 of the Shawnee Nation,
 Shawnee, Indian Territory,
 June 14, 1907.



EXECUTIVE DEPARTMENT.
CHEROKEE NATION.

To Whom It May Concern:

This is to certify that the following named persons:
John J. Lowe, age 38 years, and Mary Lowe age 10 months were by
the Commission on citizenship under date of June 14th 1887 readmitted
citizenship in the Cherokee Nation, and now recognized as citizens
of the Cherokee Nation.

(Seal) This the 10th day of Nov. 1894.

W. H. Mayes,

Asst executive secretary.

EXECUTIVE DEPARTMENT
CHEROKEE NATION

TO WHOM IT MAY CONCERN:

This is to certify that the following named persons
Sarah A. Moor age 36 years, Cynthia A. Moor, age 4 years, Clifton
Moor age 2 years, and John Moor age 1 year were by the Commission
on citizenship readmitted to citizenship in the Cherokee Nation and
now recognized as citizens of the Cherokee Nation.

(Seal) This the 10th day of Nov. 1894.

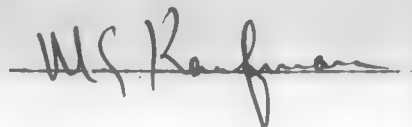
W. H. Mayes,

Asst executive secretary.

I, the undersigned stenographer to the Commission to the
Five Civilized Tribes do hereby certify that the above and foregoing
are true and correct copies of the originals offered in evidence in
the matter of the application for the enrollment of Mary Lowe et al
as citizens of the Cherokee Nation.

Muskogee, Indian Territory,

June 12, 1902.



JFB

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

In the matter of the application for the enrollment of Mary Lowe, and Cynthia A., Clifton and John Moore as citizens by blood of the Cherokee Nation.

DECISION.

--000--

The record in this case shows that on June 13, 1901, John J. Lowe appeared before the Commission at Chelsea, Indian Territory, and made personal application for the enrollment of Mary Lowe, and Cynthia A., Clifton and John Moore, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskegee, Indian Territory, on March 21, 1902.

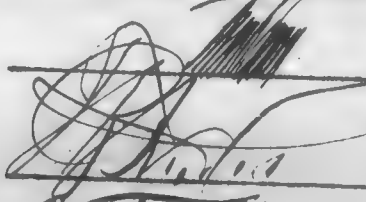
The evidence shows that the said Mary Lowe, and Cynthia A., Clifton and John Moore were admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on June 14, 1887. They nor either of them are identified on any tribal roll of the Cherokee Nation in the possession of this Commission. It further appears that none of the applicants herein have ever resided in the Cherokee Nation or Indian Territory.

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

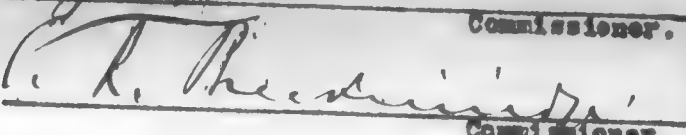
"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application for the enrollment of Mary Lowe, Cynthia A. Moore, Clifton Moore and John Moore should be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.



Commissioner.



Commissioner.

Dated at Muskegee, Indian Territory,

this SEP 20 1902

6

D1314

TO THE FBI OFFICE

FILED

MAR 8 1902



ACTING CHAIRMAN

COMMISSIONERS
HENRY L. DAWES,
TAMM BIRNEY,
THOMAS B. HERRICK,
C. R. BARNWELL.

ALFRED L. WELLSWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING
SERIAL NO. 2-2114

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 21, 1902. 1902.

~~Mr. John A. Lewis~~

~~Milledgeville, Georgia~~

~~1134~~

You are hereby notified that the application of Mary Low, Cynthia Moore,

et al.

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 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.

You are required to supply the Commission with a certificate of the recognition to Cherokee citizenship of Mary Low.

Yours truly,

Register

Acting Chairman.

Cherokee D 1214.

Muskogee, Indian Territory, September 24, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of John J. Lowe for the enrollment of Mary Lowe and Cynthia A., Clifton and John Moore as citizens by blood of the Cherokee Nation, including the decision of the Commission, dated September 20, 1902, rejecting said application.

Respectfully,

Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enc. C. No. 12.

Cherokee D 1214.

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 John J. Lowe for the enrollment of Mary Lowe and Cynthia A., Clifton and John Moore 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,

E. S. Boyd
Acting Chairman.

Enc. C. No. 11.

Cherokee D 1214.

CO. V

Muskogee, Indian Territory, September 24, 1902,

John J. Lowe,

Duluth, Georgia.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of Mary Lowe and Cynthia A., Clifton and John Moore, as citizens by blood of the Cherokee Nation, together with a copy of the Commission's decision, dated September 20, 1902, rejecting your said application.

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

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

Respectfully,

E. D. D.
Acting Chairman.

Enc. C. No. 10.

Register.

Refer in reply
to the following:
Land.
58,454-1902.

(Copy)

Department of the Interior,
Office of Indian Affairs,

Washington, October 22, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Mary Lowe, Cynthia A. Moore, Clifton and John Moore, for enrollment as citizens of the Cherokee Nation

On September 20, 1902, the commission rendered a decision in this case stating therein that the record in this case shows that on June 13, 1901, John T. Lowe appeared before the commission at Chelsea, Indian Territory, and made personal application for the enrollment of Mary Lowe, Cynthia A., Clifton and John Moore, as citizens by blood of the Cherokee Nation; that further proceedings in the matter of said application were had at Muscogee, Indian Territory, March 21, 1902, that the evidence shows that, ^{said} Mary Lowe, Cynthia A., Clifton and John Moore, were admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said nation on June 14, 1887; that none of them are identified on any tribal roll of the Cherokee Nation; that it further appears that none of the applicants have ever resided in the Cherokee Nation or the Indian Territory, and that under paragraph 9 of section ²¹ of the Act of Congress approved

June 28, 1897, (30 Stats., 495), providing that "no person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship," the application filed herein should be denied.

The record evidence has been examined by the office and supports the facts as set forth in said decision by the commission. There is no evidence in the record showing that any of the applicants have ever in good faith settled in the Cherokee Nation and that they are now living therein. It is therefore recommended by the office that the decision of the commission herein be affirmed by the Department.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

(W.C.B.)

P.

D. C. No. 20434-1902.

BAF.

Department of the Interior,

ITD. 6530-1902.

Washington, October 25, 1902.

L. R. S.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

September 24, 1902, you transmitted the record in the matter of the application for enrollment of Mary Lowe, Cynthia A. Moore, Clifton Moore and John Moore as citizens by blood of the Cherokee Nation.

The evidence shows that the applicants were admitted to Cherokee citizenship in 1887; that not one of the applicants is identified on any Cherokee tribal roll, nor has any one of them ever resided in the Indian Territory. In accordance with paragraph nine, section 21, act of June 28, 1898 (30 Stat., 495), you denied said application on September 20, 1902.

The Acting commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter of October 22 is inclosed.

The Department affirms your decision.

Respectfully,

E. A. Hitchcock,
Secretary,

END

1 inclosure.

COPY.

Cherokee D 1214.

Muskogee, Indian Territory, November 2, 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 John J. Lowe for the enrollment of Mary Lowe and Cynthia A., Clifton and John Moore, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 25, 1902.

Respectfully,

Commissioner in Charge.

Cherokee D 1214.

COPY.

Muskogee, Indian Territory, November 8, 1902.

John J. Lowe,

Duluth, Georgia.

Dear Sir:

You are hereby advised that the Commission's decision, of date September 20, 1902, rejecting your application for the enrollment of Mary Lowe and Cynthia A., Clifton and John Moore, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary on October 25, 1902.

Respectfully,

Commissioner in Charge.

Cherokee R-756

Mustogee, Indian Territory, December 11, 1902.

John J. Lowe,
Duluth, Georgia.

Dear Sir:-

When you applied to this Commission for the enrollment of Mary Lowe et al., as citizens of the Cherokee Nation, you filed with this Commission certificate, showing the readmission to Cherokee citizenship, on June 14, 1887, of John J. Lowe et al; also certificate, showing the readmission to Cherokee citizenship of Sarah A. Moore et al; also certified copy of judgment of Commission on Citizenship, readmitting Sarah A. Moor et al., to citizenship in the Cherokee Nation; also original certificate from Commission on Citizenship, showing the admission of Sarah A. Moor et al., to citizenship in the Cherokee Nation.

The same are herewith returned to you, copies having been made and retained in the Commission's files.

Respectfully,

Acting Chairman.

Enc. M-15

D C 9208-1904.

COPY.

J.P.

I.T.D. 6530-1902.
7162-1903.

DEPARTMENT OF THE INTERIOR,
Washington.

FHE

L.R.S.

March 22, 1904.

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

Gentlemen:

October 25, 1902, the Department affirmed your decision rejecting the application for the enrollment of Mary Lowe, Cynthia A. Clifton and John Moore, as citizens by blood of the Cherokee Nation.

September 21, 1903, you requested that the case be remanded for readjudication by you in accordance with the opinion of the Assistant Attorney General of March 16, 1903, in the Yeargain case. In his letter of October 7, 1903, the Acting Commissioner of Indian Affairs concurred in your suggestion.

It does not appear necessary to remand the case. The evidence shows that the applicants were admitted to citizenship in the Cherokee Nation in 1887; that they are not identified on the tribal rolls of the nation in your possession, and that none of them have ever resided in the Cherokee Nation or Indian Territory. See opinion of the Assistant Attorney General of December 29, 1903, in the case of Allie Williams, and his opinions of March 12, 1904, in the cases of Julia A. Moore, et al., and Mary L. Strickland, et al.

Respectfully,

Thos Ryan,

Acting Secretary.

Cher R 156

Cher R 156

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., SEPTEMBER 21, 1900.

In the matter of the application of Albert Paschall for enrollment of himself, wife and children, as citizens of the Cherokee Nation, said Paschall 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 Paschall, he was a Peoria.
Q What was your mother's name? A Alameda.
Q Was she a white woman? A No sir, Shawnee.
Q What is your wife's name? A Annis 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 360, 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 The 99 children are the children of your wife, Anna? A Yes.
Applicant on '96 roll, page 348, number 296, as Anne ~~xxxx~~ Paschall.
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 Deshane.
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 so.

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 on, 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 Deshane 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 nver 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 if 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 ~~shall~~ 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.

W. W. Hastings

Commissioner.

The name of Alameda Paschal, 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 duly 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 herein, will be duly listed for enrollment as Cherokee citizens by blood.

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

B. M. Edwards


Subscribed and sworn to before me this 24th day of September, 1900.

C. M. ...
Commissioner

18

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED 191198
SEP 21 1900


ACTING CHAIRMAN

CHEROKEE IN...

CHEROKEES BY BLOOD AND ADOPTION.

SEP 21 1900

Name Albert Paschal Date Unita 25 1900

District _____ Year _____ Page _____ No. _____

Citizen by blood yes Shawnee Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Wife's name _____

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children:

Dist.	Year	Page	No.	Age
<u>Unita</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>
<u>Unita</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>
<u>Unita</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>
<u>Unita</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>
<u>Unita</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>
<u>Unita</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>
<u>Unita</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>
<u>Unita</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>
<u>Unita</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>
<u>Unita</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>

I ask allotment in the Peora Nation

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

X 9/13

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).

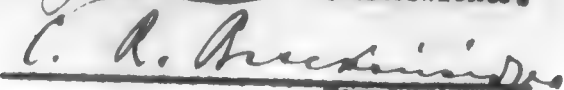
The Act of Congress of May 31, 1900, (31 Stats., 221) provides: "That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory 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, _____

In reply to C.D. 1198--C.D. 5201--C.D. 527--C.D. 575.

Department of the Interior,
INDIAN SCHOOL SERVICE

Seneca Indian Training School,
Wyandotte, Quapaw Agency, I. T.

February 22, 1902.

Mr. J. C. STARR, Atty.

Muscogee, Indian Territory.

Sir: In reply to your several letters of inquiry of recent date, concerning certain parties, I have to state the following:

Albert Paschal, Indian Name Wa-wa-a-se-tah, received an allotment of 200 acres in the Peoria Reservation, in this Agency. The names of Alameda Paschall, Annie Longtail, Moses Squirrel, Isaac Squirrel, and Rebecca Rogers I do not find on any of the Rolls here.

The names of Susan Daugherty, Susan Day, Susan Huff and Mamie Matney are not found on any of the Rolls.

Hiram Blackfish resides in this Agency, having married an allottee of this Agency, but received no allotment here nor has he ever drawn any annuity on the Rolls of the Agency.

James Pascock, a Wyandotte, adopted by the Senecas and received an allotment with the Seneca Tribe, in this Agency. He left here several years ago and is said to have married a Delaware woman.

Very respectfully,

B. N. O. Walker

Clerk in Charge.

20

101198

FILED
MAR 8 1902

[Handwritten signature]
SITING 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-1190

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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

Mr. Albert Paschal,

Vinita, 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.

COPY

Cherokee D 1100.

Montagee, Indian Territory, September 20, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Albert Paschal for the enrollment of himself as a citizen of the Cherokee Nation by Shawnee blood, including the decision of the Commission, dated September 20, 1902, rejecting said application.

Respectfully,

Amis Dixon
Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enc. C. No. 9.

Cherokee D 1198.

CC.

Muskogee, Indian Territory, September 24, 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 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,

John H. Cox
Acting Chairman.

Enc. C. No. 8.

COPY

Cherokee D 1198.

Muskogee, Indian Territory, September 24, 1902.

Albert Paschal,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a citizen of the Cherokee Nation by Shawnee blood, together with a copy of the Commission's decision, dated September 20, 1902, rejecting your said application.

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

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

Respectfully,

Sam. Fixby

Acting Chairman.

Enc. C. No. 7.

Register.

Refer in reply
to the following:
Land.
58,454-1902.

(Copy)

Department of the Interior,
Office of Indian Affairs,

Washington, October 18, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application of Albert Paschal for the enrollment of himself and his wife and children as citizens of the Cherokee Nation.

The record evidence in this case shows that the name of the applicant's wife, Anna Paschal, appears upon the authenticated roll of 1880 as Anna Squirrel and that her name also appears upon the 1896 roll as Annie Paschal.

The record evidence also shows that Moses Squirrel, Isaac Squirrel and Rebecca Rogers are all children of the said Annie Paschal and stepchildren of the applicant, Albert Paschal, and that their names are all on the Cherokee roll of 1896. There is no record evidence showing that the applicant, Albert Paschal, is upon any of the rolls of the Cherokee nation, but the testimony does show that he has been adopted by the Peorias and has taken an allotment there.

The commission rendering a decision in the case finds that

the said Annie Paschal and her three children aforesaid are entitled to be enrolled as citizens of the Cherokee Nation, and further finds that the said Albert Paschal is not entitled to enrollment by reason of the provisions of the Act of Congress of May 31, 1900, (31 Stats., 221), which provides, in substance, that the commission shall not receive, consider or make any record of any application of any person for enrollment as a member of any tribe in the Indian Territory who has not been a recognized citizen thereof and duly and lawfully enrolled or admitted as such.

Inasmuch as the said Albert Paschal's name does not appear upon any of the Cherokee rolls, the office considers that the decision of the commission is correct and in addition to that ground for refusing his application might be cited the ground that he has already taken an allotment in the Peoria reservation and the 8th paragraph of section 21 of the Act of Congress, approved June 28, 1898, (30 Stats., 495), provides as follows:

"The several tribes may by agreement determine the right of persons who for any reason claim citizenship in two or more tribes and to allotment of lands and distribution of moneys belonging to each tribe, but if no such agreement be made then such claimant shall be entitled to such rights in one tribe only and may elect in which tribe he will take such right, but if he fail or refuse to make such selection in due time he shall be enrolled in the tribe with whom he has resided and there be given such allotment and distribution, and not elsewhere."

This provision of law is intended to prevent a member of any tribe of Indians from taking two allotments and the applicant, Albert Paschal, having already received one allotment could not be given such right of citizenship in the Cherokee Nation as would guarantee to him another allotment.

It is therefore recommended that the decision of the commission be approved by the Department.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

(W.C.B.)

P.

D. C. No. 20434-1902.

64193

J. P.

Department of the Interior,

I. T. D. 6458-1902.

Washington, October 27, 1902.

I. R. S.

FRE

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

Gentlemen:

The Department has considered the case involving the application of Albert Paschal, for enrollment as a citizen of the Cherokee Nation, D 1198, submitted by your letter of September 24, 1902. The applicant claims to be a Shawnee-Cherokee. It does not appear that he has ever been enrolled or admitted in the Cherokee Nation. His wife's name is on the 1880 authenticated roll and it appears you have listed her (Annie Paschal) and her children for enrollment. If Paschal himself has any claim as an intermarried citizen of the Cherokee Nation, it does not appear; in fact, he states that he never married the mother of his children. He therefore is not entitled to enrollment as an intermarried citizen.

Referring to the act of May 31, 1900 (31 Stat., 221), you rejected the application September 20, 1902. The Commissioner of Indian Affairs on October 18, 1902, submitting

the case, stated that in addition to the ground upon which your decision is based, might be cited the ground that applicant has already taken an allotment in the Peoria reservation, and as the eighth paragraph of section 21 of the Act of June 28, 1898 (30 Stat., 498), is intended to prevent a member of any tribe of Indians from taking two allotments, Paschal could not be given such right of citizenship in the Cherokee Nation as would guarantee to him another allotment.

Your decision is affirmed, for the reasons therein stated. As to the Department's interpretation of said paragraph 8 of Section 21 of the act of June 28, 1898, attention is invited to the decision of the Department on September 17, 1902, in the case of Nancy Sky.

A copy of the Commissioner's letter is inclosed.

Respectfully,

E. A. Hitchcock,

Secretary.

G. W. E.

1 inclosure.

00-Y.

Cherokee D 1198.

Mustoge, Indian Territory, November 8, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Mustoge, 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.

217

COMMISSIONERS
HENRY L. DAWES,
TAMM BIRBY,
THOMAS B. NEEDLES,
C. R. BRACKINRIDGE.

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

REFER IN REPLY TO THE FOLLOWING
Cherokee B 1198.

ALLISON L. AVERSWORTH,
SECRETARY

Muskogee, Indian Territory, November 2, 1902.

Albert Paschal,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, of date September 20, 1902, rejecting your application for the enrollment of yourself 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.

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

FILED
MAY 20 1901

[Handwritten Signature]
ACTING CHAIRMAN

COMMISSIONER:
HENRY L. BAUER
TAMM SIXTYFOUR
TEMPERANCE

DEPARTMENT OF THE INTERIOR,

ADDRESS TO THE FIVE CIVILIZED TRIBES.

ALLISON L. STANLEY,
SECRETARY.

Make doubtful; to see rights as minor; judgment
stated.

Cherokee D 1198

5411-5

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use, \$300.



Albert Paschal,

Vinita, Indian Territory.

Cher R 757

Cher R 757

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
CLAREMORE, I. T., OCTOBER 26th, 1900.

IN THE MATTER OF THE APPLICATION OF Dora Johnston for the enrollment of herself and child as citizens of the Cherokee Nation, and the said Dora Johnston appearing before the Commission and being sworn by Commissioner, C. R. Breckinridge, testified as follows:

By the Commission:

- Q What is your name? A Dora Johnston.
Q What is your age? A Thirty.
Q What is your postoffice? A Claremore.
Q Do you make application as a Cherokee by blood?
A No sir; adopted.
Q What district do you reside in? A I was married in Flint District.
Q Are you living in Cooweescoowee District now? A Yes sir.
Q How long have you lived there? A Eight years.
Q Where did you live prior to that time? A Flint District.
Q How long have you lived in the Cherokee Nation? A Sixteen years.
Q Where did you come from when you came to the Cherokee Nation?
A Choctaw Nation: I was from Illinois there.
Q Have you resided continuously in the Cherokee Nation ever since you came from the Choctaw Nation sixteen years ago? A Yes sir.
Q Have you been outside of the Cherokee Nation in the past three years? A No sir.
Q What is your father's name? A S. B. Moore.
Q Is he living or dead? A Living.
Q What is your mother's name? A Mary F. Moore.
Q Is she living? A Yes sir.
Q Did your parents ever claim to be citizens of the Cherokee Nation?
A Yes sir.
Q Were they ever recognized as citizens of the Cherokee Nation?
A No sir.
Q For whom do you apply? A Myself and daughter.
Q Not for your husband? A No sir; just myself and little girl.
Q Are you married? A No sir: I was married eleven years ago the 30th day of this month.
Q What is the name of your husband? A George H. Johnston.
Q Was he a Cherokee by blood? A Yes sir.
Q Is he living or dead? A He was living the last I heard of him.
Q Where were you living when you married him? A In Flint District.
Q What is the name of your husband's father? A I do not know.
Q How old is your husband? A About forty six now.
Q Is he a recognized citizen of the Cherokee Nation by blood?
A Yes sir.
Q How long did you live with him? A Eleven months.
Q Did you secure a divorce? A Yes sir; he did.
Q Upon what grounds? A He would not support ~~me~~ his family: We did not agree.
Q He secured the divorce? A I granted him the divorce: He wanted the child: He left me.
Q He left you? A Yes sir.
Q The reason he left you was because he could not support a family?
A Yes sir; he got tired of me.
Q To whom was the divorce granted; to you or to him? A To him.
Q He filed suit and we compromised.
Q He filed the suit, did he? A Yes sir.
Q Have you any evidence of your divorce from him? A Yes sir.
Q Did you state that you and your husband lived together eleven months? A Yes sir.
Q Did you ~~then~~ then leave him? A He left me.
Q Did you remain at the home place? A No sir; he took me to my father's and left me there.
Q And he stayed at the old home place? A Yes sir.

Q You never returned to him afterwards, did you? A No sir.

By Mr. Cale Starr, Cherokee Representative:

Q What were the grounds alleged against you for divorce?

A All I know is because he did not want to take care of me: He just took me back to my father's and left me there.

Q Is it not a fact that he alleged that you left him? A That is what he says, but it was the other way: That was his plea; that I would not live with him any longer.

Q Is it not a fact that he sued and obtained a divorce on the grounds that you wilfully deserted him? A I do not know: He left me.

Q That was his claim in Court, was it not? A Yes sir; that is what he left me for: There was no complaint: That is what he left me for.

Q Tell what the complaint was in Court? A He just - I do not remember now; his plea was that I would not live with him.

By the Commission:

The applicant presents a copy of the decree of divorce between herself and her former husband, Horace Johnston, issued on the 22nd day of May, 1892, at the regular sitting of the Circuit Court; signed by B. G. Fletcher, Clerk of Flint District; ~~certified to by John B. Lynch, Clerk of the Cherokee Nation, Cherokee Nation.~~ certified to by John B. Lynch, Clerk of the ~~Cherokee Nation,~~ Flint District, Cherokee Nation. The applicant also presents a certificate of marriage, certifying that she was married to one, Horace Johnston, a citizen of the Cherokee Nation, on the 30th day of October, 1889, by J. V. McPherson, District Judge of Going Snake District, Cherokee Nation. Same is filed herewith.

Q Have you ever remarried since your divorce from your last husband? A No sir.

Q What is the name of this child for whom you apply? A Mamie Lee Johnston.

Q How old is the child? A Ten.

Q Is Horace Johnson the father of this child? A Yes sir.

(1880 Roll, Page 705, #729, Geo. H. Johnson, Sequoyah D't)
(1896 Roll, Page 1077, #790, George J. Johnson, Geo. District)
(1896 Roll, Page 190, #2606, Mamie L. Johnson, Geo. D't)
(1896 Roll, Page 311, #545, Dora Johnstone, Geo. District)

The applicant applies for the enrollment of her self and child. She is identified upon the census roll of 1896, as an adopted white: She presents a marriage certificate, showing that she was married to one, Horace Johnson, on the 30th day of October, 1889, in accordance with the laws and customs of the Cherokee Nation: She avers that she lived with him eleven months, when he took her to her father's house and left her. On the 2nd day of May, 1892, her husband, Horace Johnston brought suit for divorce in the Circuit Court of Flint District; and same was granted him.

Attention is called to Section #367, of the compiled laws of the Cherokee Nation for the year 1892, which reads as follows: "Every person who shall lawfully marry under the provisions of this Act, and afterwards abandon his wife, shall ~~thereby~~ thereby forfeit every right and privilege of citizenship of this Nation". This section is equally binding upon a woman who shall marry a Cherokee by blood, and afterwards abandon him:

The applicant will be duly listed for enrollment by this Commission as an intermarried Cherokee, upon what is known as a doubtful card, for the further consideration of the Commission.

As the she application she makes on behalf of her child, Mamie Lee Johnston, the father of this child is identified on the roll of 1880, as a native Cherokee, and upon the census roll of 1896, as a native Cherokee: The child is identified upon the roll of 1896, as

...native thereof, and will be duly listed for enrollment in accordance with the Commission. The applicant has given satisfactory evidence as to her good name and that of her child in the Cherokee Nation of the United States as prescribed by law. That said child is finally rendered in her case, she will be admitted to the present Cherokee Nation.

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

R. B. Chawell

Subscribed and sworn to before
me this 25th day of October, 1906.

M. D. Lee

NOTARY PUBLIC

0714



DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

CC

FILED
OCT 26 1900

ACTING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION.

Date *Clarence D.D.* OCT 26 1900 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License *30* Certificate

Wife's name *Dora Johnston*

District *COOWEESCOOWEE.* Year *1876* Page *311* No. *545*

Citizen by blood *no* Mother's citizenship

Intermarried citizen *no*

Married under what law Date of marriage

License Certificate

Names of Children:

Handwritten signature

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

1m 1876 said as Dora Johnston

Herris Johnson,
Vs.
Dora Johnson.

Action for divorce and custody of child.

Case called and passed to the 2 calling.
Court adjourned untill 1 oc P. M. 10 o P. M. Court met parties present. The case was called on its second calling. Plaintiff announced ready for trial and the on the statement of facts by the parties the plaintiff waves his demand for the child Dorinda Johnston and the defendant confesses judgement as to the divorce and the decree of a divorce is made and the parties are herebt divorced from the bonds of matrimony now existing between them. The cost of the soot as attached to the defendent.

Executive Office Cherokee Nation
Tahlequah Ind. Ter.

(SEAL) I, B. W. Alberty, assistant Executive secretary of the Cherokee Nation do hereby certify that the above is a true copy from the Circuit Court record for Clint District Cherokee Nation for the May Term of said Court 1892, now filed in this Office by law and in my legal custody.
Given under my hand and the seal of the Cherokee Nation this the 8th day of March 1902.

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

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T.,-----

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.


Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 29th day of November, 1902.


Notary Public.

414

2

RECORDED
MAY 14 1962

ACRHS CHINA

General

... the testimony and proceedings had been given in the above case
the Commission for the Civil Liberties of China; that I collected in-
formation on the person, do hereby certify that the foregoing is

... the testimony of Mrs. A. and all the other persons mentioned
in the above report and the following: A. and all.
... the testimony of Mrs. A. and all the other persons mentioned
in the above report and the following: A. and all.
... the testimony of Mrs. A. and all the other persons mentioned
in the above report and the following: A. and all.

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

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
DORA JOHNSON as a citizen of the Cherokee Nation; introduced on
part of the Cherokee Nation:

Appearances:

J. R. Sequichie, Chelsea, I.T., Agent for Applicant;
Mr. W. W. Hastings, Cherokee Representative.

GEORGE HARRIS JOHNSON, being duly sworn, testified as fol-
lows on part of the Cherokee Nation:

MR. HASTINGS:

- Q What is your name? A George Harris Johnson.
Q What is your age, Mr. Johnson? A I will be 50, the 20th of
April.
Q What is your post office? A Tahlequah.
Q Are you a Cherokee by blood? A Yes, sir.
Q How many times have you been married? A Twice.
Q What was the name of your first wife? A Isabelle Ross.
Q Did you live with her until her death? A Yes, sir.
Q What was the name of your next wife? A Dora Moore.
Q When did you marry Dora Moore? A 30th day of October, 1889.
Q How long did you and she live together as husband and wife?
A Lived together nearly a year.
Q Until the following September? A Following September.
Q Where did you live? A Lived in Flint.
Q Where did her parents live? A They lived there too, on Little
Lees Creek.
Q How far from you? A About three miles.
Q What was the occasion of your separation; what was the cause of
it? A Well, sir, I could not tell what; she wanted to go down
to her father's; her mother come up there and she was about to be
confined and she said she could take care of her better than I
could. And finally she went down there.
Q Was she confined down to her father? A Yes, sir.
Q Did she ever go come back to your place after that?
A Come and got her things.
Q Did you try to get her to stay there? A Yes, sir; she set a
day for me to go for her and I would go and something was the
matter she could not come and put if ott.
Q And you went back after her again? A Yes, sir.
Q And there would be some excuse at that time? A Yes, sir;
finally she jst told me she would not go back and the old man
says for me not put my foot in his yard again.
Q As I understand you you made several trips down there after her?
A Yes, sir.
Q And each time she put you off with some sort of excuse until
the last time and the last time she said she would not go with you?
A Yes, sir, and she said her mother told her if she ever went back
with me she was done with her.
Q You got a divorce from her did you? A Yes, sir.
Commission: There is offered in evidence by the represen-
tatives of the Cherokee Nation a certified copy of the action
for divorce and custody of the child of Hecace Johnson versus
Dora Johnson. The same will be filed and made part of the
record.
Q Mr. Johnson, this decree of divorce does not show the grounds
that you alleged for divorce, what is them if you remember?

A Neglect and wilful desertion, as well as I recollect.

Q And you were granted the divorce upon that grounds? A Yes, sir.

Q You and she have never lived together since? A Never have; I wrote to her several times and tried to get her to come back but she would not never answer.

Q She has ever married since? A No, sir; I understood here a while back that she was going to marry, some four or five years ago.

Q You don't know whether she has or not? A No, sir.

Q You wrote her letters trying to get her to live with you? A Yes, sir, and asking her to come back.

Q You lived agreeably together for the first year until she went of that first time, as you stated? A Yes, sir, all right, everything went off, I was very well pleased and I thought she was.

MR. SEQUICHIE:

Q Mr. Johnson, you how long did you know this woman before you married her? A I knew her about couple of years.

Q well, after you were married she she express any desire to go home, go back to her mother? A Expressed any desire to go back to her mother?

Q She she show any desire to leave you? A She was always talking about if we should happen to part.

Q How long did you live together? A Nearly a year, from the 30th day of October until the 18th of September, the following September.

Q The first indications that you saw of her desire to go home during that time or her confinement, how did it happen to come around?

A I don't particular recollect, but her mother come up there and stayed a few days and go back.

Q Her mother? A Yes.

Q I am not speaking about her mother; I am speaking about her, did she ask you to take her home? A She asked me to take her to her mother; we was already I considered it home where she was living with me.

Q How long did you talk about that before you consented to take her at her first request? A I don't know, two or three times, a time or two, more than one time though.

Q Did she make the request herself? A Yes, sir, wanted to go down there.

Q Did she say she was going to stay there? A No, sir; she didn't say when she went she was going to stay.

Q Was it with the expectation that you were going to stay with her when you taken her up there? A No, sir; I had a child at home with me sick. She was confined and I would go down there every day, or every night that I would not go in the day I would go at night, and I would come back home.

Q Well, now, during her confinement she was at her mother's did she send you word she would not come back or did she tell you? A She told me.

Q Did you go after her? A Yes, sir, until after she told me she would not come back and I wrote her a letter asking her to come back.

Q Was the relations with your wife agreeable and pleasant? A Yes, sir, never had a cross word while we lived together.

Q She had no reason to leave if she wanted to? A No, sir.

Q And you loaded her in a wagon and left her? A No, I took her down on a horse, horseback.

Q Mr. Janson, haven't you been subpoenaed here before this Commission once or twice in this case? A No, sir; I never was subpoenaed until yesterday.

Q Did you get any service last week to appear here on the 8th? A No, sir, I ever get nothing until yesterday.

Q How far do you live from the post office? A My post office?

Q Yes. A I live about mile.

Q Do you get your mail regularly? A Yes, I get it pretty regularly. I only get one letter from here, from Mr. Starr here; I never get it though until last Saturday.

Q Well, now, when this case for divorce came up wasn't it understood generally you, you go to her and ask her if she was not to appear against you? A No, sir.

Q She agreed to give you the divorce? A No, sir.

Q Did she appear against you? A Yes, sir, she appeared against me.

-----000000-----

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

J. O. Rossen
Stenographer.

RECEIVED
FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE

TO THE DIRECTOR, FEDERAL BUREAU OF INVESTIGATION
FROM THE SAC, [illegible]
SUBJECT: [illegible]

[Several paragraphs of illegible typed text]

COMMUNICATIONS SECTION
NOV 29 1902

[Handwritten signature]
ACTING CHIEF

Supl.-C.D.#714.

Department of the Interior,
Commission to the Five Civilized Tribes,
Kuskagee, I. T., March 21, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
DORA JOHNSON as a citizen of the Cherokee Nation, introduced on part
of applicant :

Case continued by agreement from March 11, to March 21,
1902. Applicant present in person and by her Agent, J. R. Se-
quichie. Mr. W. W. Hastings, Cherokee Representative, present.

DORA JOHNSON, being duly sworn, testified as follows in
her own behalf:
MR. SEQUICHIE:

- Q What is your name? A Dora Johnson.
Q Your age? A 32.
Q What is your post office? A Campbell.
Q Mrs. Johnson, are you a citizen of the Cherokee Nation? A
Adopted citizen.
Q By intermarriage? A Yes, sir; 12 years ago.
Q Who was your husband? A George Horace Johnson.
Q Are you and your husband living together now? A No, sir.
Q How long have you separated? A Eleven years ago.
Q What year was it you separated? A He left me
in 1890.
Q He swore on the stand here that you had,--that your mother came
down to your house and took you away from your home?
A She did not, she come down there to wait on me and stayed near a
week, and she didn't know I could go home, and he told me I could go
home with my mother and I got on the horse and went home and I had
been sick then nearly a week.
Q Did you express any desire to go home? A No, sir.
Q Did you ask him to take you home? A No, sir.
Q How did you go up there? A I went horseback, he just told me
I could go.
Q Did he go with you? A Yes, sir, he went with me.
Q What did he say when you got there? A He says: "Here old man I
brought your girl to you" Pa told him all right to bring her
around to the other door and bring her in and he left me that even-
ing too sick, he knowed I was too sick when I left and he went home
and turned his horse outside and never put any bell on it or any
thing. And so far as my mother bringing me home she didn't know tha
I was coming until one of the little girls said "Dora is going with
her Ma," I didn't know I was going until I was ready to start.
Q Did you ever go back down there after that to get your things?
A Yes, I went after my things; yes, sir, but he would not let me
have them.
Q Did he ever tell you to come after your things? A Yes, sir,
he told me and I was afraid he would not get all of them.
Q Did he ever come to your mother's house and try to get you to
go back? A He never tried very hard to get me to come home; he
come there and tried to aggravate me more than anything else, and
would say he was going down to where he come from.
Q Did you and he have any words? A No, sir he cussed me some-
times.

Q Did he provide for you? A Yes, sir; I was sick and went to my mother to get provisions while I was sick.

Q Did he have a farm? A No, sir.

MR. HASTINGS:

Q But he did try to get you to come back and live with him?

A Yes, sir; he asked me a few times, he went and lived with another woman and I would not live with him any more.

Q This is your father and mother you have got as witnesses?

A Yes, sir.

Q Have you ever married since that time? A No, sir.

Q Has he married? A No, sir.

Q Was he ever married before? A Yes, sir.

Q Was his first wife living? A No, sir.

Q How far did you go when he took you home? A About two miles, I went with him.

Q Now you got down there and about how long was it until he first asked you to come and live with him? A I don't know just when it was he asked me to live with him.

Q Well, about how long? A It was not a week, no, it was not a week, he didn't ask me to come back and live with him, he come and told me he was going to leave there; didn't ask me to live with him until then.

Q Well, how long after that until he asked you again? A He never did ask me himself, he sent parties.

Q He sent parties? A Yes, sir. When I was sick he never would come to see me but once when I was sic k; my father, in January, he made him give me some medicine.

Q He did give you some medicine when you were sick? A Yes, in January and this was in December, he left there.

Q That was the January following he give you the medicine?

A No, sir.

Q January before? A Yes, sir.

Q Well, did he stay up there at his house? A Yes, sir, he stayed at his brother-in-law's house.

Q How long did he stay at the house until he left? A He stayed there until in the winter and moved in the house with an old lady.

Q Well, how long after you separated? A Well, it was in September.

Q And that was when he sent different people to come and and to live with you? A No, sir; and I would not go.

MR. SEQUICHIE:

Q Mrs. Johnson, you said now that he had taken up with another woman was that before he asked you to come and live with you? A He never asked me.

Q He sent other parties? A Yes, sir.

MR. HASTINGS:

Q Well, now, how long was it until he asked you to come and live with him? A About two months.

Q He did send some people to try and get you to come back?

A He was writing to a woman when he lived with me.

Q And that is the reason you separated? A No, sir.

Q You were jealous? A No, sir.

Q How long did you live with him? A About 11 months.

MARY E. MOORE, being duly sworn, testified as follows
on part of the applicant:

MR. SEQUICHIE:

Q State your name? A Mary E. Moore.

Q What is your age? A 56, 7th of April.

Q Where is your post office? A Campbell.

Q Mrs. Moore, do you know the applicant, Mrs. Dora Johnson?

A I ought to.

Q What relation is she to you? A My daughter.

Q Do you remember the time that she lived with her husband George Horace Johnson? A Yes, sir.

Q Do you remember the time that they separated? A I remember the time he brought her back home.

Q Well, now, Mrs. Johnson a few days ago here on the stand, George Johnson swore on the stand that you came down there and got your daughter? A I never either.

Q How did it happen? A She was sick and sent for me to come, and I went to wait on her and she was sick several days, and she got some better and then I says I believe I will go home if you will stay better, or wanted to go home and didn't intend to unless she did; so next day she was some better and he says to her--"I seen him talking to her--"you can go home with your Ma, if you want to", and he done had the horse ready now before I knew anything about it, he had a horse ready, and got ready and taken her home and he says "I have brought your girl back." So she was still sick you know when she got home and he stayed a while and went off and left her. After she got so bad we sent for him to bring over an old lady to wait on her. When he got there he turned his horse out and would not answer for a long while; I sent my son and he went and finally he got up and got the old lady there, it was 11 o'clock, and he would not stay there, I didn't know what was the matter with him; he didn't seem like he wanted to do anything. That is the way he went on until the baby was ten days old and he came then--I didn't know what he said to her--he began to talk to her and got her excited and she taken a backset and next I got her to bed and got her warmed up and went on until the next morning she got up and in the evening she went away after she had taken a relapse and in the evening her sister came and I met her at the x gate

Mr. Hastings: I am going to object to what the sister said.

Q Well, he went away when she taken a relapse? A Yes, sir.

Q But he stayed there long enough to make her sick again?

A He would come back there every day.

Q Did he ever come back there and try to persuade her to go home with him? A I don't know what he said.

Q Did he ever come there and ask her to come back? A No, sir; I never heard him.

Q You never heard him ask her, and you said if she did come back you would not have anything to do with her? A I might have said it; I was mad; any man that would treat his wife that way, I might have said it.

Q You never heard him trying to persuade her to come back home?

A No, sir.

MARINE

MR. HASTINGS:

Q Well, she went off down there to your place? A He brought her there.

Q He had been there before? A Yes, sir.

Q And you would not let her come back? A No, sir.

Q Didn't you tell her to stay there? A No, sir.

Q You tried to persuade her to go back and live with him?

A No, sir, I didn't try to persuade her to go back, a man that would not take care of her.

Q You were in a good humere towards him? A No, I wasn't because he would not treat her right.

Q You thought he was an ideal son-in-law? A No, sir.

Q You never used any persuasion at all to keep her from going back?

A No, sir.

- Q He sent a number of persons down there to try to get this woman to come back? A They was there.
- Q And you knew that their business down there was to get this woman to come back and live with him and she would not go? A I don't know what their business was.
- Q You didn't hear of it at the time? A No, not at the time.
- Q You heard about it after they went away, that Horace Johnson had sent down there to get her to come back and live with him?
- A I don't know what he done.
- Q Didn't you hear that? A I never heard just ~~about~~ only what they would say after they were gone.
- Q You heard it after they were gone? A Yes.
- MR. SEQUICHIE:
- Q Did Horace Johnson provide for her? A Very poorly.
- Q How do you mean by that? A He didn't provide very much.
- Q Was he a rustler, would he get out and work a good deal?
- A No, sir, didn't rustle very much.
- Q Did she ever depend on you? A She come to me when she was sick to get something to go on.

C. H. BALLINGER, being duly sworn, testified as follows on part of the applicant:

MR. SEQUICHIE:

- Q What is your name? A C. H. Ballinger.
- Q What is your age? A 44.
- Q Post office? A Mounds.
- Q Cherokee Nation? A No, sir; creek Nation.
- Q Do you know the applicant here, Mrs. Dora Johnson?
- A Yes, sir.
- Q How long have you known her? A About, nearly 14 years.
- Q Did you know her during her marriage to George Johnson?
- A Yes, sir.
- Q Did you live in the neighborhood in which they lived?
- A Yes, sir, I was there most of the time.
- Q Do you remember how long they lived together? A Not exactly, they didn't live but a short time together.
- Q Do you remember the time of their separation? A Yes, sir
- Q Do you remember about it; just state as brief as you can what you remember about it? A Mr. Johnson, they separated and she came back home again and he said he could not take care of her. He was not there during her sickness, hadn't visited her any, and further more than that he turned her steck and stuff back over to her again.
- MR. HASTINGS:
- Q Do you know that yourself? A Yes, sir, I was there at the time.
- MR. SEQUICHIE:
- Q Were you present at the time he brought her back to her mother's?
- A No, sir, I wasn't not at the exact time, I was just about the time
- MR. HASTINGS:
- Q Did you see him bring her back? A No, I don't know as I could recollect the day now.
- MR. SEQUICHIE:
- Q Did you see Mrs. Johnson here about the time that he brought her to her mother's? A Yes, sir.
- Q You didn't see him bringing her but you saw her immediately afterwards? A Yes, sir.
- Q What did Mr. Johnson say? A He said they could not get along together and brought her back home again.
- Q Was that what he said, Mr. Johnson? A Yes, what I recollect him saying at the time.

Q That he brought her back and could not get along? A Could not get along together.

Q Well, do you know whether he ever tried to persuade her back home again or not? A No, sir, I don't know if I could state of a fact of my own knowledge.

Q Do you know of your own knowledge as to Johnson's connection with other women along about that time? A No, sir, I would not state of my own knowledge; that is just hearsay.

MR. HASTINGS:

Q Now, you weren't there when they came down to her father's?

A Not the best I recollect of.

Q Now, what kin are you to this woman? A None at all whatever.

Q How long have you been gone from the neighborhood or Sequoyah district? A Some six or seven years.

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

Q Are you a married man? A No, sir; I have been married in the states.

Q You are a single man now? A Yes, sir.

Q And this applicant is a single woman? A So far as I know at the present time.

Q How far do you live from her now? A About 40 mile.

Q You heard of him trying to get her to come back up there and live with him? A Yes, sir.

Q Heard it a number of times? A Yes, sir.

MR. SEQUICHIE:

Q Are you related to Horace Johnson by intermarriage or otherwise?

A No, sir.

Q You didn't know anything about this case coming up here to-day?

A No, sir, just in town and met Mr. Moore out here.

Commission: The Agent for the applicant and representative of the Cherokee Nation present submit the case. The same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---ooo000ooo---

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 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

Horris Johnson,
Vs.
Dora Johnson.

Action for divorce and custody of child.

Case called and passed to the 2 calling. Court adjourned untill 1 oc P. M. 10 oc P. M. Court met parties present. The case was called on its second calling. Plaintiff announced redy for trial and the on the statement of facts by the parties the plaintiff waves his demand for the child Derinda Johnston and the defendant confesses judgement as to the divorce and the decree of a divorce is made and the parties are herebt divorced from the bonds of matrimony now existing between them. The cost of the soot as attached to the defendent.

Executive Office Cherokee Nation
Tahlequah Ind. Ter.

(SEAL)
I, B. W. Alberty, assistant Executive secretary of the Cherokee Nation do hereby certify that the above is a true copy from the Circuit Court record for Clint District Cherokee Nation for the May Term of said Court 1892, now filed in this Office by law and in my legal custody.

Given under my hand and the seal of the Cherokee Nation this the 26th day of March 1902.

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

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T.,-----

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

[Signature]
Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 29th day of November, 1902.

[Signature]
Notary Public.

Reg Term Circuit Court. Muskogee, May 1902.

Harris Johnson }
vs }
Dora Johnson. } Plea. Divorce and custody of child.

Case called and passed to 2nd calling. Court Adjourned till 1 o'clock p.m. Court met and parties present. The case was called on its 2nd calling. Plaintiff announced ready for trial. On the statement of the facts by the parties the plaintiff waives his demand for the child, Dorinda Johnson, and the defendant concedes judgment as to the divorce and the decree of a divorce is made and the parties are hereby divorced from the bonds of matrimony now existing between the parties. The cost of the suit is attached to the defendant.

R. G. Fletcher, Clk. F.D.C.N.

I hereby certify that the above is a true copy as is found on record.

John B. Lynd,
Clk Flint Dist. C. N.

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 Dora Johnston as a citizen of the Cherokee Nation.

Muskogee, Indian Territory,
May 23, 1902.

M. S. Kaufman

Cherokee -D- 714

I hereby certify that I did on the 30 day of Oct. 1888
solemnize the rites of matrimony between Horace Johnson a citizen
of the Cherokee Nation aged 35 years and Dora Moore citizen of the
United States aged 19 yrs.

J. V. Kofferson

Dist Judge.

Goingsvake Dist. C. N.

Recorded on the 10th day of Dec. 1888.

W. H. Littlejohn

Clk Flint Dist. C.N.

I hereby certify that the above certificates are just and
correct according to the records in my office.

John B. Lynch,

(SEAL)

Clerk Flint Dist. C.N.

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 Dora Johnston as a
citizen of the Cherokee Nation.

Muskogee, Indian Territory,

May 23, 1902.

W. S. Kaufman

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

In the matter of the application for the enrollment of
Dora Johnston as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on October 26, 1900, Dora Johnston appeared before the Commission at Claremore, Indian Territory, and made personal application for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of her minor child as a citizen by blood of the Cherokee Nation. The minor child 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 March 11, 1901 and on March 21, 1902.

The evidence shows that the said Dora Johnston was lawfully married on October 30, 1889 to George H. Johnston, a citizen by blood of the Cherokee Nation and identified on the 1880 authenticated tribal roll of the Cherokee Nation.

The said Dora Johnston is identified on the 1896 Census Roll of the Cherokee Nation.

The evidence further shows that the said Dora Johnston lived with her husband, George H. Johnston, about eleven months after her marriage to him when she abandoned him, and that they have not lived together since that time. It further appears that George H. Johnston procured a divorce from Dora Johnston in May, 1892.

Section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495) provides for the enrollment of Cherokee citizens

"with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section seventy-four, article fifteen of the Compiled Laws of the Cherokee Nation (1880; page 270) provides:

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

It is, therefore, the opinion of this Commission that the said Dora Johnston abandoned her husband within the meaning of the section of the Cherokee law above quoted, and that her application for enrollment as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

this

SEP 10 1902

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D714

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 21 1902

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

ALLISON L. AYLESWORTH.
SECRETARY.

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

Muskogee, Indian Territory, February 17,

1902.

Mrs. Dora Johnston,

Clarendon, Indian Territory,

Madam:-

You are hereby notified that the application of yourself

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

the seventh day of March, 1902.

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

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

Cherokee D-714
Register.

Yours truly,

Acting Chairman
XXXXXXXXXXXX

Commissioner in Charge.

J

D714

WILSON
CIVILIZED PIPES.
FIELD
JULY 7 1902

[Handwritten signature]

C. D. 714

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.....

Dora Johnston
on the *4th* day of *March* A. D. 190*2*

John W. Beach
Subscribed and sworn to before me
this *4th* day of *Feb.* 190*2*.

William M. Hall
Notary Public.
Com Ex March 23rd 1904.

Fee 50¢

NOTICE!

IN THE MATTER OF the application of Dora Johnson,
for enrollment as Cherokee citizens:
Case No. D 714
To Dora Johnson, Claremore, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on March 7th, 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 5th, 1902.

W. W. Hastings
Attorneys for the Cherokee Nation.

COPY.

Cherokee D 714.

Muskogee, Indian Territory, September 24, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Dora Johnston for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, including the decision of the Commission, dated September 20, 1902, rejecting said application.

Respectfully,

Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enc. C. No. 19.

Cherokee D 714.

COPY.

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 Dora Johnston for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

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

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

Respectfully,

Acting Chairman.

Enc. C. No. 18.

Cherokee D 714.

Muskogee, Indian Territory, September 24, 1902.

J. R. Sequichie,

Agent for Dora Johnston,

Chelsea, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 20, 1902, rejecting the application of Dora Johnston 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 had in the case.

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

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

Respectfully,

Acting Chairman.

Enc. C. No. 17.

Register.

Cherokee D 714.

Muskogee, Indian Territory, September 21, 1902.

Dora Johnston,

Claremore, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 20, 1902, rejecting your application for the enrollment of yourself 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, and there has this day been forwarded to him a copy of the Commission's decision.

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

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

Respectfully,

Enc. C. No. 16.

Register.

Acting Chairman.

Refer in reply to
the following:
Land.
58,454-1902.

(Copy)

Department of the Interior,
Office of Indian Affairs,
Washington, October 18, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Dora Johnston for the enrollment of herself and child as citizens of the Cherokee Nation.

On October 26, 1900, hearing was had before the commission in this case at which the applicant, Dora Johnston, testified in her own behalf and that of her said child.

Under said testimony the commission found that the said child, Mamie Lee Johnston, is identified on the Cherokee roll of 1896 and entitled to enrollment as a citizen of the Cherokee Nation and placed the name of the applicant, Dora Johnston, on what it terms a "doubtful card" for the further consideration of the commission.

On March 11, 1902, supplemental testimony in the matter of the enrollment of Dora Johnston was submitted by the Cherokee Nation tending to show that she was not entitled to be identified as a citizen in said nation.

On March 21, 1902, supplemental testimony in the matter of the enrollment of Dora Johnston was introduced on her part after which the case was deemed completed and on September 20, 1902, the commission rendered a decision as to the application of said Dora Johnston finding that her application for enrollment should be denied on the ground that she had abandoned her husband who was a citizen of the Cherokee Nation, and it is this decision that is subject to review by the office.

The evidence in this case shows that the said Dora Johnston was lawfully married on October 30, 1889, to George H. Johnston, a citizen by blood of the Cherokee Nation and identified on the 1880 authenticated tribal roll of the Cherokee Nation.

It is also shown that said Dora Johnston is an intermarried white person and that she makes said claim to citizenship as such.

The evidence further shows that the said Dora Johnston lived with her husband, George H. Johnston, about eleven months after her marriage to him, and that they have not lived together since that time.

It is also proven that said George H. Johnston procured a divorce from his said wife, Dora Johnston, in May 1892.

The office is not satisfied that the testimony submitted shows conclusively that said Dora Johnston abandoned her said husband. It appears from the testimony that she was about to be confined; that she was in bad health and that she went to her mother's home where she remained during the period of her confinement and it further appears that her said husband took her

on that occasion to her mother's home without objection upon his part.

There is evidence tending to prove that she thereafter refused to return to her husband's home, although requested so to do by him.

The testimony submitted in behalf of the claims of both parties is more or less in conflict and it is not clearly shown which party was to blame for the separation. The fact is established that the husband made application for a divorce and procured one on the second Monday of May, 1892, and the decree of divorce is made a part of the record which states in part that on the statement of the facts by the parties the plaintiff waives his demand for the child, Dorinda Johnston, and the defendant confesses judgment as to the divorce and a decree of a divorce is made and the parties are hereby divorced from the bonds of matrimony now existing between the parties. The cost of the suit is attached to the defendant.

There is but little light thrown upon the subject of blame by this decree since it seems to have been a consent affair, but what the judgment of the court might have been had the case been contested by the defendant is not susceptible of determination, but it seems very clear that the question of citizenship cannot be determined or affected by such a divorce proceeding as the decree therein indicates.

The office considers that the Cherokee Nation has failed to show by a preponderance of the testimony that the wife, Dora

Johnston, abandoned her husband, or, at least, that the cause of the abandonment was upon her part.

The commission cites the Cherokee law of 1880, page 270, which provides that "Every person who shall marry under the provisions of this act and afterward abandons his wife shall thereby forfeit every right and privilege of citizenship of this nation."

This provision is made applicable to a case wherein it is alleged that the wife has abandoned the husband. The office knows of no instance in which ^{the} word wife is used interchangeably with that of husband, nor does it appear from the Cherokee laws that the word wife has any technical meaning wherever used in the compilation of the laws of the Cherokee Nation.

It is not clear to the office how this provision of law can be applied where the wife and not the husband is the one to annul the marital relations by abandonment. The said provision is section 74, page 277, of the Cherokee laws of 1881, and section 75 following provides that "property of every description possessed within the limits of the Cherokee Nation by an adopted citizen shall in case such adopted citizen abandons his wife without lawful case be the absolute property of such wife or the wife and her children. But whenever such abandonment shall be final or effected by the wife for the purpose of ridding herself of her husband, then, and in that case, such wife shall be entitled to only such property as shall be awarded on application by either party for divorce by the court having jurisdiction."

This section seems to be only Cherokee law which provides

any restriction against the wife for abandoning her husband, and there is nothing in this act which provides that upon the abandonment by the wife of her husband she shall forfeit the rights and privileges of citizenship in the nation other than those specifically provided for, viz., property rights, and even this is to be determined by the court having jurisdiction.

In conclusion the office considers that the evidence not only fails to show that ^{said} Dora Johnston abandoned her said husband of her own will and without cause on her part, but it also is of the opinion that the Cherokee law on which the commission bases its decision is not applicable to the wife even if she had so abandoned her husband, nor does there appear to be any other Cherokee law that deprives the wife of her citizenship, once acquired, for the abandonment of her husband.

The evidence in this case shows that said Dora Johnston is on the Cherokee roll of 1896 and in consideration of this fact and the premises, the office concludes that the said Dora Johnston is entitled to be identified as a Cherokee citizen by intermarriage, and therefore recommends that the decision of the commission be set aside and that it be instructed by the Department to enroll said Dora Johnston as a citizen of the Cherokee Nation with all the rights that citizenship therein guarantees.

Very respectfully,

Your obedient servant,

W. A. Jones,
Commissioner.

W.C.B.

P.

64192

J.P

D. C. No.20437-1902.

Department of the Interior,

I. T. D. 6465-1902.

Washington, October 27, 1902.

L. R. S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Department has considered the case involving the application of Dora Johnston, a white woman, for enrollment as a citizen of the Cherokee Nation by intermarriage.

Her name is found on the 1896 census roll of said Nation.

In your decision of September 20, 1902, it was found that the applicant was lawfully married to George H. Johnston, a citizen of the Cherokee Nation, in 1889; that she lived with him about eleven months after her marriage, when she abandoned him, and that they have not lived together since; that in 1892 he procured a divorce. The Department considers the testimony justified such finding.

Referring to Section 74, Article 15 of the Compiled laws of the Cherokee Nation (1880 page 270), which provides that

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

you rejected the application September 20, 1902.

Submitting the case October 18, 1902, the Commissioner of Indian Affairs states that he is not satisfied that the testimony shows conclusively that the applicant abandoned her husband; that it appears that when she left him, she was about to be confined; that she was in bad health and that she went to her mother's home where she remained during the period of her confinement; that her husband took her on that occasion to her mother's home and without objection on his part; that there is evidence that she thereafter refused to return to his husband's home; although requested so to do by him; that the testimony is more or less in conflict and it is not clearly shown which party was to blame for the separation; that the decree of divorce states, in part, that on the statement of the facts by the parties, the plaintiff waived his demand for their child, and the defendant confessed judgment as to the divorce, and cost of the suit was taxed to the defendant; but it seems very clear that the question of citizenship cannot be determined or affected by such divorce proceedings as the decree indicates; that he considers that the Cherokee Nation

has failed to show by a preponderance of testimony that the wife abandoned her husband, or at least that the cause of the abandonment was upon her part. As to this latter statement the Department has to say that the Nation was not compelled to establish the facts in this case; it was the duty of your Commission.

The Commissioner of Indian Affairs recommends that your decision be reversed.

It is admitted that the applicant's husband did not ill treat her to an extent which warranted her in not living with him; she does not explain satisfactorily why she continued to stay away when her husband requested her at different times to return, and it is certain that the court would not have granted the divorce except for just cause, but even admitting that the testimony appears conflicting, decisions of your Commission, as to matters of fact, are entitled to special consideration, you having in such cases the witnesses before you and being given opportunity to notice their demeanor. In this case you evidently did not attach much reliance on the testimony of the witnesses for the applicant.

-4-

Concurring in your conclusions in the matter,
the Department hereby affirms your decision.

As to the opinion expressed by the Commissioner,
in regard to the Sherboe law above quoted, the Department
makes reference to its decision of May 26, 1902, in the case
of Martha A. Padgett.

A copy of the Commissioner's letter is inclosed.

Respectfully,

E. A. Hitchcock,

Secretary.

G. W. E.

1 inclosure.

COPY.

Cherokee D 714.

Muskogee, Indian Territory, November 6, 1902.

V. 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 Dora Johnston for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 27, 1902.

Respectfully,

Commissioner in Charge.

COPY.

Cherokee D 714.

Muskogee, Indian Territory, November 8, 1902.

J. R. Sequichie,

Agent for Dora Johnston,

Chelsea, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, of date September 20, 1902, rejecting the application of Dora Johnston for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 27, 1902.

Respectfully,

B. E.
Commissioner in Charge.

Cherokee D 714.

COPY.

Waskage, Indian Territory, November 6, 1902.

Dora Johnston,

Claremore, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, of date September 20, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 27, 1902.

Respectfully,

Commissioner in Charge.

Cherokee R-757

Muskogee, Indian Territory, December 11, 1902.

Dora Johnston,
Claremore, Indian Territory.

Dear Madam:-

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application certified copy of decree of divorce granted in the case of Morris Johnston vs. Dora Johnston; also certified copy of certificate, showing the marriage between Horace Johnson and Dora Moore.

The same are herewith returned to you, copies having been made and retained in the Commission's files.

Respectfully,

Acting Chairman.

Enc. M-212

RECEIVED
MAY 11 1892

[Handwritten signature]

2

0714

Murphy RJ 3/7/02

Received from the Commission to the Five Civilized Tribes one copy of the testimony in the
matter of the application of

Dora Johnston

for enrollment as a

Cherokee

of the Cherokee Nation.

Cherokee

No.

714

Cherokee

Cher R 758

Cher R 758

Department of the Interior.
Commission to the Five Civilized Tribes.
Sullivan, I. T., August 4th, 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, but on the roll of 1898.
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 1887? 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.

~~1188~~
1188.

B.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 6 1900



ACTING CHAIRMAN

File with ~~LD~~ 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. I. Smith, " " " 23
- J. K. 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 me Osage, Ark.....
(Signed) T. B. Bell, N. P.

(SEAL)

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 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. Mayes, 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. Hayes, Principal Chief Cherokee Nation.

By Hastings, Hutchings & Bowdinet, 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 Co. 1958.
Commission's Co.

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 "F" 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. G. Kesson, 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.

J. G. Kesson

Subscribed and sworn to before me this February 24, 1902.



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.

C. R. McKinzie

Commissioner.

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

1005

In the matter of the application of William Smith, Jr.,
for his enrollment as a citizen by blood of the Cherokee Nation.

P E T I T I O N .

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, 1896, (29 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

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JAN 31 1902


ACTING CHAIRMAN

SECRETARY
COMMISSION TO THE FIVE CIVILIZED TRIBES
WASHINGTON, D. C.

COMMISSION TO THE FIVE CIVILIZED TRIBES
WASHINGTON, D. C.

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

ALLISON L. AVLESWORTH.
SECRETARY

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

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory,.....**January 31,**

1902

Mr. William Smith, Jr.,

Campbell, Indian Territory

SIR:

You are hereby notified that the application of.....**yourself**

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

10th day of **February**, 1902.

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

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

Yours truly,

Cherokee D-1186-1188
Register.

Acting Chairman.

COPY

Muskogee, Indian Territory, September 24, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of William Smith, Jr., for the enrollment of himself as a citizen by blood of the Cherokee Nation, including the decision of the Commission, dated September 20, 1902, rejecting said application.

Respectfully,

James E. Dixon
Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enc. C. No. 6.

COPY

Cherokee D 1188.

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.

COPY

Cherokee D 1188.

Muskogee, Indian Territory, September 24, 1902.

William Smith, Jr.,

Campbell, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation, together with a copy of the Commission's decision, dated September 20, 1902, rejecting your said application.

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

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

Respectfully,

E. J. [Signature]
Acting Chairman.

Enc. C. No. 4.

Register.

Refer in reply
to the following:
Land.
58,454-1902.

(Copy)

D 1188

Department of the Interior,
Office of Indian Affairs,
Washington, October 20, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of William Smith, Jr., for enrollment as a Cherokee citizen.

On September 20, 1902, the commission rendered a decision in this case finding that the record evidence 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; that the evidence shows that the applicant, William Smith, Jr., in connection with his mother and others filed his original petition under the Act of Congress of June 10, 1896, (29 Stats., 321), with the Commission to the Five Civilized Tribes for admission as a citizen by blood of the Cherokee Nation, which said application was denied by the Commission and no appeal taken therefrom; that 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, and

that by reason of his never having been so enrolled or admitted to citizenship by the tribal authorities the commission is without authority to receive, consider or make any record of his application for enrollment under the provisions of the Act of Congress of May 31, (31 Stats., 221), which 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 the 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".

The office has examined the record evidence and finds that the said decision of the commission is supported by the statement of facts.

The office also considers that that part of the Act of Congress of May 31, 1900, cited above, is applicable to this case, and recommends that the decision of the commission therein be affirmed by the Department.

Very respectfully,

Your obedient servant,

W. A. ~~X~~ Jones,
Commissioner.

(W.C.B.)

P.

D. C. No. 20232-1902.

Department of the Interior,

CMR.

ITD 6475-1902.

Washington. October 24, 1902.

L. R. S.

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

Gentlemen:

The Commissioner of Indian Affairs, on October 20, 1902, transmitted your letter of September 24, same year, forwarding the record in the matter of the application of William Smith, Jr. for enrollment as a Cherokee citizen by blood, and recommended that your decision in the case be approved.

The record in this case shows that the application filed his original petition under the act of Congress of June 10, 1896 (29 Stat., 321), with the Commission to the Five Civilized Tribes for admission as a citizen by blood of the Cherokee Nation, and that said application was denied by the Commission and no appeal taken therefrom. It also appears that the applicant was never admitted to citizenship in said nation.

Your decision of September 20, 1902, denies to the applicant the right of enrollment, in accordance with the provisions of the act of Congress of May 31, 1900 (31 Stat., 221).

The Department hereby affirms said decision. Inclosed is a copy of the Commissioner's report.

Respectfully,

1 inclosure.

E. A. Hitchcock,
Secretary.

COPY.

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,

xy
Acting Chairman.

Cherokee D 1188.

Muskogee, Indian Territory, November 11, 1902.

William Smith, Jr.,

Campbell, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, of date September 20, 1902, rejecting your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 24, 1902.

Respectfully,

George F. Kirby
Acting Chairman.

6
P
D 1188
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAY 20 1901


ACTING CHAIRMAN

COMMISSIONERS

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

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Make doubtful for further inquiry, etc.

D 1188, Cherokee.

Cher R 759

Cher R 759

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
CLAREMONT, I.T., OCTOBER 29th, 1900.

IN THE MATTER OF THE APPLICATION OF John H. French for the enrollment of himself and children as citizens of the Cherokee Nation, and he appearing before the Commission and being sworn by Commissioner, C. R. Breckinridge, testified as follows:

By the Commission:

- Q What is your name? A John H. French.
- Q What is your age? A Forty one years last February.
- Q What is your Postoffice address? A Collinsville.
- Q Do you make application for enrollment as a Cherokee citizen by blood, or by adoption? A By adoption by an Act of the Council.
- Q What district are you living in? A Coowescoowee.
- Q How long have you resided in the Cherokee Nation? A Ever since the seventh day of June, ~~1881~~ 1881.
- Q For whom do you make application? A For myself and two boys.
- Q What is your father's name? A James W. French.
- Q Is he dead or living? A He is living.
- Q Is he a white man? A Yes sir.
- Q What is the name of your mother? A Elizabeth French.
- Q Is she living? A She is dead.
- Q Was she a white woman? A Yes sir.
- Q Your parents never claimed to be citizens of the Cherokee Nation? A No sir.
- Q Are you married? A No sir.
- Q Were you ever married? A Yes sir.
- Q What was the name of your first wife? A Martha French.
- Q Is she a Cherokee by blood? A Yes sir.
- Q Is she living? A Yes sir.
- Q What is her age? A Born in 1845 I believe.
- Q Is she a Cherokee by blood? A Yes sir.
- Q What is the name of her father? A Joseph Henson.
- Q Is he living? A Yes sir.
- Q Is he a Cherokee by blood or a white man? A Cherokee by blood.
- Q What is your wife's mother's name? A Salina Henson.
- Q Is she living? A She is dead.
- Q Was she a Cherokee? A No sir.
- Q ~~What was your wife's name in 1880?~~ A Martha French.
- Q How long has she lived in the Cherokee Nation? A Ever since June 7th, 1881.
- Q When were you married to her? A On the 28th of November, 1878.
- Q Have you any evidence of that marriage? A Only affidavits of those who were present.
- Q How long did you live with your wife? A I lived with her from that date until April, 1895.
- Q Were you divorced from her? A Yes sir.
- Q Where were you living at the time of the divorce? A At Tahlequah.
- Q Did you secure the divorce, or did she secure it? A I sued for divorce.
- Q Upon what grounds? A Abuse; three or four allegations.
- Q In what way did she abuse you? A In different ways; as set forth in the allegations: One of the allegations was striking me.
- Q When was this divorce granted? A In 1895; April.
- Q Did you live with her continuously up to that time? A Yes sir.
- Q Have you remarried since that time? A No sir.
- Q Have you been living with any other woman since that time? A No sir; I never lived with any one as a wife.
- Q It is a fact that you were living with some one, but not as your wife? A No sir; I had a woman keeping house for me and my boys.
- Q Was any one else living there besides you and the boys and this woman? A Yes sir; most of the time I had some one there.

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

Q Do you swear that you instituted this suit against your former wife for divorce? A Yes sir.

Q Did you bring the suit yourself? A Yes sir.

Q Was instituted this suit? A I did.

Q In what Court? A Cherokee Court; Circuit Court of the Cherokee Nation.

Q Is it not a fact that she brought suit against you? A No sir; you were her attorney.

Q She brought suit against you, and she secured the divorce?

A No sir; you are mistaken; I beg your pardon.

Q It was not alleged in that suit that you were living with a white woman in adultery? A I beg your pardon, no sir.

Q Have you these papers? A There is the decree of the Court in the case, signed by you and Mr. Boudinot (Applicant hands paper to Mr. Hastings)

The records of the Court ought to show who filed it.

By the Commission:

Q Who was granted the custody of these children? A She has the two youngest, and I have the two eldest.

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

Q Have you these two children you are attempting to enroll here?

A Yes sir: One of them is in the seminary; the other one is at home: They are both at home today.

By the Commission:

The applicant presents a certified copy of the decree of divorce:

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

Q You were not living with your wife at the time this divorce was granted? A Yes sir; and I lived there afterwards too.

Q And you had not been living with her for a number of months?

A I lived right there at home with her and the children up to the time the divorce was granted, and afterwards.

Q What woman did she allege that you were living with and keeping at that time? A She did not allege at all.

Q What was that woman's name? A Harlowe.

Q You were accused of living with that woman? A Yes sir; and I was punished in Court for it.

Q You finally plead guilty? A Yes sir.

Q In the United States Court? A Yes sir.

Q You plead guilty to living in adultery with her, did you not?

A No sir; I was not charged with adultery.

Q What were you charged with? A Fornication. I was not charged with living with her: I was charged with getting in bed with her.

Q And you plead guilty to that did you? A Yes sir.

Q And the neighborhood report is that you had a child by her?

A Yes sir.

Q She had a child? A Yes sir.

Q That child is reputed to be yours? A Every body says it is.

Q Do you acknowledge it as your child? A I do not know.

Q Have you ever acknowledged it as yours? A I do not know that I ever did.

Q Have you ever held it out to the neighbors as your child?

A No sir.

Q Have you ever denied it? A Yes sir.

Q Do you deny it now on oath? A No sir; I do not.

Q At the time this complaint was pending, did not that woman - (your wife) - file a complaint or a cross complaint, asking that a divorce be granted on the ground that you were living with that woman, Harlowe? A I never saw it.

Q The cause of this divorce was this Harlowe woman, was it not?
A No sir.

Q It is strange then that if you brought the suit she got everything? A Do they say she got everything?

Q Yes sir? A I got - We divided our property as near in half as we could.

By the Commission:

The applicant presents a certified copy of the decree of divorce, issued on the 9th day of April, 1895, but the said decree fails to show by whom the divorce was instituted; and the applicant will be required to file with the Commission either the original or a certified copy of the divorce, showing by whom suit was instituted. This document is filed herewith.

Q Now give me the names of the children for whom you desire to make application? A George E. French.

Q How old is George? A Twenty years old.

Q What is the name of the next child? A Henry C. French.

Q How old is he? A About eighteen.

(The Census Roll of 1896 is examined, and the name of the applicant is not found thereon)

(1896 Roll, Page 1169, #1048, George E. French, Tablequah Dist)
(1896 Roll, Page 1169, #1049, Henry C. French, " " " ")

Q Did you make application to the census takers in 1896 for enrollment? A Yes sir; right together with my wife and children.

Q What did the census takers tell you: Did they say they would enroll you? A They did enroll me.

The applicant applies for the enrollment of himself and two children.

He is not identified upon the census roll of 1896: He avers that he is a white man, and that he came to the Cherokee Nation in the year 1881. His name appears upon the Printed List of North Carolina Cherokees who removed to the Cherokee Nation, June 8th, 1881, under an Act of the National Council, approved December 3rd, 1880: His name appears there: No. 270; J. H. French, white; age at that time twenty three years; male. He avers that he was married on the 28th day of November, 1878 to one, Martha Henson: He produces no satisfactory evidence as to his marriage, and he will be required to file with this Commission either the original or a certified copy of the marriage license and certificate. He lived with his wife until the year 1888, when they were divorced; and he avers that the Court granted him the divorce: He will be required to file with the Commission the original decree of divorce granted him by the Court from Martha French.

For the further consideration of the Commission, his application for his own enrollment will be placed on what is known as a doubtful card: When final judgment is rendered in his case, he will be notified in writing at his present Postoffice address.

As to the application he makes for his two children, George E. and Henry C. French, they are not identified upon the roll of 1890: The name of the older child, George E. appears upon the printed list of North Carolina Cherokees who removed to the Cherokee Nation June 8th, 1881, under an Act of the National Council, approved December 3rd, 1880; appearing therein as Number 30, George French, Cherokee, age at that time ten years; male. The name of this child also appears upon the census roll of 1896, as a native Cherokee: The name of this child's mother also appears in the printed list above referred to, as Martha French, No. 28, Cherokee, age at that time thirty five years. Satisfactory proof as to the residence of this child having been given, he, George E. French will be listed for enrollment by this Commission as a Cherokee by blood.

RECEIVED BY THE
The name of the person who is to be named in the list of names to be given to the children in the year 1900 is to be given to the children in the year 1900. The name of the person who is to be named in the list of names to be given to the children in the year 1900 is to be given to the children in the year 1900.

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A. R. Craven

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W. H. H. H.

COMMISSIONER


DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
OCT 26 1890



ACTING CHAIRMAN

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CHEROKEES BY BLOOD AND ADOPTION.

Name John D. French Date OCT 29 1900 Carrsville 1900.

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Wife's name _____

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children:

Names of Children:	Dist.	Year	Page	No.	Age
1130	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
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Beautiful

Marriage License and Certificate of marriage

Original decree of the divorce between no 1 and his wife to be supplied

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 19, 1902.

In the matter of the application of John H. French for the enrollment of himself as a citizen of the Cherokee Nation.

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

The applicant was notified by registered letter February 18, 1902, that his application for the enrollment of himself would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 8th day of March, 1902. Receipt was acknowledged of the Commission's letter, but the applicant failed to respond either in person or by attorney. The Cherokee Nation, by its representative present, moved for a continuance in this case until the 19th day of March, 1902, in order that the Cherokee Nation might be afforded an opportunity to introduce further testimony in the matter of the application of the said John H. French. The case being this day, to wit the 19th day of March, 1902, called, the applicant appears by his attorney, G. W. Benge.

The Cherokee Nation offers in evidence a marriage license between John H. French, aged forty-two, white, residence given in Collinsville, I.T., and Nannie J. Harlow, aged twenty-three, white, issued at Hominy Post, Oklahoma, on the 7th day of October, 1901, by T. L. Sanders, Clerk; and a certificate showing that they were united in matrimony by Martin H. Hanson, a justice of the peace of Cleveland in Pawnee County, Oklahoma, on the 7th day of October, 1901.

NELSON LOWREY, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Nelson Lowrey.

Q What is your age? A 41.

Q Your postoffice? A Tahlequah.

Q Did you know John H. French, who now lives in Collinsville, and who formerly lived near Tahlequah? A Yes, sir.

Q Did you know Nannie J. Harlow? A Yes, sir.

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

Q She didn't claim to be a citizen of the Cherokee Nation then?

A No, sir.

Q She lived over there in Tahlequah too? A Yes, sir, she lived about three miles of me.

MR. BENGE: What is the father's name of Nannie J. Harlow?

A I didn't know his given name, only by the name of Harlow.

Q How many children were there of them of the family if you know?

A There was three, four girls.

Q Who was the oldest, Nannie? A Of the girls Nannie was the youngest girl.

Q What was the name of the eldest one? A I didn't know the name of the oldest one.

Q What was the name of the second one? A I didn't know the names of any of the girls.

Q What was the name of the third one? A I didn't know any of them except Nannie.

Q How come you to know Nannie's name? A Why because I loaned her and John French some money when they get ready to go away.

Q Go away? A Yes, sir.

Q Where did they go? A The first place, they went from there to Silem, where they said they were going when they borrowed the money.

Q You don't know where they went? A No, sir, he was going to Silem he said.

Q When was that? A Oh it has been some three or four years ago, I

think, I don't just remember, sometime after the Cherokee payment.

MR. HASTINGS: This is the same woman that separated John French and his wife? A Yes, sir.

Q And the same woman that John French was sent to jail about? A The same one.

The tribal rolls of the Cherokee Nation examined and the name of Nannie Harlow does not appear thereon.

MR. HASTINGS: The attorneys for the Cherokee Nation now insist that this man has clearly forfeited his right to citizenship under section 666 of the compiled laws of the Cherokee Nation of 1892.

MR. BENCE: The attorney for J. H. French has no answer to oppose the introduction of the certificate of marriage offered in evidence by the representative of the Cherokee Nation on points introduced before that time.

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 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 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

Supl.-C.D.#736.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 8, 1902.

SUPPLEMENTAL in the matter of the enrollment of JOHN H. FRENCH
as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 18, 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 at Muskogee, Indian Territory, on the 8th day of March, 1902. Receipt has been acknowledged of Commission's letter. The applicant has this day been called and fails to respond either in person or by attorney.

Mr. J. C. Starr, Cherokee Representative: Comes now the Representatives of the Cherokee Nation and move for a continuance in this case until March 19, 1902, in order that the Cherokee Nation may be afforded an opportunity to have witnesses present on that day to testify in this case.

Commission: The request of the Cherokee Nation will be complied with, and the case continued until the 19th day of March, 1902.

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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 proceedings had in this case on the above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rossen
Stenographer.

1902

Territory of Oklahoma

23

ACTING CHAIRMAN

County of Pawnee

I, the undersigned, Clerk of the Probate Court within and for Pawnee County Oklahoma Territory, do hereby certify that the within and foregoing is a true, full and correct copy of the license issued to John H. French to marry Hannah J. Harlow and such with said license, as the same appears of record in this office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of the Probate Court this 18th day of March A. D. 1902.

J. S. Saunders,
Clerk of the Probate Court.

(23)

Department of the Interior,
Commissioner of the Five Civilized Tribes,
Wash., D. C.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and acting as the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

Chief Clerk Cherokee Division

Witness my hand and subscribed before me this 1st day of December, 1902.

Notary Public

MARRIAGE LICENSE

Territory of Oklahoma, |

In the Probate Court.

Pawnee County,

To Any Person Authorized to Perform the Marriage Ceremony, Greeting:

You are hereby authorized to join in marriage Mr. John H. French and Miss Annie J. Harlow of the County aforesaid, whose ages, residences, etc., are as follows:

Name of Parties	Age	Color	Place of Birth	Residence
John H. French Groom.	43	White	State of Tenn	Collinsville, I. T.
Annie J. Harlow Bride.	28	"	State of Texas	Hominy Post Okla.

And of this License you will make due return to this office within thirty days from this date.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court at my office in Pawnee, in said County,

This 7 day of Oct. A. D., 1901.

W. L. Engleton,
Judge of the Probate Court.

By T. S. Saunders
Clerk.

CERTIFICATE OF MARRIAGE

Territory of Oklahoma, |

I, Martin Hansen, Justice of the Peace, of Cleveland
name of Official or Minister.

Official or Clerical Designation
Name of Place where Located.

in Pawnee County, Oklahoma Territory, do hereby certify that I joined in marriage the persons named in and authorized by this license to be married, on the 7th day of October, A. D. 1901, at Hominy Post in Pawnee County, O. T., in the presence of Wm Harlow of Hominy Post, and Henry Harlow of Hominy Post,
Martin Hansen.

Wm Harlow
Henry Harlow, | Witnesses.

Supl.-C.D.#736.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 8, 1902.

SUPPLEMENTAL in the matter of the enrollment of **JOHN H. FRENCH**
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J. O. Rossen
Stenographer.

2736

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
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ACTING CHAIRMAN

thereof.
The testimony is a fair and complete transcript of his speech, and the
the testimony and proceedings in the above case, and that the
to the Commission so the five civilized tribes be referred in all
I, Arthur G. Grodzinger, do hereby certify that a transcript of

The evidence now of record.
and will be referred to the Commission for final decision based upon
Cherokee Nation present against the case; the same is hereby certified
the affidavit for the defendant and the representative of the
introduced before that time.

evidence by the representative of the Cherokee Nation on notice
oppose the introduction of the certificate of marriage offered in
MR. BENDER: The affidavit for J. H. French has no answer in
section one of the contract between the Cherokee Nation of 1846.

MR. HASTINGS: The affidavit for the Cherokee Nation now introduced
of Newbie Herlow does not oppose the same.

The original rolls of the Cherokee Nation examined by the
the same one.

Q And the same woman that John French was sent to sell spirit
French and the other A Yes, sir.

MR. HASTINGS: This is the same woman that was married to
John. I don't just remember; I don't know after the Cherokee

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 19, 1902.

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Cherokee Nation represented by W. W. Hastings.

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

Q She didn't claim to be a citizen of the Cherokee Nation then?

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Q She lived over there in Tahlequah too? A Yes, sir, she lived about three miles of me.

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A There was three, four girls.

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Q What was the name of the second one? A I didn't know the names of any of the girls.

Q What was the name of the third one? A I didn't know any of them except Nannie.

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Q Go away? A Yes, sir.

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Q When was that? A Oh it has been some three or four years ago, I

think, I don't just remember, sometime after the Cherokee payment.

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Q And the same woman that John French was sent to jail about? A The same one.

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MR. HASTINGS: The attorneys for the Cherokee Nation now insist that this man has clearly forfeited his right to citizenship under section 666 of the compiled laws of the Cherokee Nation of 1892.

MR. BEMGE: The attorney for J. H. French has no answer to oppose the introduction of the certificate of marriage offered in evidence by the representative of the Cherokee Nation on points introduced before that time.

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 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 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

Cherokee D 736

Executive Office Cherokee Nation.

Tahlequah, I. T. I, B. W. Alberty, assistant Executive Secretary of the Cherokee Nation do hereby certify that the records of the various courts of the Cherokee Nation have been filed by law in this Office and are in my custody; and that I find the following styled case upon the Docket of the Circuit Court of Tahlequah District, for the April term of said Court 1895:

John French
vs.
Martha French

Suit for divorce.

X X X X X X X X

Given under my hand and the seal of the Cherokee Nation this the 3rd day of November 1900.

B. W. Alberty
Assistant Executive Secretary

Cherokee Nation.

(S E A L)

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, do certify that the above is a true and correct copy of the certificate on file in this office.

Lella Wieland

Cherokee D 756.

This agreement by and between John French and his wife Martha French entered into on this the 9th day of April 1895, Witnesses.

That they mutually agree that the divorce suit now pending in the Circuit Court of Tahlequah Dist, at this term of the Court shall be determined by a confession of judgment upon part of defendant upon the express conditions hereinafter provided as to the disposition of the property belonging to them jointly to wit:

John French is to have the place known as the timber place near the colored High School as his individual property.

Martha French is to have in her own individual right one half undivided interest in and to the home place (2 1/2) two and one half miles north west of the town of Tahlequah, C.M. Known heretofore as the French place. The remaining undivided one half interest in and to said home place to vest in the children born to John French and Martha French named Lizzie Mason, nee French, 16 years old, George E. French 15 years old- Henry Chubbuck French, aged 12 years, Salina T. French 9 years old, Joel B. M. French 8 years old, to remain in them without power of alienation until the youngest child J. B. M. French shall come of age, pending which coming of age of the youngest child as aforesaid the said Martha French shall exercise full and complete control of their entire interest in said French farm in connection with her own undivided half interest. By place known as the French place it is understood that all attachments, appurtenances, usufructs and belongings natural and otherwise, are to be included with it. Martha French is also to have the exclusive control of the two youngest children independent entirely from John French- John French is to have the control and guardianship of the two oldest children excepting their interest in the home place otherwise hereinbefore provided.

John French is to have five head of horses- two dun ponies, a mare and gelding, aged respectively 3 years old and 4 years old, one branded C. M. on jaw the other unbranded- two ponies one a brown pony branded C M. on shoulder, a mare, the other a bay mare branded C.M. on the shoulder, aged each 6 years. One pony, sarrel, 3 years old,

no brands- one cow, known as wood cow and her yearling, one hack and harness two bedsteads and bedding- known as John's bed and the boy's bed, one sulky plow, one Binder, one Grub plow and one half interest in all hogs.

Martha French is to have one team a mare and horse, mare gray 9 years old named Mollie- One bay horse branded O 2 15 years old- one cow known as Smith cow, one wagon and harness, all household and kitchen furniture excepting the two beds and bedding hereinbefore mentioned 1 south Bend turning plow one double shovel, one cultivator one half of all hogs and all fowls (domestic) none of the children shall have the right to exercise any control of any portion of the home place herein mentioned until the youngest child comes of age or in the event of his demise the coming of age of the next youngest

Signed this the 9th day of April 1895.

In the presence of
Elias C. Boudinet
W. W. Hastings.

John French
Martha French.

Attest. Approved April 9th 1895.

T. W. Triplett
Clk Tal. DC. N.

H. T. Landrum, Judge Northern Judicial circuit.

I hereby certify that the above and foregoing is a true and correct copy of the original now on file in my office.

(S E A L)

T. W. Triplett
Clk. T. D. C. N.

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, do certify that the above and foregoing is a true and correct copy of the certified copy on file in this office.

Cella Mielenz

5736

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

Muskogee, I. T., Aug. 10, 1902.

In the matter of the application of
John H. French for the enrollment of
himself as a citizen of the Cherokee
Nation by adoption.

Cherokee D. 766.

Brief on behalf of the Cherokee Nation.

Aside from the many other questions involved in this case with reference to the applicant's desertion of his first wife, we do not deem it necessary to call attention to anything except the fact of his subsequent marriage to a white woman, as shown by the certificate of marriage introduced in this case on March 19th, 1902, showing that applicant was married to Nannie J. Harlow on the 7th day of October, 1901. Both the certificate and the proof of Nelson Lowery shows that this Nannie J. Harlow has a white woman; and the Cherokee Nation therefore contends that the applicant, John H. French, forfeited his right to be enrolled as a citizen by intermarriage, and Section 556 of the Compiled Laws of the Cherokee Nation, 1892, is respectfully cited.

Respectfully submitted,

W. W. Hastings

Attorney for the Cherokee Nation.

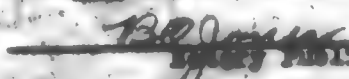
W H H

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T.,-----

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original as file in the office of the said Division.


Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 25 day of September, 1902.


Notary Public.

DEPARTMENT OF THE INTERIOR, BEFORE THE COMMISSION TO THE FIVE CIVILIZED
TRIBES, AT MUSKOGEE, I. T., MARCH 20th 1899.

— 000 —

In the matter of the application of John H. French for the enrollment
of himself as an adopted white citizen of the Cherokee Nation.

"D 736".

In obedience to a notification to the said J. H. French of
the time for final hearing, and closing of said case by the Commission,
appeared by his Attorney, G. W. Benge, who in behalf of said applicant
agreed that the case be submitted for final decision by the Commission
with leave of filing brief in behalf of the said Applicant.

"B R I E F".

The contention of the applicant, John H. French is, that he
is an adopted white citizen of the Cherokee Nation, having legally mar-
ried a North Carolina Cherokee woman, Martha French, "Nec Henson", on
the 28th of November, 1878, (see certificate of Marriage) and that
he lived with her from that date until April, 1898, that subsequent to
their marriage and in obedience to an act of the National Council,
approved December 30, 1830, inviting the North Carolina Cherokees
to remove to the Cherokee Nation, Indian Territory, they in company
with many others moved into the Cherokee Nation on the 7th day of June
1881, as his name will appear on a roll, or list with such other
North Carolina Cherokees who removed in to the Cherokee Nation June 8,
1881, on the day after their arrival at the Capital of the Cherokee
Nation, and since which time he has been recognized by the authorities
of the Cherokee Nation as an adopted white citizen of said Nation,
that until the present time his right to enjoy and exercise citizen-
ship has never been disputed, and having thus been received and
enjoyed by the Cherokee authorities as an identified person with the
same rights of such North Carolina Cherokees, and as being one among

under the head of the said law of invitation above referred to, in consequence of his said marriage to the said Martha French, "Wec Henson", and in view of the fact of having acquired, and exercised all the privileges as other adopted citizens of the Nation since June 8, 1861, the applicant should be enrolled as an adopted white citizen of the Cherokee Nation.

SECOND- That the divorce obtained on the 9th day of April, 1868 shows that he was awarded one half of the property owned by him and his wife, and further, the custody of their two oldest children, and to the wife the other half of their property, and the custody of their two youngest children; that he has now in his keeping his said two boys, George E. and Henry C. French, and that the certificate filed with the Commission show that applicant was the plaintiff in the said divorce proceedings, but the fact alone of the decree awarding to the applicant one half of their property, and the custody of two of their children is sufficient to show that his right to the exercise of citizenship in the Cherokee Nation was not impaired thereby, as is provided in section 607, pages 332 and 333, which 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".

But by reference to Section 608, which is as follows:-

"Property of every description, possessed within the limits of the Cherokee Nation by an adopted citizen, shall, in case such adopted citizen abandon his wife, without lawful cause, by the absolute property of such wife, or wife and her children. But whenever such abandonment shall be planned or effected by the wife for the purpose of ridding herself of her husband, then and in that case such wife shall be entitled to only such property as shall be awarded, upon application of either party for divorce, by the Court having jurisdiction".

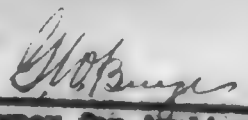
According to the terms of the decree, the divorce could not have been obtained according to the first clause of this section, but unquestionably according to the latter clause of the same, the effect of which wisely protects the property of such white person as well as his citizenship, against a designing Cherokee woman, and the operation of the first clause of this section (608) and if the honorable Commission find that the decree is in harmony with the

the latter clause of the said section, the applicant should be listed for enrollment, as an adopted white citizen, with his children, (and as was his divorced wife) and as other white adopted citizens, who came under the same head as invited North Carolina Cherokees.

THIRD- That he files herewith certificate of his marriage to Martha Henson, and in the matter of the Decree of divorce, the copy presented is all that appears of record, tending to show who instituted the proceedings in the case, except as will be seen from certificate of B. W. Alberty, Executive Secretary and Custodian of the records pertaining to such matters, to which your attention is called; said certificate shows the fact that John H. French was Plaintiff, vs. Martha French, defendant.

FOURTH- Your attention is respectfully called to the fact of maintaining a Suit in the Cherokee Courts, is alone conclusive evidence, of his recognition by the Cherokee Authorities of his citizenship, otherwise, the plea of Jurisdiction would have never escaped the Attorney representing the Defendant, Martha French, (When we note the fact that W. W. Hastings, Esq., was for Defendant in that contest for said divorce proceedings) when the fact will not be denied, that the Cherokee Nation only had Jurisdiction wherein litigants were citizens of the Nation, the circumstances are abundant tending to corroborate the contention of applicant, That he be listed for enrollment as an adopted white citizen of the Nation.

Respectfully submitted,


Attorney for Applicant

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

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

DECISION.

--000--

The record in this case shows that on October 29, 1900, John H. French appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment, among others, of himself as a citizen by intermarriage of the Cherokee Nation. The other parties to the application are differently classified and are not embraced in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 19, 1902.

The evidence shows that the said John H. French, a white man, was married on November 28, 1878, to Martha Henson, a Cherokee by blood, and that he came with her to the Cherokee Nation with the North Carolina Cherokees who removed to the Cherokee Nation June 8, 1831, under an Act of the National Council of the Cherokee Nation, approved December 3, 1800. The name of John H. French, as "J. H. French, white", appears with that of his wife, Martha, on the list of North Carolina Cherokees who removed to the Cherokee Nation. The said John H. French and his wife, Martha French, lived together until divorced under an agreement approved April 9, 1898. It further appears that John H. French since his divorce from his said wife, married on October 7, 1901, Fannie J. Harlow, a white woman. John H. French is not identified on the Cherokee Census roll of 1896.

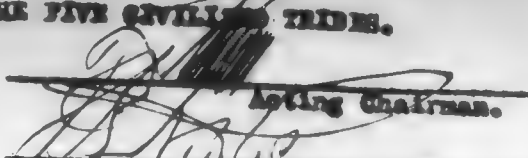
Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 498) provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

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

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

It is, therefore, the opinion of this Commission that the application of John H. French 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.

Dated at Muskogee, Indian Territory,

this

SEP 20 1902

10

0736

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
FEB 24 1902



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

ALLISON L. AYLESWORTH.
SECRETARY.

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

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 18, 1902.

Mr. John H. French,

Collinsville, Indian Territory,

Sir:-

You are hereby notified that the application of yourself

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

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

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

Cherokee D-736
Register.

Yours truly,

ALLISON L. AYLESWORTH.
Acting Chairman.
Commissioner in Charge.

C. D. 706

X

8736

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.....

John H. Frazier
on the "11" day of *March* A. D. 1902

Samuel Williams
Subscribed and sworn to before me

this *day of March 1902*

John M. Gables
Notary Public

My Comm. Ex. Jan'y 21 1898

FILED
MAR 15 1902

W. H. ...
ACTING CLERK

seal

Sam Williams

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 _____ or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this _____

M. W. Hastings
Attorneys for the Cherokee Nation.

Cherokee D 734.

Maskogee, Indian Territory, September 22, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of John H. French for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including the decision of the Commission, dated September 20, 1902, rejecting said application.

Respectfully,

W. H. Hixby
Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enc. C. No. 25.

Cherokee D 736.

COPY

Muskogee, Indian Territory, September 22, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 20, 1902, rejecting the application of John H. French for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

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

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

Respectfully,

ixox
Acting Chairman.

Enc. C. No. 24.

Cherokee D 736.

COPY.

Muskogee, Indian Territory, September 22, 1902.

G. W. Senge,

Attorney for John H. French,
Tahlequah, 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 John H. French for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

You have heretofore been furnished with a copy of the record of proceedings had in the case.

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

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

Respectfully,

John Sixby

Acting Chairman.

Enc. C. No. 23.

Register.

Cherokee D 736.

COPY.

McKegee, Indian Territory, September 22, 1902.

John H. French,

Collinsville, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 20, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage 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.

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,

Tamc Dixby.
Acting Chairman.

Enc. C. No. 22.

Register.

COPY.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs.

Washington, Oct. 6, 1902.

Refer in Reply to the following

Land
57701-1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made September 22, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of John H. French for enrollment as a citizen of the Cherokee nation by intermarriage.

The record shows that applicant is a white man; that he was married November 28, 1878, to Martha Henson; that he was divorced from her April 9, 1895 and on October 7, 1901, he married Nannie J. Harlow, a white woman.

In the opinion of the Commission the applicant forfeited whatever citizenship rights he had by his second marriage.

The Commission's opinion seems to be correct and it is respectfully recommended that its decision be affirmed.

Very respectfully

Your obedient servant,

A. C. Torner,

Acting Commissioner.

WCV
D

3 inclosures.

20-19886-1902
DEPARTMENT OF THE INTERIOR.

Washington.

ITD.6143-1902.
LRS.

October 22, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

October 6, 1902, the Acting Commissioner of Indian Affairs forwarded your letter of September 22 and accompanying record in the matter of the application for enrollment of John H. French as an intermarried citizen of the Cherokee Nation, and recommended that your decision of September 20, 1902, be approved. A copy of his letter is inclosed.

The evidence shows that in 1878 applicant was married to a Cherokee by blood; that his name and that of his wife, Martha, are on the list of North Carolina Cherokees who removed to the Cherokee Nation; that they were divorced under an agreement approved April 9, 1895; that in October, 1901, this applicant married a white woman not a Cherokee citizen. In conformity to section 666 of the compiled laws of the Cherokee Nation, you denied the application September 20 1902.

The Department affirms your decision.

Respectfully,

E. A. Hitchcock,

Secretary.

EAD

1 inclosure.

copy

Cherokee B 726.

Muskogee, Indian Territory, November 26, 1902.

John H. French,

Collinsville, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 22, 1902.

Respectfully,

Jems P. ...
Acting Chairman.

Copy.

Cherokee 3 734.

McKees, Indian Territory, November 26, 1902.

G. W. Dunge,

Attorney for John H. French,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision rejecting the application of John H. French for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 22, 1902.

Respectfully,

Tams Bixby,

Acting Chairman.

COPY

Cherokee D 736.

Muskogee, Indian Territory, November 26, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision rejecting the application of John H. French for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 22, 1902.

Respectfully,

James Bixby.

Acting Chairman.

Cherokee R-759

Muskogee, Indian Territory, December 11, 1902.

John H. French,
Collinsville, Indian Territory.

Dear Sir:-

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application certified copy of record of suit for divorce granted in the case of John H. French vs. Martha French; also certified copy of agreement signed by John French and Martha French; also certified copy of marriage license and certificate, showing your marriage on October 7, 1901, to Annie J. Harlow.


The same are herewith returned to you, copies having been made and retained in the Commission's files.

Respectfully,

Acting Chairman.

Enc. M-211

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 23 1902


ACTING CHAIRMAN

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Mushrover & J 3/13/02

Received from the Commission to the Five Civilized Tribes one copy of the testimony in the

matter of the application of John H French.

for enrollment as a citizen of the Cherokee Nation.

Geo. Bunge

Cherokee No. 736

CPL 121

Department of the Interior.
Commission to the Five Civilized Tribes.
Bunch, I. T., July 30th, 1900.

In the matter of the application of Matthew J. Whitfield ~~about~~
for enrollment as a Cherokee citizen, being sworn and examined by
Commissioner Breckinridge, testifies as follows:-

- Q Give your full name? A Matthew J. Whitfield.
Q What is your age? A 45.
Q What is your post-office? A Vauhillaui.
Q What is your district? A Tahlequah.
Q How long have you lived in Tahlequah? A 17 years.
Q Has it been your home continuously for 17 years? A Yes.
Q For whom do you make application now? A For myself.
Q Are you upon any of the rolls of the Cherokee Nation? A Yes sir.
Q Are you upon the roll of 1896? A Yes sir, I was on the roll of '96.
Q Do you claim to be a Cherokee by blood? A No sir.
Q An intermarried Cherokee? A Yes sir.

Mr. Whitfield you present here a duly authenticated marriage license issued by R. N. Dannenburg, Deputy Clerk, Tahlequah District, on the 22nd of December, 1891, under the seal of his office, authorizing you to marry Miss Hulda Luss; You, a citizen of the United States, and she a citizen of the Cherokee Nation. The certificate of marriage shows that you were united in marriage to Miss Huld Lusk by George W. Atkins, a minister of the Gospel, in 1892, and that due record has been made of the license and certificate. It will be observed that the name in your license of your wife does not exactly correspond with the name in the marriage certificate, but probably the discrepancy is due to carelessness in writing. You will leave this with the Commission.

- Q Are you and your wife living together at this time? A No sir.
Note: 1896 roll; page 1291, #278, James M. Whitfield, Tahlequah Dist.
Q Now Mr. Whitfield, your wife was enrolled, I suppose, in 1889?
A No sir.
Q How old is she now? A I could hardly tell you.
Note: 1896 roll; page 1262, #3536, Huldie Whitfield, Tahlequah Dist.
Age on '96 roll 45.
1894 roll; page 1174, #3479, Huldah Whitfield, Tahlequah Dist.
Q Was her maiden name Luss? A She was a widow when I married her.
Q What is her maiden name? A She was a Luss in 1880 I guess.
Q Is she on the 1880 roll or not? A She was not here in 1880.
Q Have you any certificate of her admission? A Yes sir.
Q You say your wife's brother was admitted by act of the Cherokee authorities by a certificate? A Yes sir, he was enrolled up here at Stilwell.
Q Hulda Luss does not appear on the roll of 1880; where is that certificate admitting members of your wife's family? A Her brother has it.
Q Is her name on that certificate? A Yes sir; think it is.
Q You say that you and your wife are not living together at this time? A No sir.
Q Is there a ~~divorce~~ between you. A Yes sir.
Q Have you ~~divorce~~ of divorce? A No sir; I have 'n't it with me, have it at home.
Q Was the divorce granted to you or to your wife? A Granted to me.
Q How long did you know your wife prior to your marriage? A I disremember exactly; some four or five years.
Q Where did she live? A She was living in Tahlequah district.
Q She was living in Cherokee Nation? A Yes sir.
Q You have lived in the Cherokee Nation ever since you were married to her? A Yes sir.

Mr. Whitfield, you will observe that while your wife's name is upon the roll of 1894 and on the roll of 1896, and you are on the roll of 1896, yet you do not produce the certificate admitting your wife yo citizenship. It will be necessary for you to supply this Commission with a copy of the certificate and also to supply the Commission with a copy of the decree of divorce, showing to whom the divorce was granted. In view of the lack of these two pieces of essential evidences, your case will for the present be put upon a doubtful card. When the decision of the Commission is reached, you will be informed at your present post-office address of that decision and whether favorable or unfavorable it will be forwarded finally to the Secretary of the Interior for his approval.

Edward G. Rothenberger, being duly sworn by Comis Loner Breekinridge as Stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony of the above named witness, Matthew J. Whitfield, and that the foregoing is a full, true and correct transcript of his notes.

Edward G. Rothenberger

Sworn to and subscribed before me this 1st day of August, 1900,
at unch, I. T.

Commissioner.

W.C.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUL 30 1900



ACTING CHAIRMAN.

AMERICAN AND FOREIGN

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1902

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
AUG 15 1900



ACTING SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
BUNCH, I.T., AUGUST 1, 1900.

Supplementary testimony by Matthew J. Whitfield, said Whitfield being sworn by Commissioner Breckinridge, testified as follows:

- Q What is your name? A Matthew J. Whitfield.
Q Your postoffice? A Vauhillau.
Q You have already appeared before the commission? A Yes.
Q This is supplementary testimony you want to give? A Yes.
Q To whose application for enrollment does this relate? A My own.
Q I believe the point was that you claimed as an intermarried citizen? A Yes.
Q And you were desiring to establish the fact of your former wife's adoption or furnish the certificate of her admission to Cherokee citizenship, and also to furnish copy of the decree of divorce between you and her? A Yes.
Q What was your wife's name that you were divorced from? A Huldah Lusk.
Q When did you state she was granted certificate of admittance to Cherokee citizenship? A I did not state— I said I didn't know.
Q You give me here certificate signed J. T. Adair, Chairman of the Committee on citizenship, attested by Henry Biffert, and endorsed by D. W. Bushyhead, Principal Chief, of the Nation, showing that on the 1st of April, 1887, that among others, one Huldah Lusk was admitted to citizenship— is that the name of the woman you married? A Yes.
Q I believe your testimony was taken down at your former appearance in regard to the date of your marriage and all the details of your case? A Yes.
Q This certificate is returned to you. Now this Huldah Lusk became Huldah Whitfield? A Yes.
Q You hand me here another paper which is said to be a true and correct copy of the decree now on file in the matter of divorce proceedings between J.M. (?) H. J. Whitfield, Plaintiff, and Huldah Whitfield, defendant, this copy is signed and certified by C. A. Davidson, Clerk, by T.W. Triplett, Deputy, and under the seal of the United States District Court sitting at Tahlequah. The copy is dated May 19, 1900, and the decree states that you were granted a divorce by reason of abandonment by your wife. This will be filed with your application. This, I believe, is all you were called upon to do at this time. This will go as supplementary testimony to your former testimony and you will be informed of the decision as explained to you.

Brown McDonald, being duly sworn, says 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 transcript of his notes.

Brown McDonald
Sworn to and subscribed before me this 13th day of August, 1900,
at Muldrow, I.T.

Clifton A. Breckinridge

Commissioner.

COMMISSION TO THE PEOPLE
1967
1962

Appendix

Acting Chairman

John A. ...

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MARRIAGE LICENSE.

CHEROKEE NATION, Tahlequah District.

To any Person Legally Authorized, Greeting:
to Solemnize Marriage

You are hereby authorized to join in the Holy Bonds of Matrimony and celebrate the rites and ceremonies of Marriage between Mr. M. J. Whitfield

a citizen of the United States, and Mrs. Hulda Lusk
a citizen of the Cherokee Nation, and you are required to return this License to me for record within thirty days from the celebration of such Marriage, with a certificate of the same appended thereto and signed by you.

Given under my hand and seal of office, this the 22nd
day of December, A. D., 1891.

R. M. Dannerbey,

Deputy Clerk Tahlequah District

Cherokee Nation, I. T.
District.

(SEAL)

I, Geo. W. Atkins, a Minister of the Gospel hereby certify that on the 12 day of January, 1892, I joined in Marriage Mr. M. J. Whitfield a citizen of the United States and Mrs. Hulda Lusk, 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 the 12 day of January, A. D., 1892.
Geo. W. Atkins,
Minister of the Gospel.

Recorded.

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

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

[Signature]
Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 14th day of October, 1902.

[Signature]
Notary Public.

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

Muskogee, I. T., 190.....

I, the undersigned, 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

as citizen of the Cherokee Nation.

Commissioner.

In the United States District Court for the Northern District,
Sitting at Tahlequah.

J. M. Whitfield, Plaintiff,
vs. Hulda, Whitfield, Defendant.

Decree.

Now on this day comes John, H, Pitchfird, Special Master herein, and file his, Recommending that the bonds of matrimony heretofore existing between plaintiff and defendant be dissolved, and it appearing from the evidence herein, and from the said report, that the Defendant has been guilty of abandonment for more than one year, That such cause is a legal cause, that the plaintiff has resided in this Territory for more than one year next before institution of this suit, And that his cause of Divorce accrued within five years before the beginning of this suit, and that he is entitled to a Divorce herein.

It is therefore ordered and decreed by the court that the bonds of Matrimony heretofore existing between the plaintiff and the defendant be dissolved set aside and held for naught.

Given under my hand this-----day of April 1900,

Joseph A. Gill,
Judge.

I hereby certify that the foregoing and above is a true and correct copy of the decree now on file in this office.

C. A. Davidson, Clk.
By T. W. Triplet, Deputy.

This May 19, 1900.

(SEAL)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., -----

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.


Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 24th day of October, 1902.


Notary Public.

National Council.
Case referred to the Citizenship Commission by the

Whitfield, Emma & family
vs.
Cherokee Nation.
1902
Applicant for Citizenship.

Submitted Sept. 16, 1884.

And now on this 17th day of September, 1884, comes this case for final hearing, and all the evidence in relation thereto, having been read and considered by the Commission on Citizenship, it was decided that the above claimant, Emma Whitfield, is a Cherokee by blood, she being the daughter of Elizabeth Hildebrand, a known Cherokee, and the same who when a child was given to George Butler, U. S. Indian Agent for the Cherokees at the beginning of the late war. She and her children are therefore entitled to all the rights and privileges of citizenship in the Cherokee Nation, and should be, and are hereby admitted to full enjoyment of the same, in all respects as native born Cherokees.

Eli Spears, Pres.

John Lee,

Andrew Young,

Com. on Citizenship.

John L. Abair,
Clk. Com.

Executive Department, C. N.
Dec. 27th, 1883.

I, W. H. Hayes, Asst. Executive Secretary do hereby certify that the foregoing is a true and correct copy of a decision of the "Eli Spears Court" in the case of Emma Whitfield and family as appears of the record of same.

Witness my hand and the seal of the Cherokee Nation the day and year above written.

W. H. Hayes,
Asst. Executive Secretary.

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

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and Assistant of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 14th day of October, 1902.

Case referred to the Citizenship Commission by the
National Council.

Whitfield, Emma & family

vs.

Cherokee Nation.

Applicant for Citizenship.

Submitted Sept. 16, 1884.

And now on this 17th day of September, 1884, comes this case for final hearing, and all the evidence in relation thereto, having been read and considered by the Commission on Citizenship, it was decided that the above claimant, Emma Whitfield, is a Cherokee by blood, she being the daughter of Elizabeth Hildebrand, a known Cherokee, and the same who when a child was given to George Butler, U. S. Indian Agent for the Cherokees at the beginning of the late war. She and her children are therefore entitled to all the rights and privileges of citizenship in the Cherokee Nation, and should be, and are hereby admitted to full enjoyment of the same, in all respects as native born Cherokees.

Eli Spears, Pres.

John Lee,

Andrew Young,

Com. on Citizenship.

John L. Adair,
Clk. Com.

Executive Department, C. N.
Dec. 27th, 1893.

I, W. H. Mayes, Asst. Executive Secretary do hereby certify that the foregoing is a true and correct copy of a decision of the "Eli Spears Court" in the case of Emma Whitfield and family as appears of the record of same.

Witness my hand and the seal of the Cherokee Nation the day and year above written.

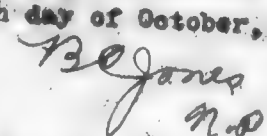
W. H. Mayes,
Asst. Executive Secretary.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T.,-----

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.


Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 14th day of October, 1902.


Notary

Supl.-C.D.#32.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., February 17, 1902.

SUPPLEMENTAL in the matter of the enrollment of MATHEW J. WHIT)
FIELD as a citizen of the Cherokee Nation:

Commission: Applicant was notified by registered letter January 31, 1902, that his case would be taken up for final consideration on the 17th day of February, 1902, and that he would on said date be given an opportunity to introduce any additional testimony affecting his case. He was also requested to supply the commission with evidence as to the readmission of his wife to citizenship in the Cherokee Nation. The applicant has acknowledge receipt of registered letter, and he has been called three times and fails to respond either in person or by attorney and the case is closed.

L. K. Buckmaster

J.O.R.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 19, 1902.

In the matter of the application of Matthew J. Whitfield for
the enrollment of himself as a citizen of the Cherokee Nation.

SUPPLEMENTAL TO D-62.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the said Matthew J. Whitfield that it would introduce testimony at the offices of the Commission to the Five Civilized Tribes in the town of Muskogee, Indian Territory, on the 19th day of April, 1902, tending to disprove his right to be enrolled as a citizen of the Cherokee Nation. The applicant has this day, to wit the 19th day of April, 1902, been called, and fails to respond either in person or by attorney. As the testimony which the Cherokee Nation offers in evidence is very material, the same will be received and made a part of the record in this case.

The Cherokee Nation offers in evidence a certified copy of the marriage license authorizing the marriage of M. J. Whitfield and Mrs. Alice Dixon. The said license was issued by Charles A. Davidson, Clerk of the United States Court for the Northern District of the Indian Territory, by Herbert C. Smith, Deputy Clerk, at Tahlequah, Indian Territory, on the 5th day of February, 1902, and the ceremony of marriage was performed by J. A. Orr, a minister of the Gospel upon the 6th day of February, 1902.

The Cherokee Nation desires to call attention to Section 666 of the Compiled Laws of the Cherokee Nation for the year 1892.

The tribal rolls of the Cherokee Nation examined for the name of Alice Dixon, and the same does not appear of record thereon.

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

Subscribed and sworn to before me this 26th day of April, 1902.

Arthur G. Croninger

Notary Public.

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

In the matter of the application of Matthew J. Whitfield for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his minor children Luke Whitfield and Benjamin Whitfield as citizens by blood of the Cherokee Nation, consolidating the following applications:

Matthew J. Whitfield,-----Cherokee D 62
Luke Whitfield, et al-----" D 63

D E C I S I O N.

--oOo--

The record in these cases show that on July 30, 1900, Matthew J. Whitfield appeared before the Commission at Bunch, Indian Territory and then and there made personal application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation and for his minor children Luke and Benjamin Whitfield as citizens by blood of the Cherokee Nation. On August 1, 1900, Matthew J. Whitfield again appeared before the Commission at the same place and further proceedings were then and there had. On April 19, 1902, at Muskogee, Indian Territory further proceedings were had in the matter of the application of Matthew J. Whitfield, Cherokee D 62.

From the evidence it appears that Matthew J. Whitfield was lawfully married on January 12, 1892 in accordance with the Cherokee tribal laws to one Hulda Lusk. Hulda Lusk was admitted to citizenship in the Cherokee Nation on April 1, 1887. Matthew J. Whitfield and his said wife were divorced in April, 1900. It further appears that on February 6, 1902 the said Matthew J. Whitfield was married to one Mrs. Alice Dixon, who does not appear to be a recognized Cherokee citizen. Section 666 "Laws of the Cherokee Nation" (1892) is therefore considered to determine the status of the principal applicant.

"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 on this act shall cease."

The evidence shows that Luke Whitfield and Benjamin Whitfield are the children of Matthew J. and Emma Whitfield, a former wife, to whom applicant does not seem to have been married in accordance with the Cherokee tribal laws. The said Emma Whitfield died in 1890. It appears that she was admitted to citizenship in the Cherokee Nation by a decree of the Cherokee Commission on Citizenship on September 12, 1884. The said Luke and Benjamin Whitfield were then three and five years old respectively. They are identified on the Strip payment roll of 1894 and the Cherokee Census roll of 1896. Matthew J. Whitfield is also identified on the Cherokee Census roll of 1896.

The authority of the Commission herein is defined in the following provisions of the Act of Congress, June 28, 1898 (30 Stats.495):

"That in making rolls of citizenship of the several tribes, as required by law the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon, and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

It is therefore the opinion of this Commission that Matthew J. Whitfield is not lawfully entitled to be enrolled as a member by intermarriage of the Cherokee tribe of Indians in Indian Territory, and that the application for his enrollment as such should be refused

and it is so ordered.

It is further the opinion of this Commission that Luke Whitfield and Benjamin Whitfield are lawfully entitled to be enrolled as members by blood of the Cherokee tribe of Indians in Indian Territory and that the application for their enrollment as such should be granted, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Signed Tommy Kirby, Acting Chairman.

Signed T. B. Needles, Commissioner.

Signed C. R. Brachinridge, Commissioner.

DATED AT MUSKOGEE, INDIAN TERRITORY,
this MAY 20 1902

CERTIFICATE OF RECORD.

United States of America. }
INDIAN TERRITORY. } ss.
Northern District.

I, _____, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the _____ day of _____, 1____, at _____ M., and duly recorded in Book _____, Marriage Record, Page _____.

WITNESS my hand and seal of said Court at Muskogee, in said Territory, this _____ day of _____, A. D. 1_____.

Clerk.
By _____ Deputy.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T., _____ 1_____.

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 application for enrollment of _____

as _____ of the Cherokee Nation.

MARRIAGE LICENSE.

United States of America, }
INDIAN TERRITORY, } SS.
Northern District.

No. 22

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. M. J. Whitfield, of Wauhillau, in the Indian Territory, aged 45 years, and Mrs. Alice Dixon, of Wauhillau, in the Indian Territory, aged 35 years, according to law, and do you officially sign and return this license to the parties therein named.

WITNESS my hand and official seal at Tahlequah, Indian Territory, this 5th day of February, A. D. 1902.

Chas. A. Davidson,
Clerk of the U. S. Court.

By Herbert C. Smith, Deputy.

CERTIFICATE OF MARRIAGE.

United States of America, }
INDIAN TERRITORY, } SS.
Northern District.

I, J. A. Orr, a Minister of the Gospel, DO HEREBY CERTIFY, that on the 6th day of February, A. D. 1902, I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Bans of Matrimony between the parties therein named.

WITNESS my hand this 6th day of February, A. D. 1902.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book Muskogee, Page 166.

J. A. Orr,
A Minister of the Gospel.

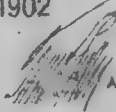
J

D 62

COMMISSION TO THE UNITED STATES SENATE

FILED

JAN 31 1902



ACTING CHAIRMAN.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIRBY,
THOMAS B. NEEDLES,
C. R. BRICKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

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

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 31,

1902

Mr. Matthew J. Whitfield,

Wauhatchie, Indian Territory.

Sir:

You are hereby notified that the application of yourself

for enrollment as a citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 10th day of February, 1902.

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

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

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

Cherokee D-63
Register.

Yours truly,

Acting Chairman.

AFFIDAVIT.

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

In the matter of the application of Matthew
for enrollment as a Cherokee ~~Indian~~ Citizen

J. Whitefield
No. 2 D. 62

J. C. STARR

of lawful age, being duly sworn on
oath states that on the 8th day of April, A. D., 1902, he registered
to Matthew J. Whitefield whose postoffice is Wauhatchee
Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto
attaches the receipt of the Postmaster at Wauhatchee Indian Territory;
and that on the 18th day of April, 1902, he received the return
card which is hereto attached, signed by the said M. J. Whitefield, showing
that he had received said notice.

Subscribed and sworn to before me on this the 19 day of April, A. D. 1902

Walter H. Martin

Notary Public.

NO. C. D. 62.

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

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

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

Subscribed and sworn to before me this.....

Notary Public.

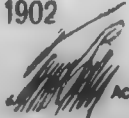
I, the undersigned attorney for the within named
applicant, hereby accept service of the within notice
on this the..... day of..... 190.....

Attorney for Applicant.

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

Agent for Applicant.

DEPARTMENT OF JUSTICE
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 19 1902

 ACTING CHAIRMAN

NOTICE.

In the Matter of the application of Matthew J. Whitefield,
for enrollment as Cherokee citizens:

To Matthew J. Whitefield,

Wauhatchie, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes, Cherokee Enrollment Division, in the town of Muskogee, Indian Territory, on April 19th, A. D. 1902, at 8 o'clock a. m., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands at Muskogee, Indian Territory, this April 8th 1902

W. W. Hastings

No. C. D. 62.

Attorneys for the Cherokee Nation.

RX

D 62

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 1 1902



Enc 2-7

COMMISSIONERS:
HENRY L. DAVIS,
TANS DIXBY,
THOMAS B. NEEDLES,
C. R. BRACKINRIDGE.

ALLISON L. AYLERWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tahlequah, IT., February

20th 1907

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
Matthew J. Whitfield for enrollment as
Citizen of the Cherokee Nation.

Whitfield

M. J. Rasmus

Attorney for Applicant

No. D-62

INDEXED, 2062

COMMISSION TO FIVE TRIBES.		
No.	Received	ANSWERED Book Page
2062		
1902	FEB 13 1902	

Whitfield, Mathew J.
 Tahlequah, I. T.
 Feb. 10, 1902.

CHEROKEE

Wants his attorney furnished
 with full proceedings in his case.
 Gives name under which to look
 for certificate of re-admission
 of his wife to Cherokee citizen-
 ship.

DEPARTMENT OF THE INTERIOR
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
 FEB 15 1902

[Handwritten signature]



Cherokee - 67
Register

WILLIAM F. PAS...
WILLIAM F. PAS...
WILLIAM F. PAS...
WILLIAM F. PAS...

Sahquah S. Deboy 10th 1907.

Hon. James Commission
to the 5. Civilized tribes of Indians
Muskegoe S.
Gentlemen: -

I am in receipt of your
Communication under date of 3rd ult.
addressed to me at my proper post office
(Wauhatchee S.) whereby notice is given
that my application for enrollment as a
Citizen of the Cherokee Nation will be
taken up for final consideration by your
Commission at Muskegoe S. on the 17th day
of February 1907. and that I desired,

WILLIAM F. RASMUS,
ATTORNEY AT LAW,
MELLEQUAH, IND. TER.

WILLIAM F. RASMUS,
NOTARY PUBLIC,
MELLEQUAH, IND., TER.
Commission Expires

WILLIAM F. RASMUS,
ATTORNEY AT LAW,
MELLEQUAH, IND. TER.

was privileged to appear before your Commission either in person or by attorney to introduce any additional testimony affecting my said application - and I am therein given the further notice, that I am required to supply your Commission with evidence of the re-admission of my wife to Cherokee citizenship - to all of which I have in reply to say that, - I have this day applied to the Custodian of the Cherokee public records in the office of the Executive Department of the Cherokee Nation I. T. for a ^{certified} copy of the public records of the re-admissions of my wife, to Cherokee Indian citizenship,

WILLIAM F. RASMUS,
Notary Public,
100

WILLIAM F. RASMUS,
Notary Public,
100

WILLIAM F. RASMUS,
Notary Public,
100

(3)

and I have been informed by said
Custodians that "The Clerks who was
" in charge of the Dawes Commission
" works at Tahlequah, Ok. about the last
" of November 1901. Came to the office of
" the Executive Department and requested
" and taken possession of the Cherokee
" citizenship records by permission of
" Chief J. M. Buffington and that such
" records have not been returned to said
" Exec. Dept." - And ^{accordingly} presenting your
Commission being now in the possession
of said records - I would suggest that
the same be examined for my wife's -
former name of Mrs. "Hulda Luck's"
nee Hulda Meyer (the later, her maiden name)
and will be found to be in the year ^{about} 1887.

WILLIAM F. RASMUS,
ATTORNEY AT LAW,
SARASOTA, IND. TER.

WILLIAM F. RASMUS,
NOTARY PUBLIC,
INDIAN Territory,
SARASOTA, IND. TER., U.S.A.
Commission Expires


WILLIAM F. RASMUS,
ATTORNEY AT LAW,
SARASOTA, IND. TER.

and in further reply to your
said communication, I have
to say, that, the Marriage Certificate
of myself and wife Hulda - also,
the decree of divorce between her
and myself, I filed with your Com-
mission at Pynch, Ind. Terr.
about the Spring of the year 1901.

I would be pleased to have you
furnish my attorney ^{Wm. F. Rasmus}
at Pablaque, Ind. with a copy of the
full proceedings had before you in
my application for ^{naturalization} Cherokee Citizenship.
I shall be glad that you favor me with the
earliest possible reply - so that I may have
ample time, in case it may be necessary,
that I appear on the 17th inst -

WILLIAM F. RASMUS,
NOTARY PUBLIC.

WILLIAM F. RASMUS,
NOTARY PUBLIC.

And in order to save all the time possible, I would request that you address me through Mr. Rasmus, my attorney, at Tahlequah, I. 

Very Respectfully

Matthew J. Whitfield.

By his atty W. F. Rasmus

D. 62
D. 63.

COPY.

Muskogee, Indian Territory, May 21, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation.

Sir:

Enclosed herewith please find copy of a decision of the Commission rendered May 20th, in the matter of the application of Matthew J. Whitfield for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his minor children, Luke Whitfield and Benjamin Whitfield, as citizens by blood of the Cherokee Nation.

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

Very respectfully,

T. B. Needles.

Commissioner in Charge.

Encl. D-62-63.

COPY.

Cherokee D 62 & 63

Muskogee, Indian Territory, June 10, 1902.

Matthew J. Whitfield,

Vauhilla, Indian Territory.

Sir:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes in the matter of the application for yourself as an intermarried citizen of the Cherokee Nation, and for the enrollment of your two minor children Luke and Benjamin Whitfield as citizens by blood of the Cherokee Nation.

Very respectfully,

Tams Bixby.
Acting Chairman.

Register

Enclosure D 62 & 63

Muskogee, Indian Territory, September 8, 1902.

Matthew J. Whitfield,

Wauhatchie, Indian Territory.

Dear Sir:

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application marriage license and certificate showing your marriage on January 12, 1897, to Mrs. Julia Tuss; also marriage license and certificate showing your marriage on February 6, 1902, to Mrs. Alice Dixon; also certified copy of decree of divorce granted in the case of J. M. Whitfield, vs. Julia Whitfield.

The same are herewith returned to you, copies having been made and retained in the Commission's files.

Yours truly,

Acting Chairman.

no. 104.

Cherokee D 68.

Cherokee D 68.

Muskogee, Indian Territory, October 14, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Matthew J. Whitfield for the enrollment of himself, as a citizen by intermarriage and for the enrollment of his two minor children, Luke and Benjamin Whitfield, as citizens by blood of the Cherokee Nation, including the decision of the Commission dated May 20, 1902, rejecting said application as to Matthew J. Whitfield.

Respectfully,

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enclosure H. No. 3.

Cherokee D 62
Cherokee D 63

Muskogee, Indian Territory, October 14, 1902.

W. F. Rasmus,

Attorney for Matthew J. Whitfield et al,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Matthew J. Whitfield, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and granting his application for the enrollment of Luke and Benjamin Whitfield, as citizens by blood of the Cherokee Nation. You have, heretofore, been furnished with copy of the record of proceedings.

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

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

Respectfully,

Commissioner in Charge.

Register.
Enclosure H. #1.

Cherokee D 62
Cherokee D 63

Muskogee, Indian Territory, October 15, 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 Matthew J. Whitfield, for the enrollment of himself as a citizen by intermarriage and granting his application for the enrollment of Luke and Benjamin Whitfield, as citizens by blood of the Cherokee Nation, a copy of which decision was furnished you on May 21, 1902, has this day been transmitted to the Secretary of the Interior for his review and decision.

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

Respectfully,

Commissioner in Charge.

Refer in reply
to the following:
Land.
62428-1902.

C O P Y.

Department of the Interior,
Office of Indian Affairs,
Washington, Nov. 3, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made October 14, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Matthew J. Whitfield for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his minor children, Luke and Benjamin as citizens by blood.

The evidence shows that Matthew J. Whitfield was married January 12, 1892 to Hulda Lusk in accordance with the tribal law. She was admitted to citizenship in the Cherokee Nation April 1, 1887. The said Matthew J. Whitfield and his wife were divorced in April, 1900, and on February 6, 1902 he was married to one Mrs. Alice Dixon, who does not appear to be a Cherokee citizen. It is further shown that Luke and Benjamin Whitfield are the children of Matthew J. and Emma Whitfield, the former wife who was a Cherokee by blood. The names of the said children appear on the 1894 strip payment roll and 1896 census roll.

In the opinion of the Commission, Matthew J. Whitfield was not entitled to enrollment because he married a woman not a citizen of the Cherokee Nation after his divorce from his citizen wife, and the Commission believes that the said children should be enrolled because they are Cherokees by blood and their names appear upon the aforesaid rolls.

The office concurs in the opinion of the Commission and respectfully recommends that its decision be affirmed.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

WCV
D

3 inclosures.

Department of the Interior,

ITD. 6792-1902.

Washington, November 17, 1902.

L. R. S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

On October 14, 1902, you transmitted the record in the matter of the application of Matthew J. Whitfield for enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his minor children, Luke and Benjamin Whitfield, as citizens by blood of said nation.

As stated in your decision of May 20, 1902, the evidence shows that Matthew J. Whitfield was married according to Cherokee law to Hulda Lusk, in 1892; that she was admitted to Cherokee citizenship in 1887, and that he procured a divorce from her in April, 1900; that in February, 1902, he married Mrs. Alice Dixon, who "does not appear to be a recognized Cherokee citizen." You held that he is not entitled to be enrolled as an intermarried citizen because of section 666 of "Laws of the Cherokee Nation" (1892), which declares that

"Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving

widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

The evidence further shows that Luke and Benjamin Whitfield are the children of Matthew J. and Emma Whitfield; that Emma Whitfield was admitted to Cherokee citizenship on September 12, 1884, as were also Luke and Benjamin Whitfield who were then three and five years of age respectively; that said children are identified on the Cherokee rolls of 1894 and 1896. You held that Luke and Benjamin Whitfield are entitled to be enrolled as Cherokees by blood.

Forwarding the papers November 3, 1902, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed herewith.

Respectfully,

Thos. Ryan,
Acting Secretary.

1 inclosure.

Cherokee D 62.
Cherokee D 63.

Muskegee, Indian Territory, November 26, 1902.

Mathew J. Whitfield,
Vauhilian, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision rejecting your application for the enrollment of yourself as a citizen by intermarriage, and granting your application for the enrollment of your two minor children, Luke and Benjamin Whitfield, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 17, 1902.

Respectfully,

W. B. B. B.

Acting Chairman.

Cherokee D 62.
Cherokee D 63.

Muskogee, Indian Territory, November 26, 1902.

W. J. Rasmus,

Attorney for Mathew J. Whitfield et al,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision rejecting the application of Mathew J. Whitfield for the enrollment of himself as a citizen by intermarriage, and granting his application for the enrollment of his two minor children, Luke and Benjamin Whitfield, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 17, 1902.

Respectfully,

Geo. S. Bixby

Acting Chairman.

COPY.

Cherokee D 62.
Cherokee D 63.

Muskogee, Indian Territory, November 26, 1902.

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

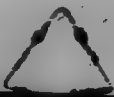
Dear Sir:

You are hereby advised that the Commission's decision rejecting the application of Mathew J. Whitfield for the enrollment of himself as a citizen by intermarriage, and granting his application for the enrollment of his two minor children, Luke and Benjamin Whitfield, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 17, 1902.

Respectfully,

James Birby,
Acting Chairman.

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Cher R 761

Cher R 761

R-761

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FILED
DEC 5 1904
COMMISSION TO FIVE TIMES

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W. J. ...

Charles H. ...

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 Eizzie.
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 came here he came 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 family 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 when 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 Daves 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 Where have they been? A No sir.
- Q Where did you go? 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 necked 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 You 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. TILLOTSON:

- 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 come 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 tell 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 well 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 knew 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. GOODY, being first duly sworn, testified as follows:

BY THE COMMISSION:

- Q What is your name? A John H. Goody.
- 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 '95 somewhere along there.

BY MR. TILLOTSON:

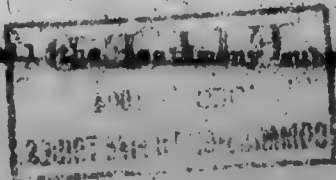
- Q Where was he when you got acquainted with him? A Nowata.
- Q Was he living there with his family? A He was.
- Q Was he engaged in business there? A Yes sir, a restaurant awhile.
- Q How long did he remain there? A I don't know exactly.
- Q Short time or several years? A Quite awhile.
- Q More than 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 the 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. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

H. M. Vance

Subscribed and sworn to before me this the & 8th day of December, 1904.

Charles H. Sawyer

Notary Public.

My Commission expires Oct 25 05.

State of Georgia,
Lumpkin County.

To Any Judge, Justice of the Peace or Minister of the Gospel.

You are hereby authorized to join Miller Davise and Lizzie Simmons in the Holy State of Matrimony according to the Constitution and Laws of this State, and for so doing this shall be your sufficient License. And you are hereby required to return this License to me with your Certificate hereon of the facts and date of the Marriage.

Given under my hand and seal this 4th day of September, 1886.
F.M. Williams, Ordinary.

Georgia,
Lumpkin County.

I certify that Miller Davise and Lizzie Simmons were joined in Matrimony by me this 5th day of Sept., 1886.

W.H. McAfee, M.G.

State of Georgia,
Lumpkin County.

I, the undersigned, ordinary in and for said County, hereby certify that the above is a true copy of the Marriage License of Miller Davise and Lizzie Simmons as is of Record on Page 42, in Book C, of this Office.

Given under my hand and seal of office May 29th, 1893.

(SEAL)

F.M. Williams, Ordny.

State of Georgia,
Lumpkin County.

I, the undersigned, ordny., further certify that there has been born to Miller Davise and his wife, Lizzy, three children, they are all in life. Mary Lee Davise, aged 5 years old; Sally Simmons Davise, aged 4 years old; Earl Tate Davise, aged 2 years old.

Given under my hand and seal May 29th, 1893.

(SEAL)

F.M. Williams, Ordny.

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

Muskogee, Ind. Ter., June 9, 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 Miller Davis et al. D 1165.

R. Chick

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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.

DECISION.

The record in this case shows that on March 25, 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 Stats., 495), provides:

"The 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 1902

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, vis:

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 Grigby	417
Georgia Wood	54	William J. Largent	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	258	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	1784
Robert G. Elgin	1136	James D. Alexander	1745
William Hall	1157	Willie E. Miles	1769
Mary Ella Lattimore	1141	Lora Adair	1781
Maggie J. Keys	1149	John Yarborough	1796
Joseph M. Correll	1177	Lillie M. Dasser	1803
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. Frasier	2312
Mary A. B. McKinney	1550	Laurn B. Cordrey	2320

Lafayette D. Kindred	2328	William A. J. Trotter	3257
Pearl V. Sisson	2339	Albert P. Goforth	3296
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	3448
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 Adsir	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	4180

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
Elisabeth 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
Elisabeth 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
Lissie Love	4626
Robert K. Wann	4632
Frederick Mettner	4633
John C. Bratcher	4634
Pigrow L. Jones	4641
Ada Berthoff	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
Alonso 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	5236

Horace H. Huddleston 5832
 William R. Sartain 5837
 Joseph A. Lawrence 5843
 William H. Hinton 5846
 Joseph Lehr 5851
 Euln 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. Weema 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 Reaso 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 Bengo 6111
 John D. Ryals 6113
 John C. DeLozier 6117
 Jessie Willis 6118
 Mary A. Clark 6124
 Mary J. Tipton 6126
 Leander Newton 6136
 William A. Qualls 6138
 Henderson B. Thomas 6144
 Hugh T. Watkins 6163
 Nancy Keys 6172
 Berry Hutchins 6186
 Eli Parker 6189
 Sarah E. Shaw 6194
 Julia Keys 6211
 Boon J. Grey 6214
 John Grubb 6216
 William M. Costephens 6230
 Jane Bean 6232
 Lillie I. Taylor 6236
 Abbie B. Adair 6239
 Mack C. Watkins 6246
 Robert W. Murray 6261
 John G. Petty 6269
 Lucinda Poorboy 6279
 Sarah Mayes 6286
 Henry W. Pycatt 6300
 Isaac A. Wilson 6308
 John T. Hall 6310
 Edward L. King 6315
 Katie Still 6325
 Emmer Carlile 6338
 Bird Webster 6347
 Fannie Morris 6353
 Leonard Lee 6357
 James R. Miller 6362
 James Brackett 6370
 Nora Allen 6371
 John T. Washington 6373

James J. Snider	6373	James L. Lee	6717
William H. Winget	6376	Rosa Phillips	6723
Ida R. Wilkerson	6383	Kate Brown	6733
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 B. 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	6983
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
Terry A. Parkinson	7146
Cora L. Hanks	7147
Otto J. Zufall	7149
Rufus M. Norman	7155
Mary F. Foreman	7158
Alma West	7159
James M. Connally	7161
Francis M. Crowell	7163
Fannie E. McClure	7171
Benjamin B. Graham	7176
Ada Pharise	7178
William L. Whisenhunt	7180
Frances B. Perry	7184
Philip Shultz	7191
Hester A. Miller	7210
Minnie B. Edmonds	7212
Elisa Jordan	7213
William T. Ross	7217
Thomas M. Price	7218
James G. Wilson	7225
Frank Rhomar	7231
John W. Thompson	7263
Melissa Booth	7267
Solon L. Jackson	7271
Henry W. Coughran	7273
Sarah Ross	7282
Mary S. Smith	7291
John A. Martin	7322
Myrtle Robinson	7323
Allen L. Buckner	7330
James L. Goad	7331
Elijah Johnson	7350
Mary E. Kimbrough	7351
Jennie Burr	7360
Kiasay Sapsucker	7367
Sarah J. Johnson	7378
William I. Branan	7394
Wyatte T. Brady	7409
Lena O. Holderman	7412
Mary F. Hummingbird	7413
Bertha A. Allen	7420
Robert J. Tyner	7425
Fannie B. Martin	7426
Myrtle Wolfe	7434
Mary Blevins	7435
Sarah Ketcher	7479
Charles D. England	7488
May Cochran	7512
Rebecca Oglesby	7544
	7549

8

Robert B. Collins	7556
Nancy I. Brown	7570
Mary B. Walkingstick	7642
Robert T. Kelleam	7653
Mollie Morton	7797
Mattie Girty	8006
Maek Alfred	8015
Ida Harmon	8016
Ida McCoy	8417
Rosie Foreman	8903
Annie Jackson	9034
Margaret T. Langley	9092
Ida M. Davis	9266
Nora Crapo	9289
Margaret Harmon	9378
Mary B. Langley	9438
Ella Gravitt	9439
William M. Wilson	9444
David O. Scott	9446
Harriett Forbes	9447
John Carver	9449
Thomas J. Davis	9451
Clara M. Boudinot	9453
Mary E. Keys	9454
John G. Ainsworth	9456
Mary J. Christy	9460
Malinda Seabolt	9462
Mary Cumpton	9464
Mollie P. Mulkey	9465
Andrew Brimmer	9467
James F. Flippin	9471
William Bird	9473
Mollie C. Forbes	9476
William H. Thomason	9478
Mollie Devine	9481
Mary P. Guthrie	9482
Detlev N. Leerskov	9484
Nannie Cowart	9485
Leona Catcher	9489
Alexander B. Clapp	9502
Tennie Sanders	9503
Virgil A. Wiltshire	9505
Joshua K. Carr	9510
Herbert Kneeland	9518
Hugh E. Hope	9519
Thomas J. Ritter	9522
Martha Baldridge	9529
James R. Poindexter	9535
Maud Foreman	9539
Belle Bryant	9542

Joseph P. Smith	9550	William G. Brown	9670
George E. Watkins	9552	John B. Delay	9681
Florence Henry	9553	Fairlee Thompson	9682
Jesse H. Johnson	9560	Guanther W. Werther	9683
Lydia B. Barger	9561	Margaret Crittenden	9684
Mary Jane Thomas	9562	Moses L. Morris	9689
James F. Petty	9563	Sarah L. Rogers	9691
Laura McCrary	9566	Stephen Duncan	9692
Joel D. Smith	9568	Gideon D. Sleeper	9695
William T. Cave	9572	William A. Maddin	9696
William Bugher	9577	John H. Horton	9904
James M. Smith	9582	Howe L. Rogers	9905
John E. Nasworthy	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	9949
Florence C. Smith	9625	May F. Chambers	9960
Charles M. Cox	9630	Albert Stevenson	9964
Otis S. Skidmore	9634	Henry Kiefer	9956
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. Setzer	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. Roberts	10114
Addie B. Miller	10037	Edward H. Fitzgerald	10115
William R. Condry	10028	John T. Pickard	10117
James D. Canary	10099	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 Askley	10132
John M. Boyd	10040	Bessie Davis	10133
William Fister	10041	Eva Brackett	10135
Darius B. Troth	10047	Caleba Carnes	10136
Harry A. Kelley	10049	Jackie M. Waybourn	10138
Mary E. Purcell	10050	Minnie Shutt	10139
Myron L. Bronson	10051	Charles L. McClure	10140
George W. Taylor	10052	William W. Russell	10141
Josie Lowther	10053	Delia Jenkins	10142
Fannie D. Perry	10054	John A. Hood	10143
Minnie B. Williams	10055	Oba Maxfield	10145
Solomon Copeland	10056	Mary L. Cloud	10146
Etha B. Wood	10058	Callie Inlow	10147
James Pace	10059	Everett M. Lawrence	10148
Wiley B. McElhanev	10060	Dora E. Hays	10150
Nancy Patrick	10062	Julia M. Schrimsher	10151
James R. Stout	10063	Farmelia E. Lyman	10153
George Parker	10072	Charles F. Trickey	10161
Laura Morton	10073	Louisa J. Palmour	10169
John D. Kelly	10074	George L. Walker	10170
Nettie Swift	10075	Annie Taylor	10171
Maggie Baldrige	10078	Josie Winters Hall	10174
David R. Stubblefield	10079	Alice Nichols	10181
Thomas J. C. Thompson	10080	Lizzie Dry	10182
Cora P. Harlan	10081	Emma Murray	10183
William L. Singleton	10082	Annie Winton	10187
Lester Evans	10083	Marian Evans	10188
Ellen Mayfield	10084	Elizabeth J. McClain	10192
Ella Bray	10085	Eliza J. Price	10199
David J. Matthews	10087	Rissie Still	10200
Thomas Brown	10094	Hannah E. Langley	10201
Houston J. Payne	10100	Alma Keith	10203
Malinda E. Scudder	10103	Flora A. Terrill	10204
Henry Odell,	10104	Talesphora A. Parades	10205
Fred Macy	10105	Samuel Shadix	10206
Mary Russell	10107	Mary E. Childers	10207
Thomas B. Brown	10108	Robert M. Hamilton	10208
Samuel L. Milligan	10109	Julia Billingslea	10209
	10111		

Nannie Martin	10210	Joseph Reed	D	488	
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	560	
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	106	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
Oncioo 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	Ames 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	1330
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
Eliaz G. Reneekar	D	966	Alfred H. Woods	D	1342
Ella 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. Heiterbrand	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 Haslewood	D	1022	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	1206	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
Euphemis Sweetwater	D	1314	Dicie Conner	D	2698
Etta Russell	D	1319	John Culwell	D	2699

Herbert F. Couch	D 2700	Samuel A. Parkhurst	D 2881
Albert C. Dykes	D 2708	Elen Rogers	D 2882
Delora Drew	D 2704	Elijah Rolland	D 2887
Frank F. Danderson	D 2705	Endora Steele	D 2888
James Gafford	D 2708	William M. Stucker	D 2889
Anna L. Harlin	D 2715	Sallie Tauueneac	D 2891
William R. Lipsey	D 2717	Mary Tassle	D 2892
Bertha Landrum	D 2718	John F. Wolf	D 2895
Lila More	D 2722	Ruth A. Ward	D 2840
John D. Mathews	D 2728	Winnie Daugherty	D 2884
Mary McIntosh	D 2725	Mary Guthrie	D 2885
Bertha Nidifer	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 2996
Sarah Jane Birdsong	D 2806	Charles W. Phillips	D 2999
Marion Maddox	D 2807	Sarah Shanks	D 3000
John A. McKensie	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. Nidifer	D 2817	George O. Wallace	D 3060
Louizer Ossowee	D 2818	Fannie Chy	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 Paek	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. Mixer	R	266
Martha Spade	D	3092	Belle A. Powell	R	352
Julian Wyrick	D	3098	Austin L. Hill	R	420
Samuel Harlan	D	3157	Mary L. Dudley	R	439
Lizzie Pharris	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	3186	Della Gans	R	638
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	10	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.

Dated at Muskogee, Indian Territory,

Commissioner.

this January 10, 1907.

Cher. A 781

Muskogee, Indian Territory, January 10, 1907.

Lizzie Davis,

Tworum, Georgia.

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. Decs. 2

Commissioner.

Cherokee R
761

Muskogee, Indian Territory, March 14, 1907.

Lizzie Davis,
Tworun, Georgia.

Dear Madam:

You are advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

Respectfully,

RTH

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,

Encl. C-100
MTH

Commissioner.

OFFICE

Miller Davis et al

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR.

OCT 25 1902

Reopened in 1905

*JAN 28 1905 Cancelled and transferred
to Cherokee 1075*

COPIES DESTROYED FILED
WITH THE CHEROKEE NATION.

Cher R 762

Cher R 762

DEPARTMENT OF DEFENSE
COMMISSION TO THE FIVE CIVILIZED NATIONS
FILED
OCT 18 1968



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6836

Applicant's wife: REJECTED.

XXXX

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., OCTOBER 18th, 1900.

In the matter of the application of Frank M. Martin for the enrollment of himself, wife and children as citizens of the Cherokee Nation; said Martin being sworn and examined by Commissioner T. M. Needles, testified as follows:

- Q What is your name? A Frank M. Martin.
Q What is your age? A 34.
Q What is your post office address? A Nowata, Indian Territory.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q In what district do you reside? A Claim Cooweescoowee.
Q Where do you live? A I have a residence out here, farm and so on in this district, about six or seven miles from town.
Q Is your name upon the roll of 1880? A No, sir.
Q For whom do you apply for enrollment? A Me and my children.
Q What is the name of your children? A Avis R.
Q How old is he? A Born October 24, 1888.
Q What is the name of the next one? A Robert Lee.
Q How old is he? A Ten years old; Clara.
Q How old is Clara? A Born September 19, 1891; George.
Q How old is he? A Born January 29, 1893, that would be seven.
Q What is the name of the next one? A Mary.
Q How old is she? A She is five years.
Q What is the name of the mother of these children? A Lula Martin.
Q Is she a citizen of the Cherokee Nation? A Adopted citizen.
Q You apply for her? A Yes, sir.
Q Have you proof of marriage to her? A Yes, sir.
Com'r Needles:--Applicant presents marriage and certificate of marriage certifying that he was married to one Miss Lula McFyre, on the 29th day of December, 1887. Said marriage being solemnized in the State of Texas, County of Cass.
Q Have you a certificate of Admission? A Yes, sir.
Com'r Needles:--Applicant presents a certified copy of an Act of the Cherokee Council re-admitting Patsy M. Martin and others to Cherokee citizenship. Said Act having been passed by the Senate of the Cherokee Nation, November 26, 1890. Signed by L. W. Bell, President of the Senate, A. H. Norwood, Clerk of the Committee; concurred on December 1st, 1890, signed by William H. Parker, speaker of the Council, approved William P. Thompson, Clerk of the Council. Approved December 4, 1890 by J. W. Hayes, Principal Chief. Certified to us to the correctness of it being a copy of the original Act, by J. C. Parks, Executive Secretary of the Cherokee Nation under the seal of the Cherokee Nation.
Q In said Act I find the name as having been admitted among others, of one Frank M. Martin, are you the identical Frank M. Martin mentioned in this Act? A Yes, sir.
Q I also find the names of Avis R., Robert L. Martin, as Grandchildren of Patsy Martin; is the Avis R. and Robert L., mentioned in this Act, the identical Avis R. and Robert L. for whom you apply for citizenship as your children? A Yes, sir.
Q Does the name of your wife, Lula, appear in this act? A No, sir, I think not.
Q You were married to her in the year 1887? A Yes, sir.
Q You were admitted in 1890? A Yes, sir.
Q Where did you reside in the year 1890? A Texas.
Q When did you remove from the State of Texas to the Cherokee Nation? A Actually myself I did not, but I located out here permanently might say in 1894. I have a home about eight or ten miles west of here. I had some property though before that time.
Q When did you remove your family and household effects here? A I never moved all my household effects here or family here.
Q Were these children all born in Texas? A Yes, sir.

Frank B. Martin--4.

They are living in Texas? A Yes, sir.

Q Where is your wife living? A In Texas.

Q You are living there? A Yes, sir. I have property here, but you know there is no one to do a citizen of the Cherokee Nation, and I do not exercise the right to vote there.

Q You have since you voted there? A I never have voted there since you admitted to citizenship here.

Q You never held any office? A No, sir. I could not take the office never was a candidate? A No, sir.

Q You say you never moved here with your family until 1894? A (No response.)

Q You have never been an actual resident of the Cherokee Nation at all? A No, sir. I had two homes down there you might say and one here. I have been here every year.

Interrogatories by John C. Starr, Cherokee Representative:

Q Where is your wife and children lived since they were admitted? They have been with me all the time.

Q You actually live in Texas and your home up here is temporary is not it? A No, sir, I consider my home temporary in Texas and permanently up here.

By Commissioner T. B. Needles:

Q At the same time you have household goods and a home in Texas? A Yes, sir I had it there too.

Applicant: My name is not on the roll of 1894. I was not here.

By John C. Starr, Cherokee Representative:

Q Where did you live on the 26th day of June, 1894? A I considered this my home ever since 1894. I have been at different places since then.

- 1894 enrollment; page 208, #2857, Frank B. Martin, Commissioner
- 1894 enrollment; page 248, #2858, Iris E. Martin, "
- 1894 enrollment; page 248, #2859, Robt. L. Martin, "
- 1894 enrollment; page 248, #2860, Clara Martin, "
- 1894 enrollment; page 248, #2861, George M. Martin, "

By Commissioner Needles:

Q Have you a certificate of the birth of the youngest child? A No, sir.

Q Were you, Mr. Martin, and your family and your wife benified, actual residents of the Cherokee Nation on the 26th day of June, 1894?

A I consider so under my construction. I consider this my permanent home since 1894.

Q Where was your family in 1894? A They were in Texas.

Q Were you there? A I was possibly all the year.

Q Keeping house there? A Yes, sir.

Q Your wife, Lula, is a white woman? A Yes, sir.

Gov'r Needles:--The name of Frank B. Martin appears upon the tax roll of 1894. His name and the name of any of his family appears upon the unincorporated roll of 1890 nor the general roll of 1894. The names of his children, Iris E., Robert L., Clara, George M., appear upon the pay roll of 1894. He swore that he had a young child named Mary L., whose name does not appear upon the pay roll of 1894, and he swears that it is his.

Frank B. Martin---3.

He presents a certificate of Admission as a citizen of the Cherokee Nation were particularly described in the testimony, certifying that he, the said Frank B. Martin, and his two children, Avis A. and Robert L., were admitted to citizenship in the year 1890. He avers that his other children named herein were born after his admission to citizenship. He also presents satisfactory proof of marriage to one Lula Martin, his wife. Said marriage having been solemnized in the year 1897 in the State of Texas. By reason of the provisions of an Act of the Cherokee Council approved December 4, 1894, in regard to persons who have been or hereinafter may be admitted as citizens of the Cherokee Nation, which provides that such persons will be required to permanently remove to and locate in the Cherokee nation within six months after the passage of the Act; and because of the provisions of the Act as regards citizenship and the law of the United States, known as the Curtis Bill, Section 21, provided "that no persons shall be enrolled who has not heretofore removed to and settled in the Nation in which he claims citizenship." Said act being approved on the 28th of June, 1898.

Because of conflicting testimony as to the question of the residence of the said Frank B. Martin, final judgment as to the enrollment of the said Frank B. Martin and his children will be suspended and they will be placed upon a doubtful card.

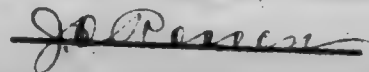
The name of his wife, Lula Martin, does not appear in the certified copy of the act of re-admittance presented. Neither does her name appear upon any of the rolls of the Cherokee Nation, consequently the application of said Frank B. Martin for the enrollment of his wife, Lula, will be refused and her application for enrollment as a citizen of the Cherokee Nation by intermarriage will be rejected.

Applicant desires to make the following statement: That while this Commission was sitting in Fort Gibson, 1897, acting under the Curtis law, receiving applications for all persons entitled to enrollment as citizens of the Cherokee Nation, that I complied with said Act of Congress, filed an application and filed a copy of the same with the Chief of the Cherokee Nation as required by said Act, and that the said Cherokee Nation never filed any protest or any denials under the law as to the time specified by said Act.

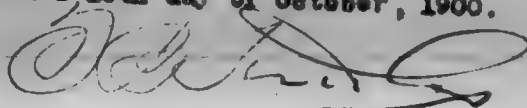
Q Did you ever apply to the Commission to the Five Civilized Tribes, known as the Dawes Commission? A No, sir.

---oooOOOooo---

J. O. Rowson, 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 18th day of October, 1900.



Commissioner.

3632
DEPARTMENT OF VETERAN AFFAIRS
COMMISSION TO THE FIVE CENTED TRUCK.

FILED
OCT 16 1900

ACTING CHIEF

CHEROKEES BY BLOOD AND ADOPTION.

(34)

Date OCT 18 1900 1900.

Name Frank B. Martin Nausala

District COOWEESCOOWEE. Pay Roll Year 1894 Page 248 No. 2857

Citizen by blood yes Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Acquaintful

Names of Children:

1	<u>Frank B. Martin</u>	<u>Pay Roll</u>	Dist. <u>COOWEESCOOWEE.</u>	Year <u>1894</u>	Page <u>248</u>	No. <u>2857</u>	Age <u>12</u>
2	<u>Robert L.</u>	<u>Pay Roll</u>	Dist. <u>COOWEESCOOWEE.</u>	Year <u>1894</u>	Page <u>248</u>	No. <u>2857</u>	Age <u>10</u>
3	<u>Clara</u>	<u>Pay Roll</u>	Dist. <u>COOWEESCOOWEE.</u>	Year <u>1894</u>	Page <u>248</u>	No. <u>2860</u>	Age <u>0</u>
4	<u>George M.</u>	<u>Pay Roll</u>	Dist. <u>COOWEESCOOWEE.</u>	Year <u>1894</u>	Page <u>248</u>	No. <u>2861</u>	Age <u>7</u>
5	<u>Mary B.</u>		Dist. <u>COOWEESCOOWEE.</u>	Year	Page	No.	Age

6 Birth affidavit to be supplied

IN RE

Application for Enrollment of

INFANT CHILD

Mary B. Maxine
as a citizen of the
Sherokee Nation.

Approved,

DEC 1 1900

190

[Handwritten Signature]

FILED OF THE

ON TO THE FIVE C. YES

FILED

DEC 15 1900

[Handwritten Signature]
ACTING CLERK

[Handwritten Note]

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

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Mary B. Martin, born on the 25th day of March, 1895.
(Here insert name of child)
Name of Father: F. B. Martin of the Cherokee Nation.
Name of Mother: Lula Martin of the Cherokee Nation.
Post-office, Nowata, Okla.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY. }
North District. }

I, Lula Martin, on oath state that I am Thirty years of age and a citizen, by adoption or marriage of the Cherokee Nation; that I am the lawful wife of F. B. Martin, who is a citizen, by blood, of the Cherokee Nation; that a female child was (male or female) born to me on the 28th day of March, 1895; that said child has been named Mary Beulah Martin, and is now living.

WITNESSES TO SIGN: Lula Martin

(Must be Two Witnesses.)

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

W. D. Thompson
Justice of the Peace, Nowata, Okla. NOTARY PUBLIC.
County of Nowata, Okla.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY. }
North District. }

I, J. S. Barnett, a Physician, on oath state that I attended on Mrs. Lula Martin, wife of F. B. Martin, on the 25th day of March, 1895; that there was born to her on said date a female child; that said child is now living and is said to have been named Mary Beulah Martin.

WITNESSES TO SIGN: J. S. Barnett, M.D.

(Must be Two Witnesses.)

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

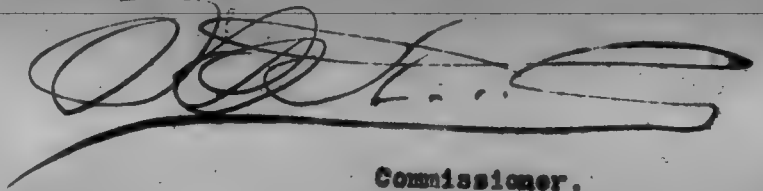
W. D. Thompson
Justice of the Peace, Nowata, Okla. NOTARY PUBLIC.
County of Nowata, Okla.

Supl.-C.D.#633.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 6, 1902.

SUPPLEMENTAL In the matter of the enrollment of FRANK B.
MARTIN, ET AL., as citizens of the Cherokee Nation:

The applicant was notified by registered letter February 15, 1902, th at his application for the enrollment and of himself and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 6th day of March, 1902, and that on said date he might appear before the Commission either in person or by attorney, and an opportunity would be given him to introduce any additional testimony affecting his application. Receipt has been acknowledged of Commission's letter. The applicant having this day been called and failing to respond either in person or by attorney, it is directed that the case be closed, and that the same be reported to the Commission for a final decision based upon the evidence now of record.



J.O.R.

Commissioner.

CHEROKEE DEPARTMENT
CHEROKEE NATION
TRIBAL OFFICE MEMPHIS

An Act to confer citizenship upon the children and grand children of the Cherokee Nation.

Be it enacted by the National Council of the Cherokee Nation, that all the children and grand children of the said Nation, who have not previously obtained the rights and privileges of American citizenship by virtue of Cherokee blood, viz:

William P. Martin	Age	25	years
James A. "	"	24	"
Joseph K. "	"	31	"
John H. "	"	27	"
George A. "	"	23	"
Frank B. "	"	24	"
Isabella G. Martin	Age	20	years
Thomas "	"	14	"

Grand Children.

Annie L. Martin	Age	14	years
Thomas A. Martin	"	12	"
Wla "	"	8	"
Lela E. "	"	6	"
William H. "	"	4	"
Josephine J. "	"	3	"
Pearl "	"	10	"
Mary Browning "	"	6	"
Avis E. "	"	2	"
Robert L. "	"	4	Months

Be it further enacted, that John Brasfield be and he is hereby re-
admitted to all the rights and privileges of Cherokee citizenship by
virtue of Cherokee blood;

and Be it further enacted that John N. M. Daugherty be and he is
hereby readmitted to all the rights and privileges of Cherokee
citizenship by virtue of Cherokee blood;

Provided, that none of the
rights herein granted shall accrue to any of the persons herein
named until they remove and permanently locate in the Cherokee
Nation.

Passed the Senate Nov. 26th. 1890

A. H. Norwood
Clerk of Senate

L. B. Nell

President of Senate

Concurred in by Council Dec. 1st. 1890.

Wm. P. Thompson
Clerk of Council

Wm. H. Barker

Speaker Council

Approved Dec. 4th. 1890

J. B. Hayes, Prin. Chief.

I, J. T. Parks, Executive Secretary, hereby certify that the fore-
going Act of the National Council, entitled: "An Act to readmit
Patsy M. Martin and others to Cherokee Citizenship" is a true and
correct copy of such law as appears of record in this office.
This the 28th. day of February 1902.

J. T. Parks

Executive Secretary.

D 633

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Filed Mar 6 1902

Tans Dixby

Acting Chairman.

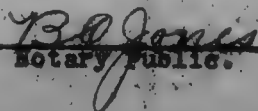
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.



Chief Clerk Cherokee Division

Sworn to and subscribed before me this 26th day of August, 1902.



Notary Public.

STATE OF TEXAS.

Marriage License.

County of Cass.

To any Regularly Licensed or Ordained Minister of the Gospel, Jewish Rabbi, Judge of the District or County Court, or any Justice of the Peace in and for Cass County, Texas.

Greetings:

You are hereby authorized to celebrate the
Rites of Matrimony.

Between Mr. Frank B. Martin and Miss Lula McTyre and make due return to the Clerk of the County Court of said County within Sixty days thereafter, certifying your action under this License.

Witness my Official Signature and Seal of office at office in Linden the 29th day of Decr 1887

(SEAL)

D. D. Dodd Clerk
of the County Court Cass County,
Texas.

By _____ Deputy.

I, W. W. Lee certify that on the 29 day of Decr 1887 I united in Marriage F. B. Martin and Lou McTyre the parties above named.

Witness my hand this 29 day of Decr 1887

W. W. Lee

O. M.

Returned and filed for record the 5th day of Jany 1888 and recorded the 5th day of Jany 1888.

D. D. Dodd County Clerk

Deputy.

(ENDORSE)

THE STATE OF TEXAS :
COUNTY OF CASS. :

I, J. G. King, Clerk of the County Court of Cass County, Texas do hereby certify that the foregoing is a true and correct copy of the original License as shown by Record of Marriages Book No 6, page 70 Cass County Records. Frank B. Martin To Miss Lula McTyre.

Given Under my Hand, and the seal of said Court, at office in Linden; this 12th day of Oct. 1900

J. G. King Clerk

By _____ Deputy.

D 633

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

Filed Oct 18 1900

Tans Bixby,
Acting Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T.,-----

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

W. P. Rutter
Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 26th day of August, 1902.

W. P. Jones
Notary Public.

770

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

In the matter of the application of Frank B. Martin for the enrollment of himself and his minor children Avis B., Robert L., Clara, George M., and Mary B. Martin as citizens by blood of the Cherokee Nation, and for the enrollment of his wife Lula Martin as a citizen by intermarriage of the Cherokee Nation; concluding:

Frank B. Martin, et. al..... Cherokee D 635
Lula Martin, " " 2 296

P E E R I E N T

The record in this case shows that on October 18, 1900, Frank B. Martin appeared before the Commission at Nowata, Indian Territory, and then and there made application for the enrollment of himself and his minor children Avis B., Robert L., Clara, George M. and Mary B. Martin as citizens by blood of the Cherokee Nation and for the enrollment of his wife Lula, as a citizen by intermarriage of the Cherokee Nation. On March 8, 1902, documentary evidence was filed relative to this application.


The evidence shows that Frank B. Martin was lawfully married to one Lula McFyre on December 29, 1897. It appears from the records of this Commission that said Frank B. Martin and two of his children, namely; Avis B. and Robert L. were admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 9, 1890. Applicant states that he has a home in the Cherokee Nation, and also one in the State of Texas, and that he has never moved his effects or his family to the Cherokee Nation, and that his wife and children have never resided in the Cherokee Nation. The applicant and his four older children are identified on the Strip payment roll of 1894. Mary B. Martin, his youngest child is identified by a birth affidavit on file with this Commission.

The authority of the Commission herein is defined in Paragraph 2, Sec. 21, of the Act of Congress, June 20, 1898 (30 Stat., 493), which provides:

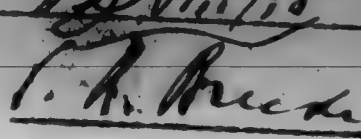
"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

It is therefore the opinion of the Commission that Frank E. Martin, Avis R. Martin, Robert L. Martin, Clara Martin, George M. Martin and Mary B. Martin are not lawfully entitled to be enrolled as members by blood, and Lula Martin is not lawfully entitled to be enrolled as a member by intermarriage, of the Cherokee tribe of Indians in Indian Territory and that the application for their enrollment as such should be denied, and it is so ordered.

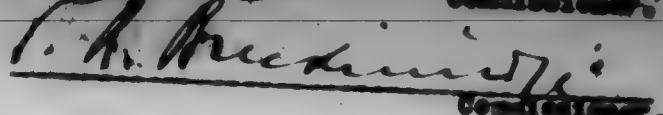
THE COMMISSION TO THE NINE CIVILIZED TRIBES.



 Acting Chairman.



 Commissioner.



 Commissioner.

Dated at Muskogee, Indian Territory,

this SEP 20 1902

6 0683

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
FEB 21 1902


ACTING CHAIRMAN

COMMISSIONERS
HENRY L. DAVIS
TAMM BIRBY
THOMAS S. NEEDLES
C. R. BRIDGES

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

ALLISON L. AYLESWORTH
SECRETARY

ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 18, 1902.

Mr. Frank B. Martin,

Newata, Indian Territory,

SIR:-

You are hereby notified that the application of yourself 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 the sixth day of March, 1902.

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

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

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

Yours truly,

Cherokee D-633
Register.

Acting Chairman

Commodore in Charge.

Cherokee D 633,
R 290.

Muskogee, Indian Territory, September 22, 1902.

Frank B. Martin,
Nowata, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your five minor children, Avis R., Robert L., Clara, George M. and Mary B. Martin, as citizens by blood, and for the enrollment of your wife, Lula Martin, as a citizen by intermarriage, of the Cherokee Nation, together with a copy of the Commission's decision, dated September 20, 1902, rejecting your said application.

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

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

Respectfully,

Acting Chairman.

Enc. C. No. 64.

Register.

Cherokee D 673,
R 290.

Muskogee, Indian Territory, September 22, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 20, 1902, rejecting the application of Frank B. Martin for the enrollment of himself and his five minor children, Avis R., Robert L., Clara, George M. and Mary B. Martin, as citizens by blood, and for the enrollment of his wife, Lula Martin, 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. 65.

Cherokee D 633,
R 290.

Maskago, Indian Territory, September 22, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Frank B. Martin for the enrollment of himself and his five minor children, Avis R., Robert L., Clara, George M. and Mary B. Martin, as citizens by blood, and for the enrollment of his wife, Lula Martin, as a citizen by inter-marriage, of the Cherokee Nation, including the decision of the Commission, dated September 20, 1902, rejecting said application.

Respectfully,

Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enc. C. No. 66.

C O P Y.

Refer in reply to
the following:
Land
57701-1902.

Department of the Interior,
Office of Indian Affairs,
Washington, Oct. 7, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made September 22, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Frank B. Martin for the enrollment of himself and his minor children, Avis R., Robert L., Clara, George M., and Mary B., as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Lula, as an intermarried citizen of said nation.

It appears from the record that the applicant was married to Lula McTyre December 29, 1887; that he, with two of his children, Avis R. and Robert L., were admitted to citizenship December 9, 1890. Applicant's name and that of his four minor children appear on the strip payment roll of 1894, and the record shows that he has not, since 1890, made his home in the Cherokee Nation, but actually resided in the State of Texas. His children have resided with him in that State.

The Commission refused to enroll the applicants

because they were not residents of the Cherokee Nation.

The office believes the Commission's action was correct, and respectfully recommends that its decision be affirmed.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

WCV
D

3 inclosures.

D. C. No. 19759-1902.

RAF.

Department of the Interior,

Washington, October 22, 1902.

ITD. 6149-1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

October 7, 1902, the Acting Commissioner of Indian Affairs forwarded your letter of September 22 and accompanying record in the matter of the application for enrollment of Frank B. Martin and his minor children, Avis R., Robert L., Clara, George M. and Mary B. Martin as citizens by blood, and for enrollment of his wife Lula Martin as a citizen by intermarriage, of the Cherokee Nation, and recommended that your decision of September 20, 1902, be approved. A copy of his letter is inclosed.

The evidence shows that Frank B., Avis R. and Robert L. Martin were admitted to Cherokee citizenship in 1890; that principal applicant and his four older children are identified on the Strip payment roll of 1894; that applicant claims he has a home in the Cherokee Nation and one in the State of Texas, but has never moved his effects or his family to the nation, and that his wife and children have never resided there. In accordance with the 21st section of the

-2-

act of June 28, 1898 (30 Stat., 495), you denied the application because of nonresidence in Indian Territory on that date.

The Department affirms your decision.

Respectfully,

E. A. Hitchcock,

Secretary.

EMD.

1 inclosure.

COPY.

Cherokee D 633.

Cherokee, Indian Territory, November 11, 1902.

Frank B. Martin,

Nowata, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, of date September 20, 1902, rejecting your application for the enrollment of yourself and your five minor children, Avis R., Robert L., Clara, George H. and Mary B. Martin, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 22, 1902.

Respectfully,

James Blaby
Acting Chairman.

COPY

Cherokee D 625.

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 Frank B. Martin for the enrollment of himself and his five minor children, Avis R., Robert L., Clara, George M. and Mary B. Martin, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 22, 1902.

Respectfully,

T. J. B. B. B.
Acting Chairman.

Cherokee D-762

Muskegee, Indian Territory, December 11, 1902.

Frank B. Martin,
Nowata, Indian Territory.

Dear Sir:-

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application certified copy of marriage license and certificate, showing the marriage on December 29, 1887, between yourself and Miss Lula McTyre; also certified copy of an Act of the Cherokee National Council, readmitting Patsy Martin and others to citizenship in that Nation.

The same are herewith returned to you, copies having been made and retained in the Commission's files.

Respectfully,

Acting Chairman.

Enc. M-14

D C 9207-1904

COPY.

J.P.

I.T.D. 6149-1902.
7162-1903.

DEPARTMENT OF THE INTERIOR

FILE

Washington.

L.R.S.

March 22, 1904.

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

Gentlemen:

October 22, 1902, the Department affirmed your decision rejecting the application of Frank B. Martin, for the enrollment of himself and his minor children, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Lula Martin, as a citizen by intermarriage of said nation.

On September 21, 1903, you requested that the case be remanded for readjudication by you in accordance with the opinion of the Assistant Attorney General of March 16, 1903, in the Yeargain case. On October 7, 1903, the Indian office concurred in your suggestion.

The facts do not warrant the remanding of the case. It appears that the principal applicant and two of his children, Avis R. and Robert L. Martin, were admitted to citizenship in the Cherokee Nation by the act of the National Council of December 9, 1890. Neither the applicant nor any of his family have resided permanently in the Cherokee Nation since his admission. He has not complied with the act of the Cherokee Nation of December 4, 1894, which required persons admitted to citizenship prior to that time to "permanently remove" to and locate in the nation within six months after the

passage of said act.

The decision of October 22, 1902, is adhered to. See opinions of the Assistant Attorney general of March 12, 1904, in the cases of Julia A. Moore, et al., and Mary L. Strickland, et al.

Respectfully,

Thos. Ryan

Acting Secretary.

CHEROKEE

R 762

PERMISSION TO THE FIVE CIVILIZED TRIBES

Frank B. Masterson

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR

OCT 22 1902

*S. B. ...
Native*

Harvey Am. Cheater
Lodge: No.

704

574

Cher R 763

Cher R 763

81070

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE CIVILIZED TRIBES
E. L. B. H.
JAN 21 1901

Handwritten scribbles and marks, possibly initials or a signature, located in the lower right quadrant of the page.

Department of the Interior.
Commission to the Five Civilized Tribes.
Mustagee, I. T., January 22, 1901.

In the matter of the application of Charley Hendricks for the enrollment of himself, wife and child as Cherokee citizens; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Charley Hendricks.
Q How old are you? A 23.
Q What is your postoffice? A Claremore.
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 Yes sir.
Q Who do you want to enroll? A Myself and wife and little child.
Q What is the name of your wife? A Aloy.
Q How old is she? A She's 21.
Q Is she a citizen by blood? A Yes sir.
Q What was her name before you married her? A Johnson.
Q What was her father's name? A Step Johnson.
Q Is her father living? A No sir.
Q What was her mother's name? A I don't know.
Q What was your father's name? A Dave.
Q Is he living? A Yes sir.
Q What was your mother's name? A Martha.
Q Is she living? A Yes sir.
1880 roll; page 768, #1011, Charley Hendricks, Tahlequah district.
Q Is your wife a Cherokee by blood? A Yes sir.
Q What district did she live in in 1880? A Cooweescoowee.
Q Did she have any stepfather or stepmother? A She had a step-father.
Q What was his name? A Tessa Gasto. Her mother's Cherokee name was York-se.
1898 roll; page 174, #2149, Charley Hendricks, Cooweescoowee dist.
Applicant- I haven't been married but three years.
Q Did your wife draw strip money in 1894? A Yes sir.
Q Under what name? A I don't know, I suppose Aloy Johnson.
Q What degree of Cherokee blood has this wife of yours? A She's a full blood.
Q Are you a full blood? A Yes sir, about full blood.
Q You know where your wife was born? A I suppose in Cooweescoowee district.
Q Has she lived there all her life? A Yes sir.
1894 roll; page 296, #3860, Elsie Johnson, Cooweescoowee district.
Q You don't know whether your wife's mother was ever married to a man named Johnson? A No sir, I don't know.
- Witness, David Hendricks, being sworn, testified-
Q What is your name? A David Hendricks.
Q What is your postoffice? A Claremore.
Q You know Charley Hendrick's wife? A Yes sir.
Q What is her name? A Aloy Johnson, used to be.
Q Is she a full blood Cherokee? A Yes sir.
Q Did you know her mother? A No, I knew her after her folks died; four or five years ago.
Q You knew Aloy after her folks died? A Yes sir.
Q You didn't know her father and mother? A No sir.
Q Do you know what her mother's name was? A No, I couldn't tell you.
- re-direct.
Q Have you always lived in the Cherokee Nation? A Yes sir.
Q Live here now? A Yes sir.
Q You have one child? A Yes sir.
Q What is its name? A Annie.
Q Is that child living? A Yes sir.

3-9-11

Subscribed and sworn to before me this 10th day of January, 1901.

The Court of Sessions of the County of...
do hereby certify that the following is a true and correct copy of the...
of 1896. It is further certified that by said marriage he has one
child, Annie, now residing at...
of 1896, having been born in...
under said marriage...
he will be only allowed the maintenance of a...
by said, and final judgment as to the custody of his wife,
Annie, and the child, Annie, shall be suspended and their names
will be placed upon a...
to his wife, Annie.

E.O. Rothberger, being duly sworn, states that he stenographer to
the Commission to the Five Civilized Tribes, he reported in full
the testimony and proceedings in the above case, and that the fore-
going is a full, true and correct copy of the stenographic
notes in said case.

E.O. Rothberger
[Signature]

Subscribed and sworn to before me this 10th day of January, 1901.

R.

C. D-1070.

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

In the matter of the application of Alcy Johnson for the enrollment of herself as a citizen of the Cherokee Nation.

ALCY JOHNSON; being first duly sworn, and being examined, testified as follows, through Official Interpreter S. R. Walkingstick

- BY COMMISSIONER OF ALCY JOHNSON: What is your name? A. Alcy Johnson.
- Q. How old are you? A. Twenty-four years old.
- Q. What is your postoffice address? A. Claremore,
- Q. What district are you living in? A. Cooweescoowee.
- Q. Do you apply for enrollment as a Cherokee by blood? A. Yes sir.
- Q. Are you a Cherokee fullblood? A. Yes sir.
- Q. Do you apply for anyone besides yourself? A. No sir, just myself.
- Q. What is your father's name? A. Stop Johnson.
- Q. Is he living or dead? A. He is dead.
- Q. Your father was a fullblood Cherokee? A. Yes sir.
- Q. What is the name of your mother? A. Chiconell Johnson.
- Q. Is she living or dead? A. She is dead.
- Q. Was your mother a full blood? A. Yes sir.
- Q. Were you born in the Cherokee Nation? A. Yes sir.
- Q. Have you lived there all your life? A. Yes sir.
- Q. Living there at the present time? A. Yes sir.
- Q. Have you ever made your home in any other state or territory? A. No sir.
- Q. What district were your parents living in in 1880? A. I have always lived in Cooweescoowee District, born and raised there.
- Q. Did you ever go by any other name than Alcy Johnson, ever call you anything else? A. No sir.
- Q. How long have your father and mother been dead? A. Both died when I was small.
- Q. Do you know whether they died before the roll of 1880 was made? A. They died before the 1880 roll was made.
- Q. Who did you go to live with after your father and mother died? A. Lived with a family named Tahgargoosah.
- Q. Have you any brothers and sisters? A. Only have a half sister.
- Q. What is her name? A. Caroline Scullawl.
- Q. Is she elder or younger than you? A. Older.
- Q. How much older? A. She is about twenty-eight years old.
- Q. Did you both have the same mother? A. No, the same father, different mothers. I lived with this Indian family and then afterwards went to live with Adolphus Crutchfield.
- Q. About how old were you when you went to live with Adolphus Crutchfield? A. I was thirteen years old.
- Q. Did you live with this Indian family that you mentioned first all the time until you reached the age of thirteen years? A. Yes sir.
- Q. Did you ever know anybody named Alex Moneyminder? A. No sir.
- Q. Did you ever have a child? A. Yes sir.
- Q. What was its name? A. Annie. The child is dead now. In 1896 I went to Dave Hendricks'.
- Q. Did you ever have a step-father? A. No sir.
- Q. Who died first, your father or your mother? A. I think my mother died first. She has never applied for enrollment to this Commission.
- Q. Did you ever go by any other name than Alcy Johnson?

- A. That is the only name I was ever known by.
- Q. Did they ever call you Susan or Sally? A. No sir.
- Q. Are you married? A. No sir.
- Q. Did you ever live with any man as his wife? A. No sir, stayed with one a short time, Annie all.
- Q. Did you ever live with Charlie Hendricks? A. Yes sir.
- Q. How long did you live with him? A. About five years.
- Q. Do you know when it was you began to live with him? A. It is five years now.
- Q. Are you living with him now? A. No sir.
- Q. When did you separate? A. About a year ago.
- Q. Your child Annie is dead? A. Yes sir.
- Q. You have always made the Cherokee Nation your home, have you? A. Yes sir.
- Q. Have you ever lived outside of it? A. No sir.
- Q. Was your mother ever known as Nancy? A. I don't remember.
- Q. What was the name of this half sister of yours? A. Her name was Caroline Johnson, and her name now is Caroline Scullaw.

Applicant appears on 1890 roll, page 132, number 2811, Aley Step, Coocoosee District, native Cherokee
1896 roll, page 221, number 4502, Aley Step, Coocoosee District.

- Q. Do you want to be enrolled under the name of Aley Hendricks or Aley Johnson? A. Aley Johnson.
- Q. That is the way you want to be enrolled? A. Yes sir.
- Q. You are not living with Hendricks now? A. No sir.
- Q. You never were married to him? A. No sir.
- Q. Your child Annie Hendricks is dead? A. Yes sir.

The applicant was notified by registered letter February 27, 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, I. T., on the 15th day of March, 1902. The applicant this day, to-wit: the 15th day of March, 1902, appears in person, and by agreement the case is taken up for consideration. It appears from the testimony in this case that the applicant is duly identified on the authenticated roll of 1890 as Aley Step, her father having been named Step Johnson. She is likewise identified on the census roll of 1896 as Aley Step. It is directed that this case be reported to the Commission for final decision based upon the evidence now of record.

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

Wm Hutchinson

IN RE
THE DEATH OF

Annie Hendricks

a citizen of the

Cherokee Nation.

Approved Nov / 13 1902

T. B. Needles

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., August 21, 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 of Alcy Johnson et al. for enrollment as citizens of the Cherokee Nation, D-1070.



Commissioner.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Annie Hendricks
(Here insert name of deceased.)
 a citizen of the Cherokee
(Here insert name of postoffice.) Nation, who formerly resided at or near
Claremore
(Here insert name of postoffice.), Ind. Ter., and died on the 22 day of June,
1901.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY,
Northern District. }

I, Alcy Hendricks, on oath state that I am 24
 years of age and a citizen, by blood, of the Cherokee Nation;
 that my post office address is Claremore, Ind. Ter.; that I am
(Here insert name of post office.)
mother of Annie Hendricks
(State relationship, as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
 who was a citizen, by blood, of the Cherokee Nation;
 and that said Annie Hendricks died on the 22 day of
(Here insert name of deceased.)
June, 1901.

WITNESSES TO SIGN:

(Must be Two Witnesses.) } John Ward Shuster
 { Simon R. Walkingstick

her
Alcy X. Hendricks
 mark

Subscribed and sworn to before me this 13 day of March 1902.

(SEAL)

M. D. Green

Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY,
Northern District. }

I, Eliza Downing, on oath state that I am 47
 years of age, and a citizen, by blood, of the Cherokee Nation;
 that my post office address is Wagoner, Ind. Ter.;
(Here insert name of postoffice.)
 that I was personally acquainted with Annie Hendricks
(Here insert name of deceased.)
 who was a citizen, by blood, of the Cherokee Nation;
 and that said Annie Hendricks died on the 22 day of
(Here insert name of deceased.)
June, 1901,

WITNESSES TO SIGN:

(Must be Two Witnesses.) } John Ward Shuster
 { Simon R. Walkingstick

her
Eliza X. Downing
 mark

Subscribed and sworn to before me this 13 day of March 1902

(SEAL)

M. D. Green

Notary Public.

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

---0---

In the matter of the application for the enrollment of
ALCY JOHNSON and her minor child, ANNIE HENDRICKS, as citizens by
blood of the Cherokee Nation.

-- o o --

DECISION.

The record in this case shows that on January 28, 1901, Charley Hendricks appeared before the Commission at Muskogee, Indian Territory, and made personal application for the enrollment of Alcy Johnson, by the name of Alcy Hendricks, and her minor child, Annie Hendricks, as citizens by blood of the Cherokee Nation. The application also included Charley Hendricks, but he 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 March 13, 1902.

The evidence shows that the applicant is the daughter of one, Stop Johnson; that she is a Cherokee by blood, and is identified as such, by the name of Alcy Stop, on the 1880 authenticated roll of the Cherokee Nation. She is also identified, by the name of Alcie Stopp, on the 1896 census roll of said Nation as a native Cherokee. The said Annie Hendricks is too young to appear on any of the tribal rolls of said Nation, but is identified by a birth affidavit on file with the Commission.

The evidence further shows that at the date of this application and for several years prior thereto, the applicant lived with said Charley Hendricks, a native Cherokee, but that they were never lawfully married. Their child, the said Annie Hendricks, died on June 22, 1901.

It is, therefore, the opinion of this Commission that Alcy Johnson should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered; and it is further ordered by this Commission that the application for the enrollment of Annie Hendricks be, and the same is hereby, dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tamc Bixby.
Acting Chairman.

T. D. Redick.
Commissioner.

J. J. Greenridge.
Commissioner.

Dated at Muskogee, Indian Territory,

this NOV 12 1902

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, February 27, 1902.

Mr. Charley Hendricks,
Claremore, Indian Territory.

Sir:-

You are hereby notified that the application of Aloy and Annie Hendricks 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.

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,

Commissioner in Charge.

Cherokee D-1070
Register.

Cherokee D-1070.

Muskogee, Indian Territory, September 20, 1902,

Aley Johnson,

Claremore, Indian Territory.

Dear Madam:

The Commission is informed that Annie Hendricks, who was an applicant before this Commission on January 28, 1901, for enrollment as a citizen of the Cherokee Nation, has died since the date of such application.

There is enclosed you herewith a blank form of affidavit, and if this information is correct, you are requested to have the affidavit properly executed and return to the Commission as promptly as possible, in order that the death of Annie Hendricks may be shown upon the Commission's records.

Respectfully,

Acting Chairman.

Enc. R-67.

9893

Cherokee D 1070.

COPY.

Muskogee, Indian Territory, November 17, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 12, 1902, granting the application of Charley Hendricks for the enrollment of Alcy Johnson as a citizen by blood of the Cherokee Nation, and dismissing his application for the enrollment of Annie Hendricks as a citizen by blood of the Cherokee Nation.

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

Respectfully,

Tams Bixby,
Acting Chairman.

Enclosure H. No. 15.

Cherokee D-1070.

COPY.

Muskogee, Indian Territory, December 5, 1902.

Charley Hendricks,

Claremore, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 12, 1902, granting your application for the enrollment of Alcy Johnson as a citizen by blood of the Cherokee Nation, and dismissing your application for the enrollment of Annie Hendricks as a citizen by blood of the Cherokee Nation, she having died on June 22, 1901.

Respectfully,

Tams Bixby,

Acting Chairman.

Enc. H-116.

Register.

CHEROKEE 763

MISSION TO THE FIVE CIVILIZED TRIBES

In the Matter of the Allotment of the Lands of the
Choctaws and Chickasaws.

Annie Hendricks

NOV 12 1902

*See Check 9892-1070
Transferred Check*

CHEROKEE 763

Cher R 764

Cher R 764

Department of the Interior,
Commission to the Five Civilized Tribes,
Muldrow, I. T., August 16th, 1900.

In the matter of the application of Artie Welch and children, for enrollment as citizens of the Cherokee Nation, and she being sworn by Commissioner, C. R. Breckinridge, testified as follows:

- Q What is your name? A Artie Welch.
 Q What is your age? A Thirty four.
 Q What is your postoffice? A Long.
 Q What is your District? A Sequoyah.
 Q For whom do you make application for enrollment?
 A Myself and two children.
 Q Do you apply for yourself as a Cherokee by blood or by adoption?
 A Adoption.
 Q How long have you lived in the Cherokee Nation?
 A Ever since the 12th of January, 1888.
 Q You present Madam a duly certified copy of your marriage certificate, which copy is signed by J. B. Lynch, Clerk of Flint District, under the seal of his office, and the certificate shows that John E. Welch and Artie Biswell were joined together in matrimony, according to the customs and laws of the Cherokee Nation, on the 12th day of January, 1888, by William J. McKee, Clerk of Flint District. Record was made on the 13th of January, 1888 in Book #13, Page 51, by the Clerk: Have you lived in the Cherokee Nation ever since you were married in 1888? A Yes sir; except through a spell of sickness
 Q But you have never changed your home? A No sir.
 Q Is your husband dead? A No sir.
 Q Are you divorced from him? A I heard he was dead, but that was a mistake.
 Q Have you ever been divorced from him? A Yes sir.
 Q Have you the decree of divorce? A No sir; not here.
 Q What is your husband's age? A He was forty three I believe the year I and him were married.
 Q Forty three when you were married to him? A Yes sir.
 Q He would be about fifty five now? A Yes sir; it has been twelve years ago; twelve last January.
 Q Is he a native of the Cherokee Nation? A Yes sir.
 Q A Cherokee by blood, is he? A Yes sir.
 Q Do you know whether his name appears on the roll of 1880?
 A Yes sir; I guess it does. He has been here all his life.
 Q Did he live all his life, as far as you know, in Sequoyah District? A No sir; he lived in Flint District.
 Q Where am I likely to find him on the Roll of 1880; in Flint District? A Yes sir; he was enrolled in 1880 in Flint, I suppose.
 Q You mean 1894, I guess; we have no roll of 1890? A Yes sir; he was enrolled before the bread money was paid.
 Q When you were divorced from your husband, were you granted the custody of your children? A Yes sir.
 Q How many children did you have? A Just two.
 Q When were you granted a divorce from your husband?
 A Several years ago; I disremember now.
 Q Where were the proceedings had; at Tahlequah? A No sir.
 Q Where? A At Van Buren.
 Q In Arkansas? A Yes sir.
 Q What were you doing in Van Buren; were you living there at all?
 A No sir.
 Q Were you living there at that time? A No sir.
 Q Give me now please the names of your children?
 A William L. Welch.
 Q You spoke of having two children; they are the children of this marriage? A Yes sir.
 Q Give me their names? A William L. Welch.
 Q How old is that child? A He will be eleven years old the 30th of this month.

-2-

- Q What is your next child? A Elizabeth Welch.
 Q How old is she? A She was nine years old the 7th of April.
 Q These children are living and living with you? A Yes sir.
 (Applicant's former husband identified on the roll of 1880, Page 399, #1400, John E. Welch, Flint District) (On the roll of 1896, Page 314, #2071, John E. Welch, Illinois District)
 Identification of applicant's children:
 (1880 Roll, Page 1110, #1848, William S. Welch, Sangamon District)
 (1896 Roll, Page 2110, #1848, Elizabeth Welch, Sangamon District)
 Q Why were you not enrolled with your children in 1896? A I applied for enrollment, and they told me I would have to get a marriage certificate, and I got the certificate, but when I got back, it was too late; the roll had been closed.
 Q That is the certificate you present here now, is it? A Yes sir.
 Q Have you ever married since you were divorced from your husband?
 A No sir.
 Q In what year were you divorced? A I cannot tell you; I do not remember.
 Q About how long ago has it been? A About eight years ago; seven or eight.
 Q These children are both living, are they, at this time?
 A Yes sir.

By Mr. W. T. Hutchings, Cherokee Representative:

- Q How many living wives had John Welch at the time you married him?
 A I do not know.
 Q Was he not sent to the penitentiary for bigamy, for marrying you?
 A Yes sir.
 Q Did you not get your divorce from him on that ground that at the time he married you, he had a living wife? A Yes sir.
 Q Do you know whether or not his wife, E. A. Welch, who was enrolled with him as his wife in 1880, is still living?
 A I can not tell; there is one dead, and he was divorced from one.
 Q You have never lived with John Welch since he was sent to the penitentiary for bigamy, for marrying you, have you? A No sir.

By the Commission:

- Q At the time you were granted a divorce from John Welch, for bigamy on his part, was his wife, to whom he had been previously married, still living? A I do not know.

The applicant is shown to have been married to her husband, from whom she is now divorced, on the 12th of January, 1888, in accordance with the Cherokee law; a certified copy of her certificate of marriage is filed herewith: She applies as an intermarried Cherokee; her husband is identified on the roll of 1880, and on the roll of 1896, as a Cherokee by blood; it is admitted by her that the divorce which she secured from her husband was on account of his being guilty of bigamy in marrying her: There is no contest about the marriage, the divorce, or the fact that the applicant has not married since her divorce: Hence, she retains at this time all the rights she ever enjoyed as the wife of John E. Welch, a Native Cherokee, to whom she was married, but the question as to the effect of the bigamous conduct of John E. Welch, the husband and father, upon the rights of his present divorced wife, and their children, for the further consideration of the points arising in this case, it will be at present listed upon a doubtful card; the same course will be taken with reference to her two children for whom applicant also seeks enrollment at this time: Their names are William L., and Elizabeth Welch; they are the children of the marriage referred to in this report: They are living at this time with their mother, who it seems was granted their custody; and they have been identified on the roll of 1896.

R. R. Craven, being 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, full and correct copy of his stenographic notes in said case.

R. R. Craven.

Sworn to and subscribed before me this 23rd day of August, 1900.

F. B. Needles,

Commissioner.

I, Florine B. Hatch, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I copied the testimony and proceedings in the above stated case and that same is a true and correct copy of the original.

Florine B. Hatch.

Sworn to and subscribed before me this 19th day of December, 1902.

B. C. Jones
Notary Public.

Com. 12/10/48

[Handwritten scribble]

Approved by the Board of Directors on 12/10/48

Resolved that the Board of Directors of the Corporation do hereby authorize the President of the Corporation to execute and deliver to the Secretary of the Corporation a certificate of incorporation and the articles of association of the Corporation as set forth in the attached copy of the certificate of incorporation and the articles of association of the Corporation.

12/10

BY THE BOARD OF DIRECTORS

[Handwritten signature]

has authorized

Resolved that the Board of Directors of the Corporation do hereby authorize the President of the Corporation to execute and deliver to the Secretary of the Corporation a certificate of incorporation and the articles of association of the Corporation as set forth in the attached copy of the certificate of incorporation and the articles of association of the Corporation.

Resolved that the Board of Directors of the Corporation do hereby authorize the President of the Corporation to execute and deliver to the Secretary of the Corporation a certificate of incorporation and the articles of association of the Corporation as set forth in the attached copy of the certificate of incorporation and the articles of association of the Corporation.

Resolved that the Board of Directors of the Corporation do hereby authorize the President of the Corporation to execute and deliver to the Secretary of the Corporation a certificate of incorporation and the articles of association of the Corporation as set forth in the attached copy of the certificate of incorporation and the articles of association of the Corporation.

12/10/48

"R"

Cherokee D 133

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., February 20, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Artie Welch for enrollment as a Cherokee citizen.

Appearances:

W. W. Hastings, attorney for the Cherokee Nation.

BY COMMISSIONER: W. W. Hastings, Representative of the Cherokee
Nation, is in receipt of the following letter, bearing date of
February 19, 1902, and submits the same to the Commission.

Mr. W. W. Hastings,
Muskegee, Indian Territory.

Dear Sir:- After further considering the cases of Effie
Denton and Artie Welch vs. Cherokee Nation, I shall not
file the briefs, but shall submit them as they now
stand.

Very truly yours,

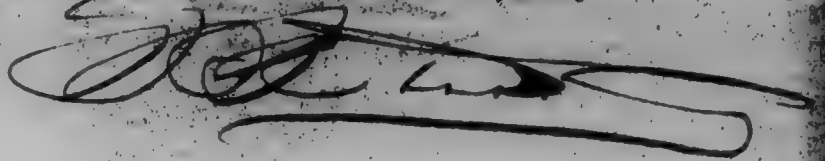
Jess. E. Watts."

This will be filed in the above application.

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

M. D. Green

Subscribed and sworn to before me this February 21, 1902.



Commissioner.

Cherokee Nation Ind Terr.
Flint Dist.

Marriage Certificate

This is to certify that John E. Welch aged (43) forty three years and Artie Biswell aged (24) twenty four years both claiming to be Cherokees by blood was by me joined together in matrimony agreeable to the customs and laws of the Cherokee Nation on this the 13th day of January, 1898.

William J. McKee
Clerk Flint Dist.
C. N.

Recorded on this the 13th day of Jan 1898 in book No 13 Page 51 By me in this office.

William J. McKee
Clerk Flint Dist. C. N.

I hereby certify that the above is a true copy of the marriage certificate of John E. Welch & Artie Biswell found in Clerk office, Flint, C. N.

(Seal)

J. B. Lynch
Clerk, Flint Dist. C. N.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I.T., September 9, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

Philip R. Renter
Chief Clerk Cherokee Division.

Sworn to and subscribed before me
this 9th day of September, 1902.

B. A. Jones
Notary Public.

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

In the matter of the application of Artie Welch for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation and for the enrollment of her minor children William L. and Elizabeth Welch as citizens by blood of the Cherokee Nation.

D E C I S I O N .

--oOo--

The record in this case shows that on August 16, 1900, at Muldrew, Indian Territory, Artie Welch appeared before the Commission and then and there made personal application for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of her minor children William L. and Elizabeth Welch as citizens by blood of the Cherokee Nation. On February 17, 1902, at Muskogee, Indian Territory and again on February 20, 1902, at the same place further proceedings were had in the matter of the above application. The evidence shows that the principal applicant was married on January 12, 1888 to John E. Welch, a citizen by blood of the Cherokee Nation. It further appears that the said John E. Welch had then a living wife. The marriage between said John E. Welch and the principal applicant was therefore void. Her minor children William L. and Elizabeth Welch are the issue of that marriage. They are identified on the Cherokee Census roll of 1896.

Section 692 of the Cherokee laws provides:

"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. . . . provided that the issue from such unlawful marriage shall nevertheless be legitimate."

The authority of the Commission herein is defined in Paragraph 1, Sec. 21, of the Act of Congress, June 28, 1898 (30 Stat. 495).

-4-

It is therefore the opinion of this Commission that Artie Welch is not lawfully entitled to enrollment as a member by intermarriage of the Cherokee tribes of Indians in Indian Territory, and that the application for her enrollment as such should be refused, and it is so ordered.

It is further the opinion of this Commission that William L. and Elizabeth Welch are lawfully entitled to be enrolled as members by blood of the Cherokee Tribes of Indians in Indian Territory, and that the application for their enrollment as such should be granted, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Signed, Tommy Bight,
Acting Chairman.

Signed, T. B. Needles,
Commissioner.

Signed, C. R. Breakridge,
Commissioner.

Dated at Muskogee, Indian Territory,
this May 20, 1902.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory,

February 4th, 1902.

Mrs. Artie Welch,
Long, Indian Territory.

Madam:-

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

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

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

Yours truly,

Acting Chairman.

Cherokee D-133.
Register.

9521

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. 2/17/02.

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
Artie Welch et al for enrollment as Cherokee citizens.

Jess W. Watts.

No. C. D. 133.

9521

Law Office of Jess W. Watts,
Rooms 3 & 4, First National Bank B'ld'g.,
Sallisaw, Ind. Ter.

2/19/1902/

Mr. W. W. Hastings,
Muskogee, Indian Territory.

Dear Sir:-

After further considering the cases of Effie Denton and Artie Welch vs. Cherokee Nation, I shall not file the briefs, but shall submit them as they now stand.

Very truly yours,

Jess W. Watts.

9521

Cherokee D -133.

Muskogee, Indian Territory, March 17, 1902.

Mr. J. E. Welch,

Hudson, Indian Territory.

Dear Sir:-

The Commission is in receipt of your letter of March 11, asking that the final hearing of the application for the enrollment of your wife and two children, be continued until you can appear before the Commission in person.

In reply, you are advised that on March 20, Mr. Jesse W. Watts, Attorney at Law, Sallisaw, Indian Territory, appeared before the Commission and claimed to represent your wife and children in the matter of their application for enrollment, and the case was submitted.

Yours truly,

Commissioner in Charge.

COPY.

D 133.

Muskogee, Indian Territory, May 21, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation:

Sir:

Enclosed herewith please find copy of a decision of the Commission rendered May 20th, in the matter of the application of Artie Welch for the enrollment of herself and her minor children, William L. and Elizabeth Welch, as citizens of the Cherokee Nation.

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

Very respectfully,

T. B. Needles,

Commissioner in Charge.

Encl. D-133.

9521

Cher.D-133.

COPY.

Muskogee, Indian Territory, June 10, 1902.

Jesse W. Watts, Esq.,
Attorney at Law,
Sallisaw, Indian Territory.

Sir:

There is transmitted herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of Artie Welch for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation and for the enrollment of her minor children William L. and Elizabeth Welch as citizens by blood of the Cherokee Nation.

Yours truly,

(SIGNED) Tams Bixby,

Acting Chairman.

Encl. D 133 1/2.

Register.

COPY.

Cherokee D 133.

Muskogee, Indian Territory, June 10, 1902.

Artie Welch,
Long, Indian Territory.

Madam:

There is herewith enclosed the decision of the Commission to The Five Civilized Tribes in the matter of your application for the enrollment of yourself as a citizen by intermarriage, and for the enrollment of your minor children, William L. and Elizabeth Welch as citizens by blood of the Cherokee Nation.

Very respectfully,

Tams Bixby,
Acting Chairman.

Enclosure D 133.

Register.

Cherokee - 9521

Muskogee, Indian Territory, September 11, 1902.

Artie Welch,
Long, Indian Territory.

Dear Madam:

The certified copy of certificate showing your marriage, under the name of Artie Biswell, to John E. Welch, on 12th day of January, 1888, is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Acting Chairman.

Enc. D-97.

Cherokee D 133.

Muskogee, Indian Territory, October 15, 1902.

Jesse W. Watts,

Attorney for Artie Welch et al,

Sallisaw, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 20, 1902, rejecting the application of Artie Welch for the enrollment of herself as a citizen by intermarriage, and granting her application for the enrollment of her two minor children, William L. and Elizabeth Welch, as citizens by blood of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings.

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

Respectfully,

(Signed) T. B. Needles.

Commissioner in Charge.

Register.

Enclosure H. No. 5.

Cherokee D 133.

Muskogee, Indian Territory, October 15, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Artie Welch, for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her two minor children, William L. and Elizabeth Welch, as citizens by blood of the Cherokee Nation, including the Commission's decision, dated May 20, 1902, rejecting said application as to Artie Welch.

Respectfully,

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enclosure H. No. 6.

Cherokee D 133.

Muskogee, Indian Territory, October 15, 1902.

Artie Welch,

Long, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 20, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage, and granting your application for the enrollment of your two minor children, William L. and Elizabeth Welch, as citizens by blood of the Cherokee Nation.

There has heretofore been furnished your attorney, Jesse W. Watts, Sallisaw, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

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

Respectfully,

Commissioner in Charge.

Register.

Enclosure H. No. 4.

Cherokee D 133.

Muskogee, Indian Territory, October 15, 1902.

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, rejecting the application of Artie Welch, for the enrollment of herself as a citizen by intermarriage and granting her application for the enrollment of her two minor children, William L. and Elizabeth Welch, as citizens by blood of the Cherokee Nation, a copy of which decision was furnished you on May 21, 1902, has this day been transmitted to the Secretary of the Interior for his review and decision.

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

Respectfully,

Commissioner in Charge.

COPY.

Refer in reply to
the following:

Land
62428-1902.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs.

Washington, Nov. 3, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made October 15, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Artie Welch for the enrollment of herself as a citizen of the Cherokee nation by intermarriage, and for the enrollment of her minor children, William L. and Elizabeth as citizens of that nation by blood.

The principal applicant was married January 12, 1888 to John E. Welch, a citizen by blood of the Cherokee Nation. The marriage was void because Welch had at that time a living wife. Consequently the Commission declined to enroll Artie Welch as a citizen by intermarriage. It is, however, of opinion that the said children should be enrolled because they are descendants of John E. Welch, who was a Cherokee citizen, duly enrolled.

The office agrees with the Commission's decision and respectfully recommends that it be affirmed.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

WCV
D

3 inclosures.

D.C. 22501-1902.

EAF.

DEPARTMENT OF THE INTERIOR.

UTD6791-1902.

Washington, November 20, 1902.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

October 15, 1902, you transmitted the record in the matter of the application of Artie Welch for enrollment of herself as a citizen by intermarriage, and for enrollment of her minor children, William L. and Elizabeth Welch, as citizens by blood, of the Cherokee Nation.

As stated in your decision of May 20, 1902, the evidence shows that on January 12, 1868, Artie Welch was married to John E. Welch, a Cherokee citizen by blood, who at that time had a living wife. You held that this marriage was void, and that under section 692 of the Cherokee laws which provides:

"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, . . . provided that the issue from such unlawful marriage shall nevertheless be legitimate."

Artie Welch is not entitled to be enrolled, but that said children, who are the issue of said marriage, are entitled to be enrolled.

The Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter of November 3, 1902, is inclosed

The Department affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary.

COPY.

Cherokee D-132.

Muskogee, Indian Territory, December 5, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated May 20~~th~~, 1902, denying the application of Artie Welch for the enrollment of herself as a citizen by intermarriage, and granting her application for the enrollment of her two minor children, William L. and Elizabeth Welch, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 20, 1902.

Respectfully,

Tams Bixby.

Acting Chairman.

COPY.

Cherokee D-152.

Muskogee, Indian Territory, December 5, 1902.

Artie Welch,

Long, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, dated May 20, 1902, denying your application for the enrollment of yourself as a citizen by intermarriage, and granting your application for the enrollment of your two minor children, William L. and Elisabeth Welch, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 20, 1902.

Respectfully,

Tams Bixby,

Acting Chairman.

COPY.

Cherokee D-132.

Muskogee, Indian Territory, December 5, 1902.

Jesse W. Watts,

Attorney for Artie Welch, et al,

Sallisaw, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated May 20, 1902, denying the application of Artie Welch for the enrollment of herself as a citizen by intermarriage, and granting her application for the enrollment of her two minor children, William L. and Elizabeth Welch, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 20, 1902.

Respectfully,

Tams Bixby,

Acting Chairman.

Cher R 765

Cher R 765

P763
CO. HOLYOKE MAS

DEPARTMENT OF THE ARMY
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
DEC 6 1900

[Signature]
ACTING CHAIRMAN

JOHN CATRON, as to wife, Rena, and children.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., December 9, 1900.

In the matter of the application of John Catron for the enrollment of himself, wife and children as Cherokee citizens; being sworn and examined by Commissioner Wendles he testified as follows:

- Q What is your name? A John Catron.
- Q What is your age? A I was born in 1859, about 41.
- Q What is your post-office? A Wauhatchie.
- Q In what district do you live? A Tahlequah.
- Q Are you a recognized citizen of the Cherokee Nation? A I reckon so, I was born and raised here.
- Q By blood? A Yes sir.
- Q What do you want to enroll? A Myself, wife and children.

RENA CATRON, being sworn and examined by Commissioner Wendles testified as follows:

- Q What is your name? A Rena Catron.
- Q Are you a Cherokee by blood? A No sir.
- Q What was your name before you were married? A Susan.

APPLICANT RECALLED:

- Q Have you any certificate of marriage with Catron? A No sir, I didn't get no certificate; I was married by the judge here; the judge give me no certificate.
- Q What year were you married? A 1888.

RENA CATRON RECALLED:

- Q What are the names of your children, Mrs. Catron? A Phoebe No middle name. A No sir.
 - Q How old is Phoebe? A 17.
 - Q What is the name of the next child? A Maggie.
 - Q How old is Maggie? A She is 14.
 - Q Has she any middle name? A No sir.
 - Q What next child? A Lafayette.
 - Q Has he any middle name? A No sir.
 - Q How old is he? A He is 12 years old.
 - Q The next one? A George.
 - Q How old is George? A He is 10.
 - Q Next one? A Thomas.
 - Q How old is Thomas? A He is 8.
 - Q Next one? A Maude Bell.
 - Q How old is Maude? A She is 6.
 - Q Next one? A Ella.
 - Q How old is Ella? A She is 4.
 - Q Next one? A Etta.
 - Q How old is Etta? A 4 months.
 - Q These children all living? A Yes sir.
- | | | | | | | | | |
|------|------|------|------|------|------------------|-----------|-------------|---------|
| 1380 | roll | page | 742 | 4350 | John Catron | Tahlequah | Dispositive | Ch. 100 |
| 1386 | roll | page | 1145 | 4350 | John Catron | Tahlequah | District; | |
| 1396 | roll | page | 1277 | 437 | Rena Catron | | | |
| 1406 | roll | page | 1145 | 4347 | Phoebe Catron | | | |
| 1406 | roll | page | 1145 | 4383 | Maggie Catron | | | |
| 1416 | roll | page | 1145 | 4389 | Lafayette Catron | | | |
| 1406 | roll | page | 1145 | 4390 | George Catron | | | |
| 1406 | roll | page | 1145 | 4391 | Thomas Catron | | | |
| 1416 | roll | page | 1145 | 4392 | Maude B. Catron | | | |

APPLICANT RECALLED:

- Q How long first wife? A No sir.

POOR ORIGINAL -
BEST AVAILABLE COPY

Q Was your first wife living when you married her? A Yes sir, but she is since married.

Q Did you have a divorce from her? A No sir, didn't know what a divorce was.

Q You and her separated then did you? A Yes sir, a good while before I taken this woman, three or four years.

Q But that you ought to have had a divorce from her? A The court and service, and I thought I had the same privilege after she went and married.

Q You married your present wife in 1887? A Yes sir.

Q Are you her first husband? A Yes sir.

Q Was your first wife a white woman or an Indian? A She was white.

Q Were you regularly married to her, or just merely took up with her? A I don't know what it was.

Q Well, you have got to know if you want to legalize this wife and children? A Yes, we was married about the same as this man.

Q How was you married by a minister or anything of that kind? A The judge married me.

Q What judge married you? A Hendricks I think, and it was the one at there?

Q You have got no certificate of marriage to your first wife? A No sir.

Q Just the same as this one; never got no certificate.

JOHN CARLILE, being sworn and asked ready questions by Needles testified as follows:

Q What is your name? A John Carlile.

Q What is your age? A 40.

Q What is your occupation? A Telegraph.

Q Do you know John Catron? A Yes sir.

Q You know his wife Emma? A Yes sir.

Q You know whether they were married? A Yes sir, they were, I was with them, - went with them to the Judge when they got married.

Q You saw them married? A Yes sir.

Q They been living together as man and wife since that? A Yes sir.

Q You have known them ever since 1887? A Yes sir, knowed them ever since I knowed anybody.

Q They have been living together all the time as man and wife? A Yes sir, so far as I know, they have.

Q He considered among the neighbors, as man and wife? A Yes sir.

APPLICANT RECALLED

Q When were you first married? A I was about 12 or 13 or 14, just a kid.

Q When was it, about? A I don't recollect what day.

Q Do you recollect about what year? A No sir.

Q How long was it before you married your second wife? A About four or five years, maybe longer than that; I don't know exactly.

GEORGE ROACH, being sworn and examined by Commissioner Needles testified as follows:

Q What is your name? A George Roach.

Q What is your age? A 51.

Q Are you a recognized citizen of the State of Indiana? A Yes sir.

Q You know John Catron? A Yes sir.

Q You know his wife Emma and children? A Yes sir.

Q Have they always been recognized citizens of the State of Indiana? A Yes sir, John Catron is or was a citizen's son.

POOR ORIGINAL - BEST AVAILABLE COPY

Q His family name is not found in any of the rolls recognized as
 the rolls of the Cherokee Nation. A His wife's name; she was a
 white woman.
 Q No, but his family by name? A Yes sir.
 Q Would his name be recognized as a citizen by the State of Ado-
 missippi?
 Q Catron is a good citizen of the Cherokee Nation is he?
 A Yes sir.
 Q By blood? A Yes sir, by blood.
 Q You are one of the witnesses for the Cherokee Nation here?
 A Yes sir.
 Q Looking after the interests of the Cherokee Nation by the
 appointment of the Cherokee Commission? A Yes sir.
 Q You have a first wife, or the woman he was living with as his
 first wife? A Yes sir.
 Q What do you know about her? A They parted, I suppose be-
 fore he married this woman several years.
 Q They had been parted several years before he married this
 woman? A Yes sir, and she married a man named Coke Air.
 Q Did she marry before Catron? A I don't remember the time,
 but I don't think she was much difference; she is dead now.
 Q How long did they live together? A They didn't live together
 I don't think over a year; she was a full-blood.
 Q Was it common in those days in cases of that kind for peo-
 ple not to get a divorce, and remarry? A Yes sir, they went to
 get a divorce before of the judge and married.
 Q They got any certificate of divorce? A Yes sir.
 Q John Catron has been living with his present wife ever since he
 married her? A Yes sir.
 Q And raised this family? A Yes sir, he has got two or three
 girls about grown.

- Q He is considered a good, reliable citizen of the Cherokee Na-
 tion? A Yes sir, he is a hard-working boy.
- 1894 roll page 1033 2463 John Catron Tahlequah District
 - 1894 roll page 1033 2464 Phoebe Catron "
 - 1894 roll page 1033 2465 Margerite Catron "
 - 1894 roll page 1033 2466 Lafayette Catron "
 - 1894 roll page 1033 2467 George Catron "
 - 1894 roll page 1033 2468 Thomas Catron "

In evidence. The name of John Catron is found upon the
 authentic roll of 1894 as well as the census roll of 1896, and
 he still is listed for enrollment as a Cherokee citizen by
 blood;

The name of his wife Fena is found upon the census roll of
 1896, and she has not satisfactory proof of her marriage to him, she
 being a white woman, her name having been Fena Forest, in the year
 1893; her name is found upon the census roll of 1896; he avers
 that by her he has eight children, named Phoebe, Marie, Lafayette,
 George, Thomas and Fend N., whose names appear upon the census roll
 of 1896; the name of the applicant and said children are also found
 upon the pay roll of 1894, with the exception of Fend N. He avers
 that he has two children, Ola and Etta, who were born since the
 census roll of 1896 was compiled; their names do not appear thereon,
 and he presents no satisfactory proof as to their birth; they make
 satisfactory proof as to residence, and as to marriage; the applicant
 although a Cherokee citizen by blood, avers that he was formerly
 married, and he never procured a divorce from his first wife, not
 deeming it necessary, she having since married a second man her self;
 this wife was a Cherokee citizen by blood, and is now dead. By
 reason of no proof of divorce being presented, final judgment as
 to the enrollment of his wife Fena Forest as an int-married cit-
 izen, and his children as enumerated herein, as citizens by blood,
 will be suspended, and their names will be placed upon a doubtful
 list

POOR ORIGINAL -
 BEST AVAILABLE COPY

John Satron et al # 4

It will be necessary for him also to present satisfactory proof of birth as to the two children, Ola and Rita.

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

W. D. Green

Subscribed and sworn to before me at December 6, 1906.



Commissioner.

CHEROKEES BY BLOOD AND ADOPTION.

Date Dec 6 1900.

#1 Name John Patton
 District Tahlequah Year 1880 Page 742 No. 360
 Citizen by blood yes Mother's citizenship
 Intermarried citizen no
 Married under what law Doubtful Date of marriage
 License Certificate

#2 Wife's name Emma Patton
 District Tahlequah Year 1896 Page 1277 No. 37
 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	Phoebe Patton	Tahlequah	1896	1145	387	17
4	Maggie "	Tahlequah	1896	1145	388	14
5	Lafayette "	Tahlequah	1896	1145	389	12
6	George "	Tahlequah	1896	1145	390	10
7	Thomas "	Tahlequah	1896	1145	391	8
8	Maudie B. "	Tahlequah	1896	1145	392	6
9	Ola "	_____	_____	_____	_____	4
10	Etta "	_____	_____	_____	_____	4 mos.
		Dist.	Year	Page	No.	Age
		Dist.	Year	Page	No.	Age

2 on 1896 roll as Emma Patton
 3 " " " " Phoebe "
 9 and 10, Birth affs required

Supl.-C.D#898.

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

SUPPLEMENTAL in the matter of the enrollment of EMMA CATRON,
ET AL. , as citizens of the Cherokee Nation.

The applicant was notified by registered letter February 20, 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 12th day of March, 1902. 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. On the 12th of March, 1902, the case was continued by agreement to March 24, 1902. Receipt has been acknowledged of Commission's letter, and applicant having this day, the 24th day of March, 1902, been called, and failing to respond either in person or by attorney, it is deemed that the testimony in this case is now completed and will be reported to the Commission for final decision.

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.

I, Wm. Hutchinson, being first duly sworn, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I copied the above and foregoing, and that same is a true and complete copy of the original transcript.

Wm Hutchinson

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

B. C. Jones
Notary Public.

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

In the matter of the application for the enrollment of Emma Catron as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of Phoebe, Maggie, Lafayette, George, Thomas, Vaud R., Ola and Etta Catron as citizens by blood for the Cherokee Nation.

DECISION.

The record in this case shows that on December 6, 1900, John Catron appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment, among others, of Emma Catron, as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his minor children, Phoebe, Maggie, Lafayette, George, Thomas, Vaud R., Ola and Etta Catron as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 24, 1902. The application included John Catron, but he is differently classified, and is not embraced in this decision.

The evidence shows that the said Emma Catron was married in the year 1883 to John Catron, a citizen by blood of the Cherokee Nation. No certificate of this marriage is filed, but the same is established by personal testimony. It further appears that John Catron had been previously married, and had not been divorced from his first wife at the date of his marriage to Emma, and that his first wife was living at that date. Emma Catron is a white woman, and is identified on the 1896 Census Roll of the Cherokee Nation.

Section twenty-one of the Act of Congress, approved June 24, 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."

The Compiled Laws of the Cherokee Nation (1875) page 230, Sec. 94, provides:

"No marriage shall be contracted whilst either of the parties has a husband or wife living."

and said Compiled Laws, page 281, Sec. 99 provides:

"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."

The minor children, Phoebe, Maggie, Lafayette, George, Thomas, and Vaud R. Catron are identified on the Cherokee Census Roll of 1896. The minor children, Ola and Etta Catron are too young to be upon any tribal roll of the Cherokee Nation, but are identified by affidavits of birth on file with this Commission.

It further appears that Emma Catron has resided with John Catron in the Cherokee Nation since 1883, and the residence of the minor children herein applied for is presumed to be that of their parents.

It is, therefore, the opinion of this Commission that the application for the enrollment of Emma Catron as a citizen by intermarriage of the Cherokee Nation should be denied; that Phoebe Catron, Maggie Catron, Lafayette Catron, George Catron, Thomas Catron, Vaud R. Catron, Ola Catron and Etta Catron should be enrolled as citizens by blood of the Cherokee Nation in accordance with the provisions of

March 7- 1902

Section twenty-one of the Act of Congress, approved June 23, 1900 (36 Stat., 400), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

[Handwritten signature]
Chairman

Kahleah, Indian Territory,

1902 SEP 20 1902

Muskogee, Indian Territory, February 20, 1908.

Mr. John Catron,

Washita, Indian Territory.

Sir:-

You are hereby notified that the application of your wife Emma, and eight 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 12th day of March, 1908.

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

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

You are required to supply the Commission with your certificate of marriage to your wife, Emma, or a certified copy of records showing same.

Cherokee D-898.
Register.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, March 12, 1902.

Col. R. B. Ross,

Tahlequah, Indian Territory.

Dear Sir:

Relative to your request to have the final hearing of the application for enrollment as Cherokee citizens of Emma Catron, et al, continued to some date in April, you are advised that it is impossible to do this, as to set the case for any time in April would conflict with dates reserved for the hearing of doubtful Cherokee Freedmen applications.

The application of Emma Catron, et al, has, however, been continued from March 12, 1902, to March 24, 1902, which is the latest possible day on which it can be set.

Yours truly

Commissioner in Charge.

Cherokee D-896.

COPY.

Cherokee D 898.

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, denying the application of John Catron for the enrollment of his wife Emma Catron, as a citizen by intermarriage, and granting his application for the enrollment of his eight minor children, Phoebe, Maggie, Lafayette, George, Thomas, Maud B., Ola and Etta Catron, 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,

Tams Bixby,

Acting Chairman.

Enc. C. No. 94.

COPY.

Cherokee D 898.

Muskogee, Indian Territory, October 28, 1902.

John Catron,
Wauhatchie, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of your wife, Emma Catron, as a citizen by intermarriage, and for the enrollment of your eight minor children, Phoebe, Maggie, Lafayette, George, Thomas, Maud B., Ola and Etta Catron, as citizens by blood of the Cherokee Nation, together with a copy of the Commission's decision, dated September 20, 1902, rejecting your application as to the enrollment of your wife, Emma Catron, and granting your said application as to the enrollment of your eight minor children, above named.

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,

Tams Bixby,

Acting Chairman.

Enclosure E. No. 29.

Register.

COPY.

Cherokee D-898.

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 John Catron for the enrollment of his wife, Emma Catron, as a citizen by intermarriage, and granting his application for the enrollment of his eight minor children, Phoebe, Maggie, Lafayette, George, Thomas, Maud B., Ola and Etta Catron, as citizens by blood of the Cherokee nation, a copy of which decision was furnished you on September 30, 1902, has this day been transmitted to the Secretary of the Interior for his review and decision.

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

Respectfully,

Tams Bixby,

Acting Chairman.

Copy.

Cherokee D-300.

Muskogee, Indian Territory, October 25, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of John Gatron for the enrollment of his wife, Emma Gatron, as a citizen by intermarriage, and for the enrollment of his eight minor children, Phoebe, Maggie, Lafayette, George, Thomas, Maud B., Ole and Etta Gatron, as citizens by blood of the Cherokee Nation, including the Commission's decision, dated September 20, 1902, rejecting said application as to Emma Gatron.

Respectfully,

Tamm Bixby,

Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enclosure C. No. 30.

Copy.

Refer in reply to
the following:
Land
66030-1902.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs.

Washington, Nov. 14, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made October 28, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Emma Catron for enrollment as an intermarried citizen of the Cherokee Nation, and for the enrollment of the children of Emma Catron and John Catron, to wit: Phoebe, Maggie, Lafayette, George, Thomas, Maud B., Ola and Etta as citizens by blood of that nation.

The application included John Catron, but he, being differently classified, is not considered in this case.

Emma Catron was married in 1883 to John Catron, a citizen by blood of the Cherokee Nation. The said John Catron had been theretofore married and had separated from his wife without a divorce. She was living at the date of his marriage to Emma Catron, who is a white woman.

In the opinion of the Commission Emma Catron should not be enrolled because her marriage to John Catron was void, he having a wife living at that time. It believes, however, that the children should be enrolled because they are the descendants of a Cherokee

-2-

Indian and were made legitimate by the Cherokee statutes.

The office agrees with the Commission and respectfully recommends that its decision be affirmed.

very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

WCV
D

3 inclosures.

D.C.23525.

DEPARTMENT OF THE INTERIOR.

RAF

I.T.D.7099,1902.

Washington, November 28, 1902.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

gentlemen:

On October 28, 1902, you transmitted the record in the matter of the application for enrollment of Emma Catron as a citizen by intermarriage, and for the enrollment of her minor children, Phosbe, Maggie, Lafayette, George, Thomas, Maud B., Ola and Etta Catron, as citizens by blood, of the Cherokee Nation.

As stated in your decision of september 20, 1902, the evidence shows that Emma Catron, a white woman, was married in 1883 to John Catron, a citizen by blood of the Cherokee Nation; that he had been previously married and had not been divorced from his first wife at the date of his marriage to Emma, and that his first wife was living at that date; that Emma Catron is identified on the Cherokee census roll of 1896; that the children of Emma and John Catron, above named, are identified on said roll, except Ola and Etta who are identified by birth affidavits. In conformity to sections 94 and 99 of the "Compiled Laws of the Cherokee Nation (1875)," you held that Emma Catron is not entitled to be enrolled as a citizen by intermarriage, and that all of her said children are entitled to be enrolled as citizens by blood of the Cherokee Nation.

Forwarding the papers November 14, the Commissioner of

-2-

Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department finds no reason to disturb your decision and hereby affirms the same.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

COPY.

Cherokee D-898.

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 September 20, 1902, rejecting the application of Emma Catron for the enrollment of herself as a citizen by intermarriage, and granting her application for the enrollment of her eight minor children, Phoebe, Maggie, Lafayette, George, Thomas, Maud B., Ola and Etta Catron, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 28, 1902.

Respectfully,

Tams Bixby,

Acting Chairman.

COPY.

Cherokee D-898.

Muskogee, Indian Territory, December 8, 1902.

Emma Catron,

Wauhatchie, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, dated September 20, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage, and granting your application for the enrollment of your eight minor children, Phoebe, Maggie, Lafayette, George, Thomas, Maud B., Ola and Etta Catron, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 28, 1902.

Respectfully,

Tams Bixby,

Acting Chairman.

Cherokee

R-705

FEDERAL OFFICE

Emma Catron

See Cherokee No 6179+

REFUSED

9910

Transferred from Cherokee

BY SECRETARY OF INTERIOR

NOV 28 1902

6.17

Cher R 766

Cher R 766

DEPARTMENT OF THE INTERIOR
DIVISION TO THE FIVE COUNTRIES

FILED
DEC 19 1900



AS CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 15th, 1900.

In the matter of the application of Henry J. French for the enrollment of himself, wife and child as citizens of the Cherokee Nation; said French being sworn and examined by Commissioner Brock Inridge, testified as follows:

- Q Give me your full name? A Henry J. French.
Q How old are you? A 28.
Q What is your post office? A Tahlequah.
Q In what district do you live? A Tahlequah district.
Q Do you want to enroll yourself and family? A Yes, sir.
Q Have you a wife? A Yes, sir.
Q How many children have you? A One.
Q Are you a Cherokee by blood? A Yes, sir.
Q Is your wife a white woman? A Yes, sir.
Q Have you lived in the Cherokee Nation all your life? A No, not all my life.
Q How long have you lived in the Cherokee Nation? A The biggest part of my life.
Q How long have you been in the Cherokee Nation? A In the Cherokee Nation most of the time.
Q Where have you been living for the last four or five years? A Right here around Tahlequah.
Q Where were born? A Here in Illinois District.
Q How long did you live in the Cherokee Nation before you went out? A Ten or twelve years I guess.
Q You were born in the Cherokee Nation were you? A Yes, sir.
Q How long did you live in the Cherokee Nation before you left? A I do not know just how long, 15 years I guess.
Q Where did you go then? A In the Creek Nation.
Q How long did you stay there? A About a year.
Q Then what did you do? A Come back here.
Q How long did you stay here? A Five or six years.
Q Then what did you do? A I went back.
Q How long did you stay there? A I staid until about 12 months, maybe 18; staid as long as I could get work.
Q Then after that trip you come back again? A Yes, sir.
Q And then have you been in the Cherokee Nation since that trip? A No, sir, I just come back.
Q You staid her after your first trip, you staid here five or six years and then you went back to the Creek Nation and staid five or six years and come back? A Yes, sir.
Q How long did you stay here that time? A Three or four years.
Q And then you went back to the Creek Nation? A No, sir.
Q What did you do? A I staid here.
Q After you staid here that three or four years where did you go then? A I went back over in the Creek Nation.
Q How long did you stay there? A Not very long, as long as I could get work. When my work give out I come back.
Q How long since you have been in the Creek Nation? A I just come back from there--about ten days I guess.
Q How long had you been there before you came this time? A About a year I guess.
Q You came here ten years ago and up to that time you had been in the Creek Nation for a year? A Yes, sir, but I come here when I was a kid.
Q You came here ten years ago and you had been in the Creek Nation for a year? A Yes, sir.
Q How when you went to the Creek Nation that time how long had you been here? A I had been here all my life.
Q You came here ten days ago and ~~staid~~ said you had been in the Creek Nation for a year; before you went to the Creek Nation that

Henry J. French---2.

time how long had you been in the Cherokee Nation? A About ten or 12 years.

Q Give me the name of your father? A Robert M. French.

Q Is your father dead or alive? A He is alive.

Q Give me the name of your mother? A Kate.

Q Is she dead or alive? A She is dead.

Q Give me the name of your wife? A Henrietta French.

Q How old is your wife? A She is 28.

Q When did you marry her? A '93, 10th of December.

Q Have you a certificate of your marriage? A Yes, sir.

Q Was your wife's name Bates? A Yes, sir.

Com'r:--The applicant ~~appt~~ presents a license issued by the Clerk of the United States Court, First Judicial Division, Indian Territory, December 7, 1893, and a certificate in accordance therewith, showing that he married to his wife on December 10, ~~1893~~ 1893, by the Rev. F. A. Martin. This is filed herewith.

Q Has your wife lived with you ever since you and she were married? A Yes, sir.

Q Were you ever married except to her? A No, sir.

Q Was she ever married except to you? A No, sir.

Q Give me the name of your child? A Fanny M. French.

Q How old is the child? A She is nine months old.

Q Now, Mr. French, where did you live when you were in the Creek Nation? A In Muskogee, I lived in Wagoner mostly, about three years at one time.

Q When was that? A I think it was in '96 and '97 and '98.

Q About all of 1896, 1897 and 1898? A Yes, sir.

Q What time did you come back in 1898? A I think it was in December, I think.

Q Were you occupying a house down there? A Yes, sir.

Q What kind of business were you engaged in? A I was working at a Butcher shop.

Q Was your wife there with you? A Yes, sir.

Q When you came back to the Cherokee Nation from the Creek Nation, did you apply for readmission to the Cherokee Council or Commission? A No, sir.

Q Did you ever apply to the Dawes Commissioner for readmission to citizenship? A No, sir.

Q Did you have your house good and effects down there in the Creek Nation? A No, sir.

Q Were you keepng up a house in the Cherokee Nation? A Yes, sir.

Q You did not have any of your effects here in the Cherokee Nation.

A Yes, I had some.

Q But you were living and had your main effects there in the Creek Nation? A Yes, sir.

Q Were you running a butcher shop there at Wagoner? A No sir. I was working for wages.

Q Did you ever vote in the election down there in the Creek Nation? A No, sir.

Q Never exercised the right of suffrage in any way? A No, sir.

Q Did you always regard yourself as a citizen of the Cherokee Nation? A Yes, sir.

Q Have you any property in the Cherokee Nation? A All I have got is here.

Q What is her? A My family is all, about all I have got.

Q That is all the property you have is it? A Yes, sir.

Q All the balance is down in the Creek Nation? A Yes, sir.

Q You are keep house down there? A No, sir.

Q Where are your household goods? A I have been back here about two months.

Q You brought your household goods with you? A Yes, sir.

Henry J. French--3.

1880 Roll; page 530, #672, Henry French, Illinois.
1896 Roll; page 1170, #1076, J. Henry French, Tahlequah.
1896 Roll; page 1276, #31, Henry E. Bates, Tahlequah.
(Note: "Henry E. Bates" family, wife of #1076 Cherokee Roll:)

Com'r Breckinridge:--The applicant applies for the enrollment of himself, his wife and one child. He is identified on the rolls of 1880 and 1896 as a native Cherokee. The evidence shows that the applicant has divided his time ~~he~~ since he was 15 years of age between the Creek Nation and the Cherokee Nation, and that he lived in the Creek Nation with his family during the years of 1896, 1897 and 1898 and returned to the Cherokee Nation in December, 1898. He has never been readmitted to citizenship by the Cherokee Council or Commission, and states that he has never applied to the Dawes Commission for readmission to citizenship. It is desired to further consider the status of the applicant in connection with the testimony regarding his residence, and attention is called to Section 2 Article 1 of the Cherokee Constitution, to the effect that when any citizen shall remove from within the limits of the Cherokee Nation all his rights and privileges of this Nation shall cease. The applicant states that he has never exercised the right of Suffrage in the Creek Nation and attention is also called to Section 21 of the Curtis law approved June 28, 1898, particularly the clause which states that "no person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship." It is evident that the applicant did not return to the Cherokee Nation until after the approval of that law. He will now be listed for enrollment as a Cherokee by blood, on a doubtful card for the further consideration of his status under the law and the evidence.

His wife is shown to have married him in December, 1893. The license and certificate are filed herewith. She is identified with her husband on the roll of 1896. They have lived together ever since their marriage, and neither was previously married. She is a white woman. She will now be listed for enrollment as a Cherokee by ~~her~~ adoption on a doubtful card to await the determination of her husband. When a proper certificate of the birth of the Child Fanny M., is filed with the Commission, this child will also be listed for enrollment on a doubtful card as a Cherokee by blood to await the determination of the status of her father.

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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 19th day of December, 1900.

[Signature]

Commissioner.

R.

C. D-981.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., March 14, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Henry J. French for the enrollment of himself, wife and child as citizens of the Cherokee Nation.

Appearances: I. P. Bledsoe, Agent for Applicant.
W. W. Hastings, attorney for Cherokee Nation.

The applicant and his Agent, I. P. Bledsoe, Choteau, Indian Territory, were notified by registered letter February 26, 1902, that the application of Henry J. French for the enrollment of himself, wife and child as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskegee I. T., on the 14th day of March, 1902. Receipt has been acknowledged of the Commission's letter, and the applicant this day, to-wit: the 14th day of March, 1902, appears in person and by his agent.

HENRY J. FRENCH, being first duly sworn, and being examined, testified as follows:

- MR. BLEDSOE:** What is your name? A Henry J. French.
Q How old are you? A Thirty.
Q Where do you live? A Tahlequah, when I am at home.
Q Have you made Tahlequah your home? A Yes sir.
Q How long? A Ever since I was born.
Q You have never made any other place except the Cherokee Nation your home? A No sir.
Q You have worked out, have you, at various different places?
A Yes sir.
Q Have you ever worked outside of the Five Tribes? A No sir.
Q You go anywhere where you can get work to do? A Yes sir.
Q All your effects have been in the Cherokee Nation, except just what is necessary for you to have to live on? A Yes sir.
Q What are you following here? A I am working down here at the jail.
Q In what capacity? A Guarding.
Q Indian Police? A No, I was last month.
Q So you work here because you can get employment here? A Yes sir.
- BY COMMISSION:** Did you ever know any one own any property in the Cherokee Nation? A No sir.
Q Did you ever own any property of any kind. A No sir.
Q In any other Nation of the Territory? A No sir.
Q Have you ever been denied citizenship in regard to voting?
A No sir. Q
Q Always drew all the money? A Yes sir.
Q On all the rolls? A Yes sir.
Q Citizenship has never been denied until this question came up?
A No sir.
Q Are your wife and child living now? A No sir.
Q Then this application can only include yourself? A Yes sir.

The Agent of the Applicant and the attorney for the Cherokee Nation submit the case, same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

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

In the matter of the death of Henrietta French, a citizen of the Cherokee Nation, who formerly resided at or near Tahlequah, Ind. Ter., and died on the 28 day of Oct., 1901.

Affidavit of Relative.

UNITED STATES OF AMERICA,)
Indian Territory.)
_____ District.)

I, Henry J. French on oath state that I am 30 years of age and a citizen, by blood, of the Cherokee Nation; that my post office address is Muskogee, Ind. Ter.; that I was the husband of Henrietta French, who was a citizen, by marriage, of the Cherokee Nation; and that said Henrietta French died on the 28 day of Oct., 1901.
Henry J. French.

(SEAL)

Subscribed and sworn to before me this 15 day of March, 1902.
Wm. Rampendahl,
Notary Public.

Affidavit of Acquaintance.

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

I, Otis V. Luster, on oath state that I am 33 years of age, and a citizen, by U. S., of the _____ Nation; that my post office address is Tahlequah, Ind. Ter.; that I was personally acquainted with Henrietta French, who was a citizen, by adoption, of the Cherokee Nation; and that said Henrietta French died on the 28 day of Oct., 1901.

Otis V. Luster,

(SEAL)

Subscribed and sworn to before me this 17th day of March, 1902.
S. S. Boyles,
Notary Public.

Muskogee, Indian Territory, July 18, 1902.

I, R. A. Stevens, 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 Henry J. French et al for enrollment as citizens of the Cherokee Nation.

R. A. Stevens

Stenographer.

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

In the matter of the death of Fannie M. French, a citizen of the Cherokee Nation, who formerly resided at or near Tahlequah, Ind. Ter., and died on the 12 day of June, 1901.

Affidavit of Relative.

UNITED STATES OF AMERICA,)
Indian Territory)
_____ District.)

I, Henry J. French, on oath state that I am 30 years of age, and a citizen, by blood, of the Cherokee Nation; that my post office address is Muskogee, Ind. Ter.; that I was the father of Fannie M. French, who was a citizen, by blood, of the Cherokee Nation; and that said Fannie M. French died on the 12th day of June 1901.

J. Henry French
Henry J. French

(SEAL)

Subscribed and sworn to before me this 15 day of March, 1902.
William Rampendahl,
Notary Public.

Affidavit of Acquaintance.

UNITED STATES OF AMERICA,)
Indian Territory,)
Northern District)

I, Otis V. Luster, on oath state that I am 33 years of age, and a citizen, by U. S., of the _____ Nation; that my post office address is Tahlequah, Ind. Ter.; that I was personally acquainted with Fannie M. French, who was, a citizen, by blood, of the Cherokee Nation; and that said Fannie French died on the 12 day of June, 1901.

Otis V. Luster,

(SEAL)

Subscribed and sworn to before me this 17th day of March, 1902.
S. S. Bayles,
Notary Public.

Muskogee, Indian Territory, July 18, 1902.

I, R. A. Stevens, 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 Henry J. French et al for enrollment as citizens of the Cherokee Nation.

R. A. Stevens
Steno.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Henry J. French for the enrollment of himself and daughter, Fannie M. French, as citizens by blood, of the Cherokee Nation, and for the enrollment of his wife, Henrietta French, as a citizen by intermarriage of said Nation.

D E C I S I O N

The record in this case shows that on December 15, 1900, Henry J. French appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment of himself and daughter, Fannie M. French, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Henrietta French, as a citizen by intermarriage of said Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 14, 1902.

The evidence shows that Henry J. French is identified as a native Cherokee on the 1880 authenticated roll of the Cherokee Nation, and by the name of J. Henry French on the 1896 census roll of said Nation, also as a native Cherokee.

The evidence further shows that Fannie M. French died on June 18, 1901, and that Henrietta French died on October 28, 1901.

It further appears that said Henry J. French has resided within the territory of the Five Civilized Tribes all his life up to and including the date of the application herein.

It is therefore the opinion of this Commission that Henry J. French should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of Section 21 of the act of Congress approved June 28, 1898, (30 Stats., 498) and it is so ordered; and it is further ordered that this application be dismissed as to Henrietta French and Fannie M. French, without prejudice as to any further action which may be deemed necessary and proper.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,

this NOV 20 1902

~~766~~

Hannetta French

NOV 20 1902

~~766~~

*See Cherokee No 9924
Transferred From Cher. # 89*

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"A"

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JAN 10 1901



ACTING CHAIRMAN

[Faint, mostly illegible text, likely bleed-through from the reverse side of the page]

DOUBTFUL, as to Wife and Children:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 17th, 1900.

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

- Q Give me your full name, please? A Dick Walls.
Q How old are you? A 40.
Q What is your post office? A Peggs.
Q In what district do you live? A Tahlequah.
Q Who is it you want to enroll, yourself and family? A Myself and family.
Q Have you a wife? A Yes, sir.
Q How many children have you? A Three.
Q Are you Cherokee by blood? A Yes, sir.
Q Is your wife a Cherokee by blood? A Yes, sir.
Q Have you lived in the Cherokee Nation all your life? A All my life.
Q Give me the name of your father? A Ned Walls:
Q Is he dead? A Yes, sir.
Q Give me the name of your mother? A Maily.
Q Is she dead? A Dead, yes, sir.
Q Give me the name of your wife? A Nellie Walls.
Q How old is she? A 28.
Q Has she lived in the Cherokee Nation all her life? A Yes, sir.
Q Whom did you marry her? A Ten years ago.
Q Have you got a certificate of your marriage? A No, sir.
Q Give me the name of her father? A Sunday Christie.
Q Is her father dead? A No, sir.
Q Give me the name of her mother? A Peggy.
Q Is she dead? A No, sir.
Q Were you ever married except to this wife? A No, sir.
Q Was she ever married except to you? A Not as I know of.
Q Give me the names of your children? A The oldest one is Nancy.
Q How old is that child? A She is nine years old.
Q The next child? A Samuel.
Q How old is Samuel? A Seven.
Q The next child? A It is a little bitty one.
Q Big enough to have a name yet? A Yes, sir, Lizzie, about month old.
Q Have you got your certificate made out yet? A Yes, sir.
Q Are these children all living now? A All living yes.
Q Living with you? A Yes.
Q Always recognized as a citizen were you? A Yes, sir.
Q You were never admitted to citizenship by the Cherokee Commission or Council were you? A No, sir.
Q You just claim that you were born a Cherokee and lived here all the time? A Yes, sir, my mother was a half and my father quarter.
Q Who were you living with in 1880? A I was living with my sister, Lizzie Still.
Q Is she a full sister of yours? A Yes, sir.
1880 Roll; page 803, #2008, Lizzie Still, Tahlequah.
Q Is she dead now? A Yes, sir.
1896 Roll; page 1271, #3812, Dick Walls, Tahlequah.
1896 Roll; page 1271, #3813, Nellie Walls, Tahlequah.
1896 Roll; page 1271, #3815, Nancy Walls, Tahlequah.
1896 Roll; page 1271, #3816, Sam Walls, Tahlequah.
Q What was your wife's mother's name 20 years ago, was she a Christian then? A Yes, sir.
Q Were your father and mother dead 20 years ago? A I do not know.
Q You do not know how long since your mother died? A No, sir, I

Richard Walls--2.

don't remember exactly how long she has been dead, something like 20 years.

Q How old is Peggy Christie now? A She is an old woman. She is something like 50 or 60.

Q Did you ever hear of a Julia Christie? A No, sir.

Q Have you got anybody here who can tell anything about you and your wife 20 years ago?

GEORGE ROACH, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your name there? A George Roach.

Q How old are you? A 51.

Q What is your post office? A Tahlequah.

Q Have you lived in the Cherokee Nation all your life? A Yes, sir.

Q Are you one of the witnesses here of the Cherokee Nation? A Yes, sir.

Q Do you know the applicant here, Mr. Walls? A Yes, sir, Dick Walls.

Q You are his Uncle are not you? A Yes, sir.

Q Now, we cannot identify him on the roll of 1860, can you give any explanation of it? A No, sir. I think he would have been enrolled in Going Snake; his mother died in Going Snake when she died.

Q What was his mother's name? A Emily Walls.

Q Was she your sister? A Yes, sir, my sister.

Q And you know that he is your sister's child? A Yes, sir, my oldest sister.

Q She has been dead more than 20 years has not she? A Yes, sir, she has been dead about 20 or 23 years.

Q She was a Cherokee woman was she? A Yes, sir; there if one of his daughters married John Still.

Q What is that daughter's name? A Lizzie.

Q Is he a full brother of Lizzie Still? A Yes, sir.

Q Now, has this man lived in the Cherokee Nation all his life?

A Yes, sir, all his life to my knowledge.

Q That is to say you know he has lived here all his life? A Yes, sir.

Q Was he born here? A Yes, sir.

Q Now, he is a married man is he? A I could not tell you anything about that, I have not seen him for 10 or 12 years.

Q Have you always heard that he continued to live in the Cherokee Nation? A Yes, sir, sometimes I would see him come here to Town.

Q You never heard of his having a wife and children? A He told me that he had a wife.

Q You did not know anything about her? A I knowed her father Sunday Christie; that Sunday Christie is a full blood.

Q Did you know Sunday Christie? A Yes, sir.

Q And you say he is a full blood? A Yes, sir.

Q He is alive now is he not? A Yes, sir.

Q Has he lived in the Cherokee Nation all his life? A Yes, sir.

Com'r Breckinridge:--The applicant applies for the enrollment of himself, his wife and three children: He is identified on the roll of 1896 as a native Cherokee. He states that he has lived in the Cherokee Nation all his life. He is not identified on the roll of 1860, but his full sister is identified on that roll. His mother was dead before that roll was made, and it is shown by satisfactory personal testimony that the applicant is the full brother of that sister, that he has lived in the Cherokee Nation all his life, that he has always been a recognized citizen and that his mother was a native Cherokee woman, and it is believed that his omission from the roll of 1860 was through no fault of his own. He will now be listed

Richard Walls--3.

for enrollment as a Cherokee by blood.

He states that his wife is a native of the Cherokee Nation and she has lived here all her life and that she is a Cherokee by blood. She is identified on the roll of 1896 as a native Cherokee, but she is not identified on the roll of 1890. She is seen on the roll of 1896 to be the wife of the applicant and is there identified with her children. He states that neither was previously married. No doubt is entertained at this time of her being the applicant's wife and the date of their marriage, which is said to have taken place some ten years ago, is corroborated by the ages of their children on the roll of 1896, but for her further identification as a Cherokee by blood, she will now be listed on a DOUBTFUL CARD in that class, and for convenience her two children, Nancy and Samuel, who are identified with her on the roll of 1896 and are living, will also be listed upon the same card as Cherokees by blood, and when a proper certificate of the birth of their child, Lizzie, is filed with the Commission, this child also will be listed as a Cherokee by blood upon the card with its mother.

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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 10th day of December, 1900.



Commissioner.

2497

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JAN 16 1901

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ACTING CHAIRMAN

SUPPLEMENTAL: D 997.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tulsa, I.T., December 17, 1900.

In the matter of the application of Nellie Walls et al as
Cherokee citizens;
NELLIE ROACH, being first duly sworn, and being examined, by Con'r
Brackinridge, states:

Q Give me your full name? A Nellie Roach.
Q How old are you? A 40 or 45.
Q What is your post-office? A Peggs.
Q How long have you lived in the Cherokee Nation? A All the
time.
Q All your life? A Yes sir.
Q Do you know a woman named Nellie Walls? A Yes sir.
Q Is she the wife of this man here, Richard Walls? A Yes sir.
Q How long have you known Nellie Walls? A 5 years.
Q Has she been his wife during all that time? A Yes sir.
Q You don't know where she was born? A Right there I guess.
Q What do you think so? A Her mother is living there.
Q You don't know anything back of five years? A No, I was
living over here and I moved over there and she was living there.
Q But you haven't known her but five years? A That's all.

JOHN ROACH, being sworn and examined by Con'r Brackinridge,
testified as follows:

Q What is your full name? A John Roach.
Q How old are you? A About 50.
Q What is your post-office? A Peggs Prairie.
Q How long have you lived in the Cherokee Nation? A I was
raised in the Cherokee Nation.
Q Lived here all your life? A Yes sir.
Q Do you know this man Richard Walls? A Yes sir. I have
known him ever since he was a little boy.
Q Do you know his wife, Nellie? A Yes sir. They live right
close to me; I have known her for about 5 years.
Q You know anything about her being a Cherokee by blood? A Yes
sir, I guess she is a Cherokee; she don't talk any language only
Cherokee; she don't talk no English at all.
Q Do you know her mother? A Yes sir, I have seen her.
Q Is her mother living? A Yes sir.
Q Is she a full-blood? A Yes sir, I guess she is, don't talk
no language only Cherokee.
Q How does he get along with her, does he talk Cherokee too? A
Yes sir, that's about all he knows.
Q You don't know anything about what his wife's name was in 1896,
20 years ago? A No sir. I moved up there about 5 years ago.
Q You found them living there as husband and wife? A Yes sir.
Q Been living there ever since? A Yes sir.
Q How many children have they got in their family? A They have
got three now.

Con'r Brackinridge: This will be as supplemental testimony
in the case D 997, being case of Nellie Walls, et als.

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 com-
plete transcript of his stenographic notes thereof.
Subscribed and sworn to before me this Dec. 19, 1900.

Con'r.

10997

Place your order for the purchase of the following items:
Proceedings of the Commission to the Five Civilized Tribes
Numbered as follows: 1. Proceedings of the Commission to the Five Civilized Tribes
2. W. Investigation of the Five Civilized Tribes
3. W. Investigation of the Five Civilized Tribes
4. W. Investigation of the Five Civilized Tribes
5. W. Investigation of the Five Civilized Tribes

Commission to the Five Civilized Tribes
Proceedings of the Commission to the Five Civilized Tribes
Numbered as follows: 1. Proceedings of the Commission to the Five Civilized Tribes
2. W. Investigation of the Five Civilized Tribes
3. W. Investigation of the Five Civilized Tribes
4. W. Investigation of the Five Civilized Tribes
5. W. Investigation of the Five Civilized Tribes

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

ACTING CHAIRMAN

Proceedings of the Commission to the Five Civilized Tribes
Numbered as follows: 1. Proceedings of the Commission to the Five Civilized Tribes
2. W. Investigation of the Five Civilized Tribes
3. W. Investigation of the Five Civilized Tribes
4. W. Investigation of the Five Civilized Tribes
5. W. Investigation of the Five Civilized Tribes

Office of the Commission to the Five Civilized Tribes
Department of the Interior
Washington, D. C.

Proceedings of the Commission to the Five Civilized Tribes
Numbered as follows: 1. Proceedings of the Commission to the Five Civilized Tribes
2. W. Investigation of the Five Civilized Tribes
3. W. Investigation of the Five Civilized Tribes
4. W. Investigation of the Five Civilized Tribes
5. W. Investigation of the Five Civilized Tribes

D-50A

R.

C. D-997.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., March 14, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Nellie Walls for the enrollment of herself and children as citizens
of the Cherokee Nation.

The applicant was notified by registered letter February 26,
1902, that her application for the enrollment of herself and children
as citizens of the Cherokee Nation would be taken up for final con-
sideration by the Commission's office in Muskegee, I. T., on
the 14th day of March, 1902, and that on said date she might appear
before the Commission, either in person or by attorney, when an op-
portunity would be given her to introduce any additional testimony
affecting her application. Receipt has been acknowledged of the
Commission's letter, and the applicant having this day, to-wit: the
14th day of March, 1902, been called, and failing to respond, it is
deemed that her case is completed, and same will be reported to the
Commission for final decision based upon the evidence now of record.

I, Wm. Hutchinsen, 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 com-
plete transcript of the stenographic notes thereof.

Wm Hutchinsen

1902

Chas. J. ...

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1902

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Department of the Interior,
Commission to the Five Civilized Tribes,
Peggs, Indian Territory, June 16, 1902.

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

Peggy Sunday, appearing before the Commission, and being duly sworn and examined, testified, through Sam Foreman, regularly sworn interpreter, as follows:

- Q What is your name? A Peggy Sunday.
Q What is your age? A 65.
Q What is your post office address? A Peggs.
Q Have you been enrolled by this Commission as a citizen, by blood, of the Cherokee Nation? A Yes, sir.
Q Do you know Nellie Walls? A Yes, sir; she was my daughter; I raised her.
Q Did she have some children? A Yes, sir.
Q What were their names? A Lizzie, Sam, Nancy
Q How say that Nellie was your daughter? A Yes, sir.
Q What was Nellie's name in 1860? A Nellie Sunday.
Q Was she living with you in 1860? A Yes, sir.
Q How old would Nellie Sunday or Nellie Walls be at this time?
A About 20.

The 1860 authenticated roll of citizens of the Cherokee Nation examined and Nellie Walls identified thereon, page 805, #2003, Tahlequah District, as Nelly Sunday, native Cherokee, 10 years of age.

Commission: This testimony will be filed as supplemental to the record heretofore taken for the enrollment of Nellie Walls, et al., Cherokee Card, D -997.

111

I, A. R. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the testimony and proceedings had in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

A. R. Cheever

Sworn to and subscribed before me this 31st day of July, 1902.

Samuel Jones
Notary Public.

SUPPLEMENTAL STATEMENT.

**Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I.T., November 18, 1908.**

In the matter of the application of Nellie Walls and her minor children, Nancy, Samuel and Lissie Walls, for enrollment as citizens by blood of the Cherokee Nation.

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Upon an examination of the Cherokee roll of 1894 in possession of this Commission, Dick Walls, Della Walls and Nancy Walls are identified thereon in Tahlequah District at page 1165, numbers 3738, 3739 and 3740 respectively.

It is directed that this statement be filed with and made a part of the record in the matter of the application of Nellie Walls and her minor children, Nancy, Samuel and Lissie Walls, for enrollment as citizens by blood.

C. A. McKinstry
Commissioner.

D-997

IN RE
THE DEATH OF

Nellie Walls

a citizen of the

Cherokee Nation.

Approved _____ 190__

Commissioner.

Walls
Nellie

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

In the matter of the death of Mellie Walls
(Here insert name of deceased.)
a citizen of the Cherokee Nation, who formerly resided at or near
Pegay, Ind. Ter., and died on the 24th day of
February, 1902.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Peggy Sunday, on oath state that I am 64
years of age and a citizen, by blood, of the Cherokee Nation;
that my post office address is Pegay, Ind. Ter.; that I am
the mother of Mellie Walls,
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by blood, of the Cherokee Nation;
and that said Mellie Walls died on the 24th day of
February, 1902.

WITNESSES TO MAKE:

(Must be Two Witnesses.)

[Signature]
Peggy Sunday
mark
[Signature]
James Butler

Subscribed and sworn to before me this 16 day of June 1902.

Prince C Jones
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Richard Walls, on oath state that I am 40
years of age, and a citizen, by blood, of the Cherokee Nation;
that my post office address is Pegay, Ind. Ter.;
that I was personally acquainted with Mellie Walls,
(Here insert name of deceased.)
who was a citizen, by blood, of the Cherokee Nation;
and that said Mellie Walls died on the 24th day of
February, 1902.

WITNESSES TO MAKE:

(Must be Two Witnesses.)

[Signature]
Richard Walls
mark
[Signature]
James Butler

Subscribed and sworn to before me this 16 day of June 1902.

Prince C Jones
Notary Public.

22. D-997.

IN RE
THE DEATH OF

Nellie Walls

a citizen of the

Cherokee

Nation.

Approved

1

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, In.T., August 19, 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 of Nellie Walls et al. for enrollment as citizens by blood of the Cherokee Nation, D-997.

 Commissioner.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Nellie Walls (Here insert name of deceased.)
 a citizen of the Cherokee Nation, who formerly resided at or near
Peggs (Here insert name of post office.), Ind. Ter., and died on the 24th day of February,
 1902.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY.
 Northern District. }

I, Peggy Sunday on oath state that I am 64
 years of age and a citizen, by blood, of the Cherokee Nation;
 that my post office address is Peggs (Here insert name of post office.), Ind. Ter.; that I am
 the mother of Nellie Walls (Here insert name of deceased.)
(State relationship, as: the father; an uncle; a cousin, etc.)
 who was a citizen, by blood, of the Cherokee Nation;
 and that said Nellie Walls (Here insert name of deceased.) died on the 24th day of
February, 1902.

WITNESSES TO SIGN:
(Must be Two Witnesses.)

Earl Shoenfelt
James P. Butler

her
Peggy X Sunday
 mark

Subscribed and sworn to before me this 16 day of June, 1902.

(SEAL) Bruce C. Jones Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY.
 Northern District. }

I, Richard Walls, on oath state that I am 40
 years of age, and a citizen, by blood, of the Cherokee Nation;
 that my post office address is Peggs (Here insert name of post office.) Ind. Ter.;
 that I was personally acquainted with Nellie Walls (Here insert name of deceased.)
 who was a citizen, by blood, of the Cherokee Nation;
 and that said Nellie Walls (Here insert name of deceased.) died on the 24th day of
February, 1902.

WITNESSES TO SIGN:
(Must be Two Witnesses.)

Earl Shoenfelt
James P. Butler

his
Richard X Walls
 mark

Subscribed and sworn to before me this 16 day of June, 1902.

(SEAL) Bruce C. Jones Notary Public.

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

---0---

In the matter of the application of NELLIE WALLS and her minor children, NANCY WALLS, SAMUEL WALLS and LIZZIE WALLS, for enrollment as citizens by blood of the Cherokee Nation:

D E C I S I O N

The record in this case shows that on December 17, 1900, Dick Walls appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment of his wife, Nellie Walls, and their minor children, Nancy Walls, Samuel Walls and Lizzie Walls, as citizens by blood of the Cherokee Nation. The application also included Dick Walls, but he 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 March 14, 1902, and at Peggs, Indian Territory, on June 16, 1902.

The evidence shows that Nellie Walls is a native Cherokee, and is identified as such on the 1880 authenticated Cherokee roll by the name of Nelly Sunday. From an examination of the 1894 Strip payment roll of the Cherokee Nation, in possession of the Commission, it appears that the names of "Dick Walls, Della Walls" and "Nancy Walls" are found thereon in Tahlequah District. The evidence further shows that all the applicants herein, except Lizzie Walls, who was born in 1900, are identified as native Cherokees on the 1896 Cherokee census roll.

The evidence further shows that Nellie Walls, nee Christie, married her present husband, Dick Walls, a native Cherokee, about the year 1890. The three children herein were born of that marriage, and due proof of the birth of the youngest child, Lizzie Walls, has been made to this Commission.

The evidence further shows that Nellie Walls and her said husband have resided in the Cherokee Nation all their lives up to and including the date of the application herein. The children herein applied for being minors, their residence is considered to be the same as their father's.

It further appears that the said Nellie Walls died on the 24th day of February, 1902.

It is, therefore, the opinion of this Commission that Nancy Walls, Samuel Walls and Lizzie Walls should be enrolled as citizens by blood of the Cherokee Nation, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered; and it is further ordered by this Commission that the application for the enrollment of Nellie Walls as a citizen of the Cherokee Nation be, and the same is hereby, dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

RECORDED

1902

R

760

Nellie Hall

Received
Nov 20 1902

Nov 769

See check # 6828 + 99
transferred from Rev. 767
Nov 28

Cher R 768

Cher R 768

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T. November, 21st 1900.

In the matter of the application of ~~George W. Taylor~~ **George W. Taylor** for the enrollment of himself, ~~as Cherokee citizen~~ as Cherokee citizens. He being duly sworn before the Commissioner testified as follows-

- Q What is your name? A. ~~George W. Taylor~~, George W. Taylor,
Q How old are you? A. 41.
Q What is your post office address? A. ~~Chelsea, I. T.~~ Chelsea, I. T.
Q Are you a Cherokee by blood? A. No sir.
Q By adoption? A. Yes sir.
Q Who do you want to have enrolled? A. Myself.
Q How long have you lived in the Cherokee Nation? A. Since 1864.
Q Have you lived here continuously since that time? A. Yes sir.
Q Have you been out of the Cherokee Nation since that time? A. No sir.
Q What is your father's name? A. Henry Taylor.
Q Is he dead? A. Yes sir.
Q What is your mother's name? A. Emily.
Q Is she dead? A. Yes sir.
Q Were either of your parents ever recognized by the Cherokee tribal authorities as citizens? A. No sir.
Q What is the name of your wife? A. Nancy E.
Q Is she living? A. Yes sir.
Q Is she a Cherokee? A. Yes sir.
Q When were you married to her? A. In 1864. June 1864.
Q Did you ever make application for enrollment except the one you made in 1867? A. No sir.

The applicant presents a Cherokee Marriage license authorizing the marriage of George W. Taylor a citizen of the United States to Miss Ellen Strager a citizen of the Cherokee Nation, issued by T. J. Mochie Clerk of Delaware District on the 27th of June 1864. The certificate shows that the ceremony was performed by J. V. Strager a minister of the Gospel on the 27th of June 1864.

- Q Have you lived with your wife continuously since your marriage?
A. No sir.
Q How long did you live with her? A. 3 years.
Q Did you leave her or did she leave you? A. She left me.
Q Did you ever secure a divorce from her? A. No sir.
Q Why did she leave you? A. Because I objected to her friendliness with other men.
Q Did you leave her? A. I objected to this friendliness and made a place in my part of the country and wanted her to come there to live and she refused to do it.
Q Did you abandon her or did she abandon you? A. She abandoned me.
Q Have you ever lived with her since that time? A. No sir, but it cannot be said that I left her for I have continuously given her money to live on, the last time I gave her ten dollars and she said "Ount you make it a twenty?" and I said that I was not prepared to do so just then, but I have often given her money.
Q Then you have contributed to her support since she left you? A. Yes sir.
Q Have you actually lived with her as her husband since you left her? A. No sir.

BY CHEROKEE REPRESENTATIVE STARR.

- How much money have you given her since 1867? A. Never kept any item of it, last time it was ten dollars, other times I gave her money, never kept an account of it.
Q How often have you given her money? A. It would be as hard for me to state that as to state how much I have given her.
Q Please state the manner of her separation from you? A. Well after I saw that was going on, I made a place for her to come to and said I would live with her if she came there but she would not come.
Q When was the last time you saw her?

A In Saline.

Q Where did you make the other place you speak of? A. In Welch, I.T.

Q Didst you leave her in Saline District and go to Welch? A. Yes sir, but I went after her at different times.

Q Didst you leave her in Saline and go to Welch? A. She staid there while I staid at Welch.

Q Is she staying there yet? A. Yes sir.

Q Then you actually left her down there? A. Yes but I cannot call it abandonment.

1880 roll, Page 667, No 1118, Ellen Straper, Saline Dist.

By Commission- Q Have you ever remarried since you left your wife?
A. No sir.

Q Ever lived with any other woman? A. No sir.

The applicant applies for the enrollment of himself as a Cherokee citizen by intermarriage. He is not identified on the 1880 census roll. He presents satisfactory proof of marriage to his Cherokee wife in 1864. He swears that he lived with his wife for three years and that they have not lived together since that time. For the consideration of the Commission he will be placed on a doubtful card and when the final judgment of the Commission is rendered in this case he will be notified.

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

Chas von Weise
M. J. Greening
MD

Subscribed and sworn to before me this the 26th of November, 1880.

Commissioner.

86-20

Marriage License

Charles Nation,
Delaware District.

To any Regular Ordained Minister of the Gospel, or any of the
Judges or Clerks of this Nation, Justice and Return Gracings:
You are hereby commanded

In the name of the Churches Nation, to solemnize the
Rites of Marriage between Mr. Geo. W. Taylor, a citizen of the United States,
and Miss Ellen Deary, a citizen of the Churches Nation by blood, the
said Geo. W. Taylor having complied with the law regulating the intermar-
riage of white men and foreigners.

Given on this 27 day of June, 1864.
T. J. McGhee

Clerk Delaware District.

Marriage between the within named parties was duly performed
by me on the 27 day of June, 1864.

T. W. Scroggs,
Pastor Cong'l. Ch.,
Winta, I.T.

The within on record to be found on page 154 in the marriage
Record Book, Del. Dist.

T. J. McGhee,
Clerk Del. Dist.

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 George W. Taylor. D 662.

Retta Chick.

R. Chick

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
NOV 21 1900

[Handwritten Signature]
Acting Commissioner

2082

lo

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
NOV 21 1900



ACTING CHAIRMAN.

Stawige between the within named parties
was duly performed by me on the 27 day
of April 1884

W. T. ...

Pat...
...
...

The within on Record
is set out on page
154 of the ...
Record ...
Book of ...

Marriage between the within named parties
was duly performed by me on the 27 day
of June 1884

J. W. Langgus.

Parton, Cayuga
County, N.Y.

20

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
NOV 21 1900



ACTING CHAIRMAN

The within on Rene
to be found on page
154 with name
Renee Rose Dur
Dist 32 in ell
old del that

Marriage License.

CHEROKEE NATION,)
DELAWARE DISTRICT.)

To any Regular Ordained Minister of the Gospel, or any of the
Judges or Clerks of this Nation, Execute and Return Greeting:

You are hereby commanded, In the
name of the Cherokee Nation, to solemnize
the Rites of Marriage between Mr. Geo. F.
W. Lov a citizen of the United
States, and Mrs. Ellen Serafin
a citizen of the Cherokee Nation by blood, the
said Geo. W. Taylor
having complied with the law regulating the
intermarriage of white men and foreigners.

Given on this 27 day of June 1884

J. F. McEhee
Clerk Delaware District.

X over

C

2862

IN RE
THE DEATH OF

George W. Taylor
a citizen of the

Cherokee Nation.

Approved

Jan 13

1902


Commissioner

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JAN 18 1902


ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of George W. Taylor (Here insert name of deceased.)
a citizen of the Cherokee Nation, who formerly resided at or near
Wleh (Here insert name of post office.) , Ind. Ter., and died on the 24 day of July
~~1902~~ 1901.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,)
Northern District.)

I, G. C. Daniel on oath state that I am 39
years of age and a citizen, ~~by~~ of the United States, of the Cherokee Nation;
that my post office address is Centralia (Here insert name of post office.) , Ind. Ter.; that I am
son-in-law (State relationship, as: the father; an uncle; a cousin, etc.) of George W. Taylor (Here insert name of deceased.)
who was a citizen, by Intermarriage of the Cherokee Nation;
and that said George W. Taylor (Here insert name of deceased.) died on the 24 day of
December , 1901.

WITNESSED TO MARK:

G. C. Daniel.

(Must be Two Witnesses)

Subscribed and sworn to before me this 11 day of January, 1902
Dennis H. Wilson
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,)
Northern District.)

I, Dennis H. Wilson , on oath state that I am 34
years of age, and a ^{non} citizen, ~~by~~ of Ind Ter., of the ~~Cherokee~~ Nation;
that my post office address is Monty Ind. Ter. (Here insert name of post office.) Ind. Ter.;
that I was personally acquainted with George W Taylor (Here insert name of deceased.)
who was a citizen, by Intermarriage of the Cherokee Nation;
and that said George W Taylor (Here insert name of deceased.) died on the 24 day of
December , 1901.

WITNESSED TO MARK:

Dennis H. Wilson

(Must be Two Witnesses)

Subscribed and sworn to before me this 11th day of January, 1902
J. C. Starr
Notary Public.

**IN RE
THE DEATH OF**

George W. Taylor
a citizen of the

Cherokee *Nation.*

Approved **Jan 13** **1902.**

T. B. Needles
Commissioner.

Waskagee, Indian Territory, August 12, 1902.

I, R. A. Stevens, 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 for the enrollment of George W. Taylor as a citizen of the Cherokee Nation.

R. A. Stevens
Stenographer

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of **George W. Taylor**
(Here insert name of deceased.)
 a citizen of the **Cherokee** Nation, who formerly resided at or near
Welch, Ind. Ter., and died on the **24** day of **Dec.**
(Here insert name of post office.)
1901.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Northern District.)

I, **C. C. Daniel**, on oath state that I am **39**
 years of age and a citizen, ~~lx~~ of the United ~~States~~ States. ~~States~~;
 that my post office address is **Centralia**, Ind. Ter.; that I am
(Here insert name of post office.)
son-in-law of **George W. Taylor**
(State relationship, as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
 who was a citizen, by **intermarriage**, of the **Cherokee** Nation;
 and that said **George W. Taylor** died on the **24** day of
(Here insert name of deceased.)
December, **1901.**

WITNESSED TO MARK.

Signed - **C. C. Daniel,**

(Must be Two Witnesses)

Subscribed and sworn to before me this **11** day of **January** **1902.**

(SEAL)

Signed - **Dennis H. Wilson**
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Northern District.)

I, **Dennis H. Wilson**, on oath state that I am **34**
 years of age, and a ^{non} citizen, ~~lx~~ of Ind. Terr. ~~States~~ ~~States~~;
 that my post office address is **Vinita, Ind. Terr.**
(Here insert name of post office.) **Ind. Terr.;**
 that I was personally acquainted with **George W. Taylor**
(Here insert name of deceased.)
 who was a citizen, by **intermarriage**, of the **Cherokee** Nation;
 and that said **George W. Taylor** died on the _____ day of
(Here insert name of deceased.)
1902.

WITNESSED TO MARK.

Signed - **Dennis H. Wilson**

(Must be Two Witnesses)

Subscribed and sworn to before me this **11th** day of **January** **1902.**

(SEAL)

Signed - **J. C. Starr**
Notary Public.

Cherokee D-862.

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

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

O R D E R

The record in this case shows that on November 21, 1900, George W. Taylor appeared before the Commission at Chelsea, Indian Territory, and made personal application for enrollment as a citizen by intermarriage of the Cherokee Nation.

The evidence shows that the applicant has died since the filing of this application.

It is therefore ordered by this Commission that the application for the enrollment of George W. Taylor as a citizen of the Cherokee Nation, be dismissed without prejudice as to any future action which may be deemed necessary and proper.

~~COMMISSION TO THE FIVE CIVILIZED TRIBES.~~

~~Acting Chairman.~~

~~Commissioner.~~

~~Commissioner.~~

Dated at Muskogee, Indian Territory,

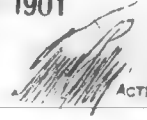
this DEC 10 1902

20

2862

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
DEC 19 1901



ACTING CHAIRMAN

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

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Amesbury 13 Dec 12 1901

Received of the Commission to the Five Civilized Tribes one
copy of the testimony in the matter of the application of
Geo W Taylor for enrollment as
citizens of the Cherokee Nation.

No. 18862

J. P. Bludsoe
Agent for applicant.

COPY.

Cherokee D 862.

Muskogee, Indian Territory, December 16, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of an order of the Commission to the Five Civilized Tribes, dated December 10, 1902, dismissing the application of George W. Taylor for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, he having died on December 24, 1901.

Respectfully,

Stacy
Acting Chairman.

Enclosure H. No. 278.

COPY

Cherokee D-862.

Muskogee, Indian Territory, December 16, 1902.

C. C. Daniels,

Centralia, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of an order of the Commission to the Five Civilized Tribes, dated December 10, 1902, dismissing the application of George W. Taylor for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, he having died on December 21, 1901.

Respectfully,

Jams Bixby.
Acting Chairman.

Register.

Enclosure H. No. 277.

Cherokee D 862.

Muskogee, Indian Territory, December 19, 1902.

I. P. Bladsee,

Agent for George W. Taylor,
Chouteau, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of an order of the Commission to the Five Civilized Tribes, dated December 10, 1902, dismissing the application of George W. Taylor for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, he having died prior to September 1, 1902.

Respectfully,

T. B. Needles

Commissioner in Charge.
Acting Commissioner.

Register.

Enclosure H. No. 386.

No. 768

~~RECORDED~~

George W. Taylor

Quinn

Dec 10 - 1902

No. 768

768

Transferred from Chev # 0
662

Cher R 769

Cher R 769

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
PRYOR CREEK, I. T., SEPTEMBER 12, 1900.

In the matter of the application of William M. McElreath for the enrollment of himself, wife and children as citizens of the Cherokee Nation; said McElreath being sworn by Commissioner C. R. Breckinridge, testified as follows:

- Q Give me your full name, please? A William M. McElreath.
Q How old are you? A 36.
Q What is your post office? A Adair.
Q In what district do you live? A Coowescoowee.
Q Who is it you want to have put on the roll? A Myself and four children.
Q Do you apply for yourself as a Cherokee by blood? A I do.
Q How long have you lived in the Cherokee Nation? A Eight years.
Q How long have you lived in Coowescoowee district? A On year.
Q Where were you in 1896? A Over in Tahlequah district.
Q How were you admitted to citizenship? A By act of Council.

Com'r Breckinridge:

The applicant presents a transcript from the official records of the National Council of the Cherokee Nation, furnished by C. H. Harris, Asst Secretary of the Cherokee Nation, under the seal of his office, to the effect that certain persons were admitted to citizenship by the Cherokee Council, January 24 and January 1st, 1891. Among those admitted upon the former date, appears the name of Wm. M. McElreath.

- Q Is that your name? A It is intended for my name.
Q Yes, thin they spelled it by sound? A Yes, sir; that is the way I account for it.
Q How long was it after you were admitted to Cherokee citizenship until you moved to the Cherokee Nation? A One year.
Q Did you move within one year? A I come as well as I remember it was in April, 1892.
Q Well, this Act said that your citizenship would begin when you located, so your citizenship dates from about April, 1892? A Yes, sir.
Q Have you lived in the Cherokee Nation ever since you came here in April, 1892? A I have.
Q Not made your home outside of the Nation at all? A No, sir.
Q Give me the name of your father? A M. V. McElreath.
Q Cherokee or white man? A White man.
Q Dead or alive? A Alive.
Q The name of your mother? A Mary A.
Q Cherokee or white woman? A She is not a citizen of this country; she is a Cherokee by blood.
Q Dead or alive? A Alive.
Q Your mother was a Cherokee by blood? A Yes, sir.
Q Give me the names of your children? A Thomas M.
Q How old is that child? A 13.
Q The next child? A Annie J.
Q How old is she? A Ten.
Q The next child? A Elizabeth.
Q How old is she? A Eight.
Q The next child? A Mary Bell; three. I do not know whether it is on the 1896 roll or not.
Q Which ones of these children were born since you moved here in April? A Mary Bell.
Q On the certificate appears the name of Thomas McElreath is that the name of this oldest child? A Yes, sir.
Q There appears also the name of Anna McElreath, is that the name of your next child? A Yes, sir.

William W. McElreath---2.

- Q What about Elizabeth? A She was a baby when I moved there.
- Q Her name does not appear to be on this list? A No, sir, she was born after that paper was issued.
- Com'r Breckinridge:--These names are identified upon the certificate and it is returned to the applicant, as it constitutes proof in the case of other persons besides his own family.
- 1896 enrollment; page 1212, #2233, William K. McElreth, Tahlequah.
- 1896 enrollment; page 1212, #2234, Thomas M. McElreth, Tahlequah.
- 1896 enrollment; page 1212, #2235, Annie B. McElreth, "
- 1896 enrollment; page 1212, #2236, Elizabeth McElreth, "
- Q What is the name of the mother of these children? A Rosetta.
- Q Was she admitted with you at the time of your admission? A No, sir, she was a white woman.
- Q That was your wife? A Yes, sir.
- Q She is dead is she? A No, sir.
- Q Are you not living with her? A Yes, sir.
- Q You don't apply for her because you do not think she is entitled to it? A I do not apply for her because I did not have any certificate; we were married in the states.
- Q She was not on the roll of 1896? A She is on the adopted roll of 1896.
- 1896 enrollment; page 1225, #169, Rosa E. McElreath, Tahlequah.
- Q Have you some neighbor here who knows that she came from Georgia with you as your wife? A No, sir.
- Q Can you send back to Georgia and get a copy of your marriage license and certificate? A Yes, sir, I can.
- Q Is she living with you at this time? A Yes, sir.
- Q Give me your wife's age? A 33.
- Q When were you married to her? Tenth day of October, 1886.
- Q What is the name of her father? A Thomas Bridges.
- Q White man? A Yes, sir.
- Q Dead or alive? A Alive.
- Q What is the name of her mother? A Francis.
- Q White woman? A Yes, sir.
- Q Where were you married? A Birmingham, Alabama.

Com'r Breckinridge:--The applicant applies for the enrollment of himself, his wife and four children. He was recognized as a Cherokee citizen by blood by the Cherokee Council on January 2, 1891, as shown by the certificate of act of admission cited in the testimony. He has lived in the Cherokee Nation ever since his admission, or ever since he came to the Cherokee Nation in 1892, as provided in the act of admission. He is identified on the roll of 1896 as a Native Cherokee by blood, and he will be listed now for enrollment as a Cherokee by blood. His children, now called by him Thomas M., Annie G., are identified on the certificate of admission cited in the testimony, and also on the roll of 1896, and they will be listed now for enrollment as Cherokees by blood. The child Elizabeth was born after the admission of her father. She is identified on the roll of 1896 and she will be listed now for enrollment as a Cherokee by blood. The child Mary B. is too young to be upon any roll. When the Commission is supplied with a duly authenticated certificate of the birth of this child, it also will be listed for enrollment as a Cherokee by blood. All of these children are said by the applicant to be living with his family at this time.

As for the application for his wife: She is a White woman. She is identified with him as his wife on the roll of 1896. He states that they were married in Alabama before his admission and never re-married under Cherokee law, and her name is not included in the act of admission. For the further consideration of any rights that she may have, the application for her will be placed upon a doubtful card. The applicant states that he and his wife have lived together as husband and wife ever since their marriage and he is enjoined

William H. Brewster

Received of the Secretary of the Interior a copy of the report of the
and was satisfied that it was a true and correct copy of the
original.

The undersigned being duly sworn, deposes and says that he is a
competent witness to the facts herein stated and that he has
read the foregoing report and is satisfied that it is a true and
correct copy of the original and that the foregoing is a true and
correct copy of the original.

Subscribed and sworn to before me this 15th day of September, 1900.



Notary Public

B-268

B-

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 12 1900



ACTING CHAIRMAN.

Cher

D 268

22.

IN RE
THE DEATH OF

Amos ...

a citizen of the

... State Nation.

Approved

... Secretary

C. H. ...
Commissioner.

Encl - 9

... CIVILIZED ...
FILED
FEB 21 1902

[Signature]
ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of *Rose E. McElreath* (Here insert name of deceased.)
a citizen of the *Cherokee* Nation, who formerly resided at or near
Adair's (Here insert name of post office), Ind. Ter., and died on the *21st* day of *July*,
1901.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,)
Northern District.)

I, *Wm M. McElreath* on oath state that I am *36*
years of age and a citizen, by *blood*, of the *Cherokee* Nation;
that my post office address is *Adair's* (Here insert name of post office), Ind. Ter.; that I am
Husband of *Rose E. McElreath* (Here insert name of deceased.)
(State relationship, as: the father; an uncle; a cousin, etc.)
who was a citizen, by *adoption*, of the *Cherokee* Nation;
and that said *Rose E. McElreath* (Here insert name of deceased.) died on the *21st* day of
July, 1901. *W.M. McElreath*

WITNESSES TO MARK:
(Must be Two Witnesses.)

Subscribed and sworn to before me this *19th* day of *July*, 1902
My Com. Ex. 7/18-1905 *Proctor A. Davis*
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,)
Northern District.)

I, *J. W. Martin*, on oath state that I am *39*
years of age, and a citizen, by *adoption*, of the *Cherokee* Nation;
that my post office address is *Pryor Creek* (Here insert name of post office), Ind. Ter.;
that I was personally acquainted with *Rose E. McElreath* (Here insert name of deceased.)
who was a citizen, by *adoption*, of the *Cherokee* Nation;
and that said *Rose E. McElreath* (Here insert name of deceased.) died on the *21st* day of
July, 1901. *J. W. Martin*

WITNESSES TO MARK:
(Must be Two Witnesses.)

Subscribed and sworn to before me this *19th* day of *July*, 1902
My Com. Ex. 7/18-1905 *Proctor A. Davis*
Notary Public.

IN RE
THE DEATH OF

Rose E. Mc Elreath
a citizen of the

Cherokee

Nation.

Approved February 21, 1902.

C. R. Breckinridge,
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I.T., August 14, 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 the enrollment of Rosa E. Mc Elrsath as a Cherokee citizen by intermarriage, D-268.



Commissioner.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Rose E. Mc Elreath
(Here insert name of deceased.)
 a citizen of the Cherokee Nation, who formerly resided at or near
Adair, Ind. Ter., and died on the 21st day of Feby.
(Here insert name of post office.)
 1901.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY.
 Northern District. }

I, Wm. M. Mc Elreath on oath state that I am 36
 years of age and a citizen, by blood, of the Cherokee Nation;
 that my post office address is Adair, Ind. Ter.; that I am
(Here insert name of post office.)
husband of Rose E. Mc Elreath
(State relationship, as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
 who was a citizen, by adoption, of the Cherokee Nation;
 and that said Rose E. Mc Elreath died on the 21st day of
(Here insert name of deceased.)
Feby., 1901.

WITNESSES TO MARK:

W. M. Mc Elreath

(Must be Two Witnesses.)

Subscribed and sworn to before me this 19th day of Feby., 1902.

(SEAL)

My com. ex. 2/18-1905.

Preston S. Davis

Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY.
 Northern District. }

I, J. W. Martin, on oath state that I am 39
 years of age, and a citizen, by adoption, of the Cherokee Nation;
 that my post office address is Pryor Creek, Ind. Ter.;
(Here insert name of post office.)
 that I was personally acquainted with Rose E. Mc Elreath
(Here insert name of deceased.)
 who was a citizen, by adoption, of the Cherokee Nation;
 and that said Rose E. Mc Elreath died on the 21st day of
(Here insert name of deceased.)
Feby. 1901., 1

WITNESSES TO MARK:

J. W. Martin

(Must be Two Witnesses.)

Subscribed and sworn to before me this 19th day of Feby., 1902.

(SEAL)

My com. ex. 2/18-1905.

Preston S. Davis,

Notary Public.

Cherokee D-268.

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

In the matter of the application for the enrollment of Rosa E. Mc Elreath as a citizen, by intermarriage, of the Cherokee Nation.

O R D E R

The record in this case shows that on September 12, 1900, William M. Mc Elreath appeared before the Commission at Pryor Creek, Indian Territory, and made personal application for the enrollment, among others, of his wife, Rosa E. Mc Elreath, as a citizen by intermarriage of the Cherokee Nation. The other parties to the application are differently classified, and are not embraced in this order.

The evidence shows that the said Rosa E. Mc Elreath died on the 21st day of February, 1901.

It is therefore ordered by this Commission that the application for the enrollment of Rosa E. Mc Elreath as a citizen of the Cherokee Nation be dismissed, without prejudice as to any future action which may be deemed necessary and proper.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,
this DEC 10 1902

2267

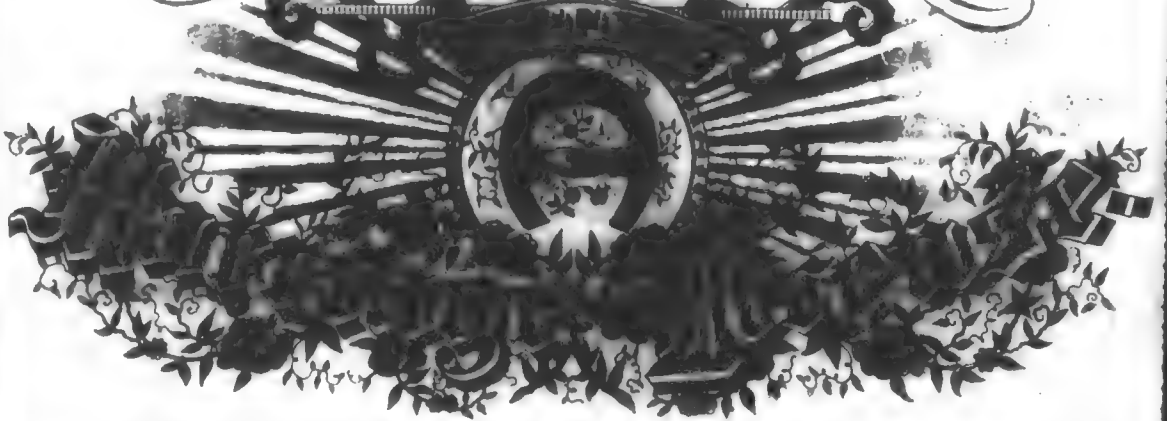
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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JAN 8 1901

 ACTING CHAIRMAN

THE STATE OF ALABAMA,
Jefferson



To any Licensed Minister of the Gospel in Regular Communion with the Christian Church, or Society of which he is a member, or Judge of the Supreme, Circuit, or City Court, or Chancellor within the State, or Judge of Probate, or Justice of the Peace within their respective counties, or the Pastor of any Religious Society according to the Rules, ordained, or Custom Established by such Society

You are hereby authorized to solemnize Marriage between
Mr. W. M. Elreath and
Miss Etta Bridges
and to join them together in Matrimony, and certify the same
in writing to this office as required by law.

Given under my hand 9th day of Oct 1886

M. J. Porter

Judge of Probate

This Certifies that I have solemnized Marriage between
Mr. W. M. Elreath and
Miss Etta Bridges
according to Law, at _____ in said County and
State, on the 9th day of October 1886.

J. N. McFall M.R.



The State of Alabama, J. P. Stiles, Judge of Probate.
JEFFERSON COUNTY.

for said County in said State, hereby certify that the above and foregoing transcripts are true and correct copies of the Marriage License Book of said Marriage of said parties, as the same appear of record in my Office, in the Marriage Record for year 1886, Page 562.
Given under my hand and official Seal at Birmingham, this _____ day of _____ 1900.

J. P. Stiles

Judge of Probate

D

D268

FEB 4 1902

[Handwritten signature]
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.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory,..... **February 4th** 1902

Mr. William M. McElreath,

Adair, Indian Territory,

Sir:-

You are hereby notified that the application of..... **Sam E. McElreath**

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 **21st** day of **February**, 1902.

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

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

You are required to supply the Commission with a certificate of readmission.

Yours truly,

Cherokee D-268
Register.

Acting Chairman.

Muskogee, Indian Territory, February 17, 1902

Mr. William H. McCreary,

Adair, Indian Territory.

Dear Sir:-

The Commission is in receipt of your letter of February 10, in which you state that your wife, Rose E. McCreary, for whose enrollment as a citizen of the Cherokee Nation application was made on September 12, 1900, is dead. Your letter also encloses certificate showing the readmission of yourself et al. to Cherokee citizenship. This certificate has been filed with the record in the application for the enrollment of yourself and children as citizens of the Cherokee Nation.

There is provision on herewith blank affidavit as to the death of your wife, which you are requested to have filled out and return to the Commission as promptly as possible, in order to complete the record in the application for the enrollment of your wife.

Yours truly,

Commissioner in Charge.

Cherokee D-222
Encl. J-2

Cherokee
D 269

Muskogee, Indian Territory, June 28, 1902.

William M. McElreath,

Adair, Indian Territory.

Sir:

It appears from an examination of the testimony in the matter of your application for the enrollment of yourself and family as citizens of the Cherokee Nation that you were married to your wife Essie E., in the State of Georgia on October 10, 1888. At the time of your application you were required to send to Alabama and get a copy of your marriage license and certificate. You have not yet complied with that request.

As this matter is important you are urged to supply this Commission with the required evidence of your marriage and you will be allowed until July 21, 1902, within which to do so.

Yours truly,

Commissioner in Charge.

Register.

COPY

Cherokee D 268.

Muskogee, Indian Territory, December 16, 1902.

William M. McElreath,
Adair, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of an order of the Commission to the Five Civilized Tribes, dated December 10, 1902, dismissing your application for the enrollment of your wife, Rosa E. McElreath, as a citizen by intermarriage of the Cherokee Nation, she having died on February 21, 1901.

Respectfully,

James H. H. H.
Acting Chairman.

Register.

Enclosure H. No. 281.

608

Cherokee D 268.

Muskogee, Indian Territory, December 16, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of an order of the Commission to the Five Civilized Tribes, dated December 10, 1902, dismissing the application of William M. McElreath for the enrollment of his wife, Rosa E. McElreath, as a citizen by intermarriage of the Cherokee Nation, she having died on February 21, 1901.

Respectfully,

[Signature]
Acting Chairman.

Enclosure H. No. 282.

2001

1000

CHEROKEE

R

NO 769

Rosa E Mc Elreath

Dismissed

Dec 10 1902

No ___ 769

See Cherokee # 2559
TRANSFERRED FROM Cher. No
268

Cher R 770

Cher R 770

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

In the matter of the application of Elizabeth Bruner for the enrollment of Leroy and Thomas Knight as Cherokee citizens; she being sworn and examined by Commissioner T. B. Needles testified as follows:

Q What is your name? A Elizabeth Bruner.

Q How old are you? A 45.

Q What is your postoffice address? A Tahlequah.

Q What district do you live in? A Live here in town.

Q Are you a recognized citizen of the Cherokee Nation? A I guess I was until I married the last time. I don't know what you get to say about that. I married a white man.

Q Who do you want to enroll? A Two boys, Leroy and Thomas Knight.

Q How old is Leroy? A 18 years.

Q How old is Thomas? A 13.

Q Who is the mother of these two children? A Me.

Q Who is their father? A George Knight.

Q He living? A No, sir, he's dead.

Q Was he a Cherokee citizen by blood? A Yes, sir.

Q You're a white woman, are you? A Yes, sir.

Q When were you married to George Knight?

Applicant presents satisfactory proof of marriage to one George Knight, her maiden name having been Elizabeth Scott, on the 22nd day of September 1884.

1880 roll; page 448, #1011, George Knight, Going Snake Dist.

Q How long has he been dead; over four years? A Oh, yes, about five or six.

Q These children always go by the name of Knight? A Yes, sir.

Q Your name on the 1896 roll? A I don't know whether it is or not. My last name is not on any of the rolls.

By W. W. Hastings:-

Q This certificate shows that you were married in 1884, and you give in Leroy Knight's age as being 18 years, that will make him be born in 1862, or two years prior to your marriage? A We were living together three years before we were lawfully married.

Q Were you married before you married Knight? A No, sir.

Q How many children did you have before you were married? A I had two.

Q What was the other one's name? A Leroy and Thomas Knight are George Knight's children.

Q Both born before you married Knight? A No, sir.

Q How long did you live with Knight? A Seven years.

Q Did you live with him until his death? A No, sir, he went off in Delaware and took sick and died there. I wasn't with him.

Q How long had he been away from you at the time of his death? A Been away two years. I never kept particular account.

Q That was a matter of no consequence how long your husband was separated from you so you don't remember--How long had he been away before he died? A About two years.

Q How long did you actually live with him after this marriage was performed in 1884? A We lived together three years before we were lawfully married.

Q How long afterwards? A All together we lived together seven years.

Q You lived with him four years after you were married? A Yes.

Q When did you say he died? A I don't remember the year he died. He went off and left me and went up to Delaware among his kin folks.

Q You know when he went off and left you? A I don't know the year. I never paid any attention to the year he left. We lived together seven years and we lived together three years before we were lawfully married.

1894 roll; page 687, #1558, Le Roy Knight, Geingsnake dist.

687, #1559, Thos. Knight, Geingsnake dist.

Commissioner-

Q How Leroy was born before you were married? A Yes, sir.

Q Thomas was born after you were married? A Yes sir, but then we lived together as man and wife.

Q Have you any proof that you lived together as man and wife before you were married, and recognized through the country as man and wife--Can

2-E.B.

you bring your proof up? A I don't know whether anybody here knows or not. Simon lived there at that time.

Commissioner Needles-

Applicant applies for the enrollment of Leroy and Thomas Knight, her children, as she avers, by George Knight, her husband, and she presents satisfactory proof of marriage to said George Knight, certifying that she was married to him on the 22nd day of September 1884, she being a non-citizen. The names of said Leroy and Thomas Knight are not found upon the census roll of 1896, but are found on the pay roll of 1894. Applicant avers that Leroy Knight was born out of wedlock, or before her marriage to George Knight, but that she lived with him as man and wife, and was living with him as man and wife at the time of the birth of the said Leroy Knight. She also avers that Thomas Knight was born after her marriage.

By W. W. Hastings-

Q Had this man left you, George Knight, at the time this last child, Thomas Knight was born? A Yes, sir.

Q How long? A He was gone six months before my last child was born.

Commissioner-

Q He never returned to you, did he? A No, sir.

Q You know any reason why he left? A Just because he was so trifling and wouldn't work, and I wouldn't live with him.

Q You had to make the living yourself? A I had to make the living myself, and I thought I wouldn't make the living for him.

Commissioner Needles-

The evidence shows that Thomas Knight was born after legal marriage of said George Knight to Elizabeth, his wife, but that he was born six months after George Knight had abandoned his wife. No positive proof is presented as to common law marriage even with the father and mother of Leroy Knight; and by reason of conflicting testimony as to the whole matter, final judgment will be suspended as to the enrollment of said Leroy Knight and Thomas Knight, and their names be placed upon a doubtful card. Although the Commission at this time has little doubt but that Thomas Knight should be enrolled as a Cherokee by blood.

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

E. G. Rothenberger:

Subscribed and Sworn to before me this 29th day of November, 1900.

T. B. Needles,

Commissioner.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify on my official oath that the foregoing is a true and correct copy of the testimony taken in the above cause, on November 28, 1900.

Mabel F. Maxwell

1887

DEPARTMENT OF THE INTERIOR
DIVISION OF THE FIVE CIVILIZED TRIBES

FILED
NOV 28 1900

[Handwritten signature]

ACTING CHIEF

Chief
Deputy
Clerk
Recorder
Treasurer
Comptroller
Inspector
Agent

John
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1887

SUPPLEMENTAL TESTIMONY.

D 867.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., December 8th, 1900.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of LEROY and THOMAS KNIGHT as citizens of the Cherokee Nation: JANE ROBBINS, being sworn and examined by Commissioner Needles,

testified as follows:

Q What is your name? A John Rebbins.

Q How old are you? A I am 58.

QV What is your postoffice? A Here at Town.

Q At Tahlequah? A Yes, sir.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Do you know George Knight? A Yes, sir, I knew him.

Q Do you know Elizabeth, his wife? A Yes, sir.

Q Do you know whether they ever lived together as man and wife before they were married? A Yes, sir, they lived in a mile of our house and the child was a baby then.

Q Which Child? A Leroy.

Q How long did they live together as man and wife before they were married? A I do not remember, I think it was three years, we lived close to them.

Q You lived close to them? A Yes, sir.

Q Were they held out in the neighborhood as man and wife? A Yes, sir.

Q It was so considered in the community? A Yes, sir.

Q After that did George marry Elizabeth? A Yes, sir.

W How long did George Knight live with Elizabeth after he married her?

A I can't recollect, I am so gorgitful that I can't recollect how long.

Q He did not live with her until he died? A He went off up to some of his folks and died up there.

Q Now, after George left Elizabeth did she have a child after that?

A Yes sir.

Q What was that child's name? A Wilkerson--yes, a younger child, Tommy.

Q Was Thomas Knight born after George Knight left Elizabeth? A He was a baby I think.

ELIZABETH BRUNER, being duly sworn and examined, testified as follows:

Q You are the mother of Thomas Knight? A Yes, sir, Leroy Knight and Thomas Knight. Me and George Knight lived together three years as man and wife, kept house before we was lawfully married, and I suppose Leroy was somewhere about nearly two years old, and then we was lawfully married and lived together on I guess about four years after we was lawfully married.

Q And then you separated? A Yes, sir.

Q Now about how long was it after you separated before Tom Knight was born? A Six months.

Q After you separated? A Yes, sir.

Q You swear that he was conceived while you were living together?

A Yes, sir.

Q You are a white woman? A Yes, sir.

Q George Knight was a Cherokee by blood was he? A Yes, sir.

Q You have married since that? A Yes, sir, I married a man named George Bruner, I lived with him about three months, and he robbed my children of their strip money and I left him.

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

J.O. Rossen.

Subscribed and sworn to before me this 10th day of December, 1900.

C.R. Breckinridge,
Commissioner.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify on my official oath that the foregoing is a true and correct copy of the evidence taken in the above cause, on December 8th, 1900.

Mabel G. Maxwell

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TALLEQUAH, I.T., DECEMBER 12th, 1900.

SUPPLEMENTAL TESTIMONY: CARD "D", #367: IN THE CASE OF LEROY KNIGHT.

David Smallwood, being sworn and examined by Commissioner, T. B. Needles, testified as follows:

- Q What is your name? A David Smallwood.
Q What is your age? A Thirty-two.
Q What is your postoffice address? A Rose.
Q Do you know George Knight? A Yes, sir.
Q Is he living? A No, sir, he is dead.
Q Do you know Elizabeth Brunner? A Yes, sir.
Q Do you know whether they were ever married or not? A Yes, sir, they got married when my father was prosecuting attorney: He went down there at different times and gave warning to George Knight that he must marry that white woman; so finally they got married.
Q They were living together before they got married? A Yes, sir.
Q Do you know the children, Leroy and Thomas? A I only know one.
Q That one is Leroy? A Yes, sir.
Q Was Leroy born after they were married? A Yes, sir.
Q How long had they been living together there? A Fully two years I guess.
Q Do you know how long they lived together there before they were married? A No, sir, not exactly.
Q Was it known in the neighborhood that they were not married?
A Yes, sir.
Q Did everybody know they were not married? A Yes, sir.

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

R. R. Cravens.

Subscribed and sworn to before me this 15th day of December, 1900.

C. R. Breckinridge,
Commissioner.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify on my official oath that the foregoing is a true and correct copy of the testimony taken in the above cause, on December 12th, 1900.

Mabel F. Maxwell

I on the 19th day of September joined in the holy bonds of wedlock
George Night a Cherokee by blood and Elizabeth Scott a citizen of the
U.S. according to the laws of the Cherokee Nation. This 22 Sept. 1900.
J. S. Maxwell
Donner N.E.C. South

Executive Office Cherokee Nation,
Tahlequah, I.T.

I, E. V. Alberty, Assistant Executive Secretary of
the Cherokee Nation do hereby certify that the foregoing is a true copy
taken from the marriage records of Going Snake District Cherokee Nation;
that said record is filed in this office by law and in my custody,
Given under my hand and the seal of the Cherokee Nation this the 9th
day of October 1900.

E. V. Alberty

Assistant Executive Secretary
Cherokee Nation.

I, the undersigned, a stenographer to the Commission to the Five
Civilized Tribes, do hereby certify on my official oath that the above
and foregoing is a true and correct copy of a certified copy now on
file in the office of the Commission.

Mabel G. Maxwell

Supl)-C.D.#367.

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

SUPPLEMENTAL in the matter of the enrollment of **LEROY KNIGHT,**
ET AL/, as citizens of the Cherokee Nation.

The applicant's mother, Elizabeth Bruner, was notified by registered letter February 19, 1902, that her application for the enrollment of her children would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 11th day of March, 1902, and that on said date an opportunity would be given her to appear either in person or by attorney and introduce any further testimony affecting said application. The applicant this day, to-wit: the 11th 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.

Mr. W. W. Hastings, Cherokee representative, present.

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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 proceeding 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

Dyer

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
NOV 28 1900

[Signature]
ACTING CHIEF

Cherokee Nation

Executive Secretary

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Cherokee Nation and has been you return as per
the 8th and

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T. I. Davenport

Executive Secretary Cherokee Nation

Deputy U.S. Marshal

I on the 19th day of September joined in the holy bands of wedlock George Night a Cherokee by blood and Elizabeth Scott a citizen of the U.S. according to the laws of the Cherokee Nation. This 22 Sept. 1884.

Jo. Smallwood,

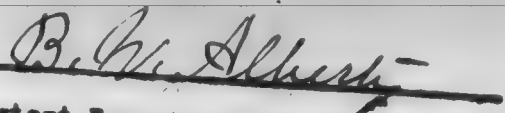
Deacon M.E.C. South.

Executive Office Cherokee Nation,

Tablequah 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 Going Snake District Cherokee Nation; that said record is filed in this office by law and in my custody.

Given under my hand and the seal of the Cherokee Nation this the 8th day of October 1900.




Assistant Executive secretary

Cherokee Nation.

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

FILED
SEP 19 1902

 ACTING CHAIRMAN

D 867

IN RE
THE DEATH OF

Thomas Knight

a citizen of the

Cherokee Nation.

Approved: *Sept 19 1902*

D. H. Smith
Commissioner.

D 867

IN RE
THE DEATH OF

Thomas Knight

a citizen of the

Cherokee

Nation.

Approved *Sept 19 1902*

[Signature]

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

SEP 16 1902

JAMES C. GUNN

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Thomas Knight

a citizen of the Cherokee Nation, who formerly resided at or near Tahlequah, Ind. Ter., and died on the 31 day of October, 1901.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, }
Northern District. }

I, Katie Goodwin, on oath state that I am 72 years of age and a citizen, by _____, of the United States Nation; that my post office address is Tahlequah, Ind. Ter.; that I am a half sister of Thomas Knight, who was a citizen, by blood, of the Cherokee Nation; and that said Thomas Knight died on the 31 day of October, 1901.

Katie Goodwin

(Witness to Test.)

Subscribed and sworn to before me this 15 day of September 1902

J. H. Ross
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, }
Northern District. }

I, W. B. Holder, on oath state that I am 43 years of age, and a citizen, by _____, of the Cherokee Nation; that my post office address is Tahlequah, Ind. Ter.; that I was personally acquainted with Thomas Knight who was a citizen, by blood, of the Cherokee Nation; and that said Thomas Knight died on the 31 day of October, 1901.

W. B. Holder

(Witness to Test.)

Subscribed and sworn to before me on the 16 day of September 1902

J. H. Ross
Notary Public.

1867

IN RE
THE DEATH OF

Henry Wright
a citizen of the

Cherokee

Nation.

Sept 19 1902
[Signature]

Commissioner

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
SEP 19 1902

2867

IN RE
THE DEATH OF

Leroy Knight
a citizen of the

Cherokee Nation.

Approved: *[Signature]* Sept 19 1902

[Signature]
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
SEP 19 1902

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Leroy Knight
(Here insert name of deceased.)

a citizen of the Cherokee Nation, who formerly resided at or near
Tahlequah, Ind. Ter., and died on the 28 day of
January, 1902.
(Here insert name of post office.)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,)

Northern District.)
INDIAN TERRITORY.

I, Katie Goodwin, on oath state that I am 22
years of age and a ^{non-}citizen, by _____, of the _____ Nation;
that my post office address is Tahlequah, Ind. Ter.; that I am
a half-sister of Leroy Knight,
(State relationship: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by blood, of the Cherokee Nation;
and that said Leroy Knight died on the 28 day of
January, 1902.
WITNESSES TO SIGN: Katie Goodwin

(Must be Two Witnesses.)

Subscribed and sworn to before me this 15 day of September 1902.
John Ross
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,)

Northern District.)
INDIAN TERRITORY.

I, W. B. Holder, on oath state that I am 43
years of age, and a citizen, by _____, of the United States Nation;
that my post office address is Tahlequah, Ind. Ter.;
that I was personally acquainted with Leroy Knight,
(Here insert name of post office.) (Here insert name of deceased.)
who was a citizen, by blood, of the Cherokee Nation;
and that said Leroy Knight died on the 28 day of
January, 1902.
WITNESSES TO SIGN: W. B. Holder

(Must be Two Witnesses.)

Subscribed and sworn to before me this 16 day of September 1902.
John Ross
Notary Public.

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

---o---

In the matter of the application for the enrollment of Leroy Knight and Thomas Knight as citizens by blood of the Cherokee Nation.

|| || || || || || || ||

O R D E R .

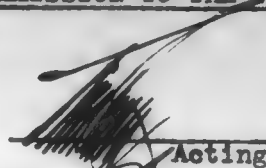
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The record in this case shows that on November 28, 1900, Elizabeth Bruner appeared before the Commission at Tahlequah, Indian Territory, and made application for the enrollment of her two minor children, Leroy Knight and Thomas Knight, by her former husband, as citizens by blood of the Cherokee Nation. Further proceedings were had in the matter of said application at Tahlequah, Indian Territory, on December 8, 1900, and again on December 12, 1900.

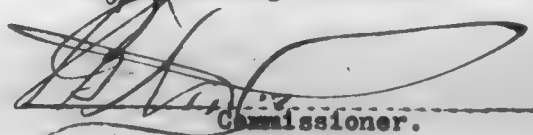
The evidence in this case shows that Thomas Knight and Leroy Knight died on October 31, 1901, and January 28, 1902, respectively, as evidenced by death affidavits, made a part of the record herein.

It is, therefore, ordered by this Commission that the application for the enrollment of Leroy Knight and Thomas Knight as citizens by blood of the Cherokee Nation be, and the same is hereby, dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.



Commissioner.



Commissioner.

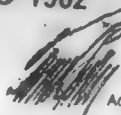
Dated at Muskogee, Indian Territory,
this DEC 10 1902

41

D 867

19
11

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



ACTING CHAIRMAN

COMMISSIONERS.
HERRY L. DAVIS.
TAMM DIXIE.
THOMAS S. HENDELL.
C. R. BUCKENRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

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

LETTERS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 19, 1902.

Mrs. Elizabeth Bruner,

Tahlequah, Indian Territory,

Sir:-

You are hereby notified that the application of Leroy and Thomas Knight

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

the 11 day of March, 1902.

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

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

CherokeeD-867
Register.

Yours truly,

Acting Chairman
Commissioner in Charge

328

COMMISSIONERS
HENRY L. DAWES.
TAMM BERRY.
THOMAS B. HADDLES.
C. R. BRUSHNIGG.

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

Cherokee D 867

ALLISON L. AYLESWORTH.
SECRETARY



ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 3, 1902.

Elizabeth Bruner,

Tahlequah, Indian Territory.

Madam:

You are hereby notified to appear before this Commission at its office in Muskogee, Indian Territory, on or before June 16, 1902, and submit further evidence as to how long you resided in the Cherokee Nation after the date of your marriage to George Knight, and as to whether you were residing in the Cherokee Nation at the date of your application on November 28, 1900, and whether you are living in said Nation at this time.

Yours truly,



Acting Chairman.

Register

Cherokee D 867.

Muskogee, Indian Territory, September 11, 1902.

John O. Ressen,

Tahlequah, Indian Territory.

Dear Sir:

It appears from the records of this Commission that on the 28th day of November, 1900, Elizabeth Bruner made personal application for the enrollment of her two children, Leroy and Thomas Knight, as citizens by blood of the Cherokee Nation. It further appears that the father of said children was George Knight, deceased, who formerly resided in Going Snake District. The ages of said children are twenty and fifteen years respectively.

Letters addressed to Elizabeth Bruner at Tahlequah, Indian Territory, have been returned to the Commission with information that she is now deceased.

You are directed to procure, if possible, evidence as to the residence of said Elizabeth Bruner from the date of her marriage to George Knight to the date of her death, and forward the same to the Commission to be filed in the matter of the application of Leroy and Thomas Knight as citizens by blood of the Cherokee Nation.

Leroy Knight has been directed to appear before you within fifteen days from date hereof, for the purpose of introducing testimony along the lines above indicated.

Yours truly,

Acting Chairman.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS S. 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 867.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 11, 1902.

Leroy Knight,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby directed to appear before the Commission to the Five Civilized Tribes at Tahlequah, Indian Territory, within fifteen days from date hereof, and introduce evidence as to the residence of your mother in the Cherokee Nation from the date of her marriage to George Knight, said to have taken place in 1884, to the present time.

Please give this matter your immediate attention.

Yours truly,

Tams Bixby
Acting Chairman

101

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 867.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 16, 1902.

Elizabeth Bruner,

Tahlequah, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of an order of the Commission to the Five Civilized Tribes, dated December 10, 1902, dismissing your application for the enrollment of your two minor children, Thomas and Leroy Knight, as citizens by blood of the Cherokee Nation, they having died on October 31, 1901, and January 28, 1902, respectively.

Respectfully,

Acting Chairman.

Register.

Enclosure H. No. 279.

Cherokee D 857.

COPY

Muskogee, Indian Territory, December 16, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of an order of the Commission to the Five Civilized Tribes, dated December 10, 1902, dismissing the application of Elizabeth Bruner for the enrollment of her two minor children, Thomas and Leroy Knight, as citizens by blood of the Cherokee Nation, they having died on October 31, 1901, and January 28, 1902, respectively.

Respectfully,

[Signature]
Acting Chairman.

Enclosure H. No. 280.

MUSKOGEE
JUN 5 1902
3:30 PM



Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Leroy Smith

Tahlequah Indian Territory

RETURN TO WRITER

REGISTERED

JUN 20 1902

TAHLEQUAH, IND. TER.

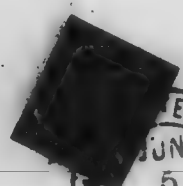
REGISTERED No. 265

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



REGISTERED
JUN 5 1902
MUSKOGEE, IND. TER.

Elizabeth

RETURN TO WRITER
Tahlequah

8452

Address.

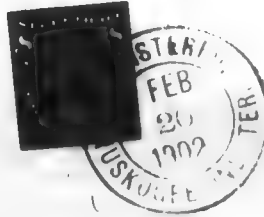
J. J.

Department of the Interior.

Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



75

Mrs. Elizabeth Bruner,
Tahlequah, Indian Territory.

2028

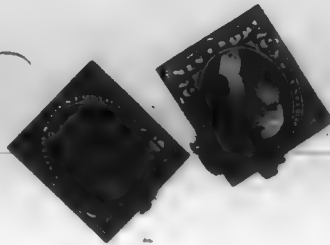
Reply to...

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Returned to sender

Elizabeth Bruner,
Tahlequah, Indian Territory.

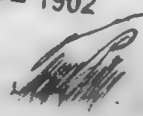


unclaimed

74

1980

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 24 1902



REPORTER

B-177

Lovay Knight Ad

DISMISSED

Dec 10 1902

NO 770

Transferred from the
#D 867 -

Copy of Testimony filed
with the Cherokee Nation

Cher R 771

Cher R 771

A

Ar *BJS*
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
AUG 25 1900

[Signature]
ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
SALLISAW, I.T., AUGUST 7, 1900.

Charles Byers makes application for the enrollment of Saphronia Thomas as a citizen of the Cherokee Nation, said Byers being sworn by Commissioner Needles, testified as follows:

- Q How old is Saphronia? A About 12 years old.
Q What is her postoffice? Does She live with you? A Yes. Postoffice, Black Gum, I.T.
Q What is the name of her father? A Charley Thomas.
Q Is he living? A Yes the last time I heard of him he was living at Wagoner.
Q Is he a citizen by blood? A No sir, white man.
Q What is the name of her mother? A Lucy Sassafras.
Q Is she living? A No sir.
Q Is she a citizen by blood? A Yes, full-blood.
Applicant, Saphronia Thomas, on '96 roll, page 841, number 201 as Saphronia Byers.
On '94 roll, page 521, number 329, as Saphronia Byers.

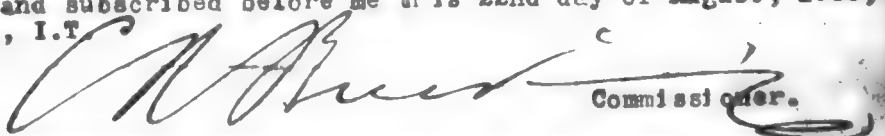
CARRIE CONLEY, being sworn, testified as follows:

- Q What is your name? A Carrie Conley.
Q How old are you? A 25.
Q Do you know a child named Saphronia that your father raised? A Yes. She was over two weeks old when I went home to see them and they had her then.
Q Has this child been living with your father since she was a little-bit of a girl? A Yes.
Q How old is she now? A About 12 years.
Q What was her mother's name? A Lucy Sassafras.
Q Do you know whether her mother was a citizen of the Cherokee Nation? A Yes, she was Cherokee and Creek too.
Q Did you ever know her mother by any other name besides Sassafras? A No sir.
Q Mother is dead? A Yes.
Q Do you know whether the father of the child is moving or not? A I don't know.
Q What is his name? A Charles Thomas.
Q Was he an Indian or white man? A White man.
Q Do you know whether he is living or not? A I don't know.

The name of Saphronia Thomas being found upon the census roll of '96 and pay-roll of '94, she being an orphan, and the name of her mother not being found upon the roll of '80 final judgment as to her is suspended and her name will be placed upon a doubtful card.

Brown McDonald, being sworn, says as Stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony of the above named witness, and the foregoing is a full, true and correct transcript of his notes.

Sworn to and subscribed before me this 22nd day of August, 1900, at Fort Gibson, I.T.

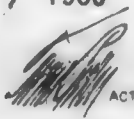

Commissioner.

B- O & S

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 7 1900



ACTING CHAIRMAN

Supl.-C.D.#88.

Department of the Interior,
Commission to the five civilized tribes,
Muskogee, I. T., February 17, 1902.

SUPPLEMENTAL in the matter of the enrollment of SAPHRONA THOMAS
as a citizen of the Cherokee nation.

Applicant was notified by registered letter January 31, 1902, that this case would be taken up for final consideration on the 17th inst., and that she would on said date be given an opportunity to introduce any additional testimony affecting her case. She has been called three times and fails to respond either in person or by attorney and the case is closed.

C. K. McKinney

Commissioner.

J.O.R.

Muskogee, Indian Territory, July 24, 1902.

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

NOTICE.

To Carrie Conley,

Blackgun, Indian Territory,

You are hereby notified to appear before the Commission to the Five Civilized Tribes at its offices in Muskogee, Indian Territory, within fifteen days from date hereof, and submit further testimony as to the residence of Saphronia Thomas in the Cherokee Nation.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

By _____
Commissioner in Charge.

Register.

1088

IN RE
THE DEATH OF

Sophonias Thomas
a citizen of the

Cherokee Nation.

Approved *Sept 24* 1902

[Signature]
Commissioner.

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

In the matter of the death of Sophronia Thomas
(Here insert name of deceased.)
a citizen of the Cherokee Nation, who formerly resided at or near
Wian; Ind. Ter., and died on the 20th day of
April, 1901.
(Here insert name of post office.)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
District. }

I, _____, on oath state that I am _____
years of age and a citizen, by _____, of the _____ Nation;
that my post office address is _____, Ind. Ter.; that I am
(Here insert name of post office.)
of _____,
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by _____, of the _____ Nation;
and that said _____ died on the _____ day of
(Here insert name of deceased.)
_____, 1_____.

WITNESSES TO SIGN:

(Must be Two Witnesses.) } _____

Subscribed and sworn to before me this _____ day of _____ 1901.

Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Northern District. }

I, George Vann, on oath state that I am 26
years of age, and a citizen, by Blood, of the Cherokee Nation;
that my post office address is Cookson Ind. Ter.;
(Here insert name of post office.)
that I was personally acquainted with Sophronia Thomas
(Here insert name of deceased.)
who was a citizen, by Blood, of the Cherokee Nation;
and that said Sophronia Thomas died on the 20 day of
(Here insert name of deceased.)
April, 1901.

WITNESSES TO SIGN:

(Must be Two Witnesses.) } George Vann
Wm Carlisle

Subscribed and sworn to before me this 18 day of Sept 1902.

By Commission Expires April 25, 1902.

W. C. Davis
Notary Public.

[Handwritten scribble]

Cherokee D.- 88.

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

---o---

In the matter of the application for the enrollment of
Saphronia Thomas as a citizen by blood of the Cherokee Nation.

|| || || || || || || ||

O R D E R .

--:o:--

The record in this case shows that on August 7, 1900, Charles Byers appeared before the Commission at Sallisaw, Indian Territory, and made application for the enrollment of Saphronia Thomas as a citizen by blood of the Cherokee Nation.

The evidence in this case shows that Saphronia Thomas died on April 20, 1901, as evidenced by death affidavit made a part of the record herein.

It is, therefore, ordered by this Commission that the application for the enrollment of Saphronia Thomas as a citizen by blood of the Cherokee Nation be, and the same is hereby dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[Handwritten signature]

Acting Chairman.

[Handwritten signature]

Commissioner.

[Handwritten signature]

Commissioner.

Dated at Muskogee, Indian Territory,

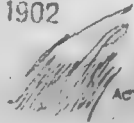
this DEC 10 1902

6

D 88

COMMUNICATIONS SECTION,
COMMUNICATIONS SECTION, U.S. DEPT. OF COMMERCE.

FILED
JAN 31 1902



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.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory,.....January 31, 1902 1902

Mrs. Saphronia Thomas,.....

Blackgan, Indian Territory.

Sir:

You are hereby notified that the application of.....yourself.....

for enrollment as a citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 10th day of February, 1902.

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

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

Cherokee B-23
Register.

Yours truly,

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.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 15, 1902.

Mr. Charles Byers,
Blackgum, Indian Territory.

Sir:

Upon an examination had in the matter of the application for the enrollment of Sophronia Thomas, as a citizen of the Cherokee Nation, it is found that satisfactory proof regarding the identity of her parentage is lacking.

On the 31st day of January, 1902, there was a communication addressed to Sophronia Thomas, in which she was notified that her application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 17th day of February, 1902. It appears that no representation was made in behalf of this applicant on that date.

You are hereby granted until the 27th day of March, 1902, to produce the necessary evidence hereinbefore referred to.

You are reminded that this proof is extremely important in the disposition of her case, and your immediate attention to it is requested and urged.

Yours truly,

C. R. Breckinridge
Commissioner in Charge.

In answering refer to
C D 88.
Register.

In reply refer to S D 88

Muskogee, I. T., June 24, 1908.

Post Master,

Black Gum, Indian Territory.

Sir:

You are requested to ascertain if a person named Saphronia Thomas is a resident of your town, and if so, you are requested to notify the Commission of such fact, also to inform her that it will be necessary for her to appear before the Commission at its office in Muskogee, Indian Territory, either in person or by her guardian, on or before July 10, 1908, and introduce testimony relative to her parentage, also her residence in the Cherokee Nation. If, however, she has removed you are requested to ascertain if possible her present postoffice address and notify the Commission of such fact. An early reply to the above request is desired.

Yours truly,

Register

Commissioner in Charge.

Cherokee D-88.

Muskogee, Indian Territory, September 12, 1902.

Carrie Genley,

Claremore, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of September 9, 1902, stating that Saphronia Thomas is now dead.

Your letter has been duly noted and filed.

Yours truly,

Acting Chairman.

Cherokee D-88.

Muskegee, Indian Territory, September 12, 1902.

George Vann,

Cockson, Indian Territory.

Dear Sir:-

The Commission is advised that Saphronia Thomas who was heretofore an applicant before this Commission for enrollment as a citizen of the Cherokee Nation died at your home in the spring of 1901.

There is enclosed you herewith blank affidavit which you are requested to have promptly executed and forward to the Commission in order to show the death of this child.

Please give this matter your prompt attention.

Yours truly,

Acting Chairman.

Enc.-P-81.

Cherokee D 88.

copy
Muskegee, Indian Territory, December 18, 1902.

Charles Byers,

Black Gum, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of an order of the Commission to the Five Civilized Tribes, dated December 10, 1902, dismissing your application for the enrollment of Saphronia Thomas as a citizen by blood of the Cherokee Nation, she having died on April 20, 1901.

Respectfully,

James Dixby.

Acting Chairman.

Register.

Enclosure H. No. 275.

Copy

Cherokee D 88.

Muskogee, Indian Territory, December 16, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of an order of the Commission to the Five Civilized Tribes, dated December 10, 1902, dismissing the application of Charles Byers for the enrollment of Saphronia Thomas as a citizen by blood of the Cherokee Nation, she having died on April 20, 1901.

Respectfully,

Tamo Dixey.

Acting Chairman.

Enclosure H. No. 275.

Maple Creek

Ascertain if her mother is on
Creek also

Wash - is dead



4/11/2200

Reg 24/22

Department of the Interior.

Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Mr. Charles Byers,

~~Blackgum~~, Indian Territory.

Blackgum

Department of the Interior.

Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



9/6

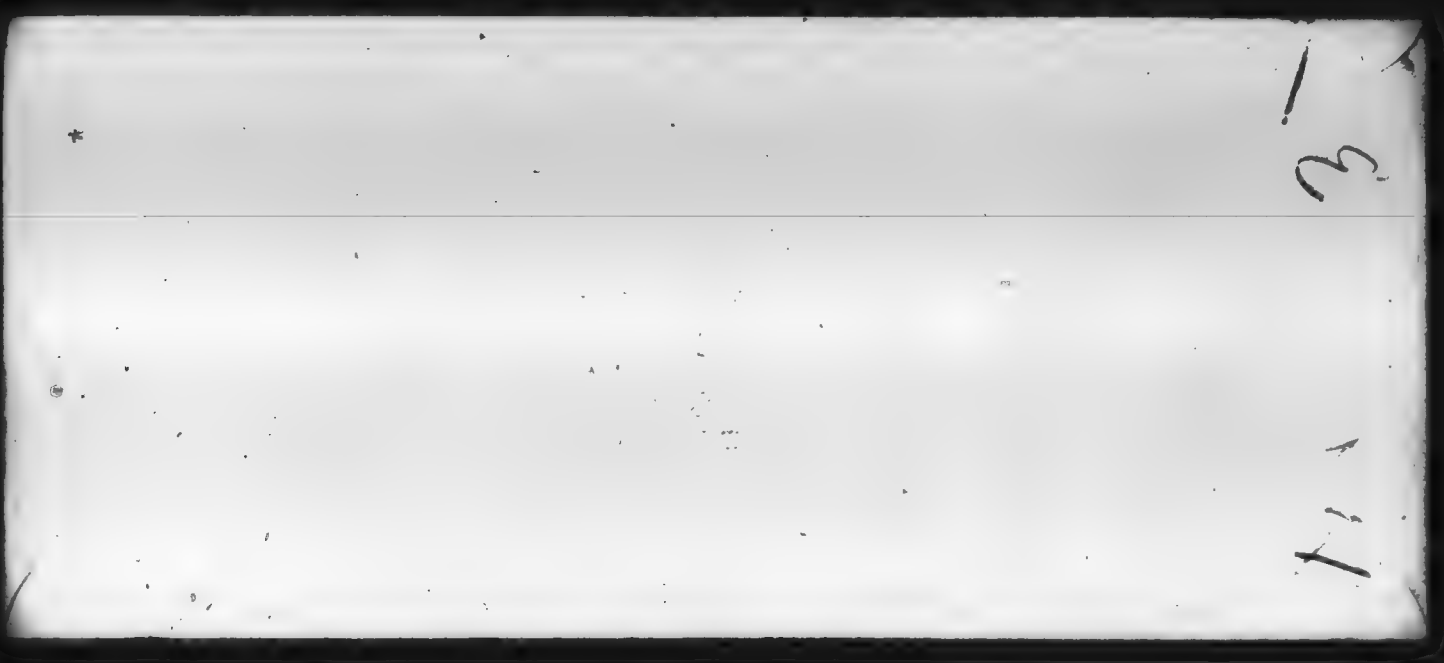
Mrs. Saphronia Thomas,

Blackgum, Indian Territory.

Not known

*J. Glennie DM
Dism S.D.*

Reg. 64/68



CHESTER

8 77

Saphira Thomas

Dismissed
Granted
DEC 10 1902
770 771

Transferred from Chester
#D. 88

Cher R 772

Cher R 772

2117a

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAR 20 1901

[Handwritten signature]

ACTING CHIEF



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 28.
Q What is your postoffice address? A Kneas 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 28.
Q What is her postoffice address? A Kneas 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 What is the name 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 week.
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.N.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 280, No. 3426, as Martha T. Martin, Cooweescoowee 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.

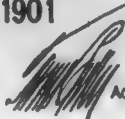
Subscribed and sworn to before me this 28th day of March, 1901.

J. G. Kotheubner
W. H. G.
Commissioner.

B. 81171 51171

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

FILED
MAR 25 1901



ACTING CHAIRMAN.

Statement of Applicant Taken Under Oath.

Sup
CHEROKEES BY BLOOD AND ADOPTION

Date *March 25 - 1900*

21
Name *James A. Craft*

District *Low* Year *1896* Page *220* No. *3426*

Citizen by blood *no* Mother's citizenship

Intermarried citizen *yes*

Married under what law Date of marriage

License Certificate

22
2 Wife's name *Martha S. Craft*

District *Low* Year *1896* Page *220* No. *3426*

Citizen by blood *yes* Mother's citizenship *Harry Martin*

Intermarried citizen *no*

Married under what law Date of marriage

License Certificate

Names of Children:

3 *Leva Craft* Dist. *Low* Year Page No. Age *2*

4 *Carrie* Dist. *Low* Year Page No. Age *5 mos.*

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

Vol. 2 on 1896 rec'd as Martha S. Martin
Vol. 2 Proof of citizenship to be supplied

J-01171

RECEIVED
NOV 11 1908

COMMISSION ON THE PARTIALITY
OF THE JURY
NOV 11 1908

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NOV 11 1908

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 examination 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.

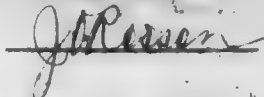
Com'r: What is the relationship between Mattie T. Craft and Ruth E. Martin?

Mr. Langley: Mother and daughter.

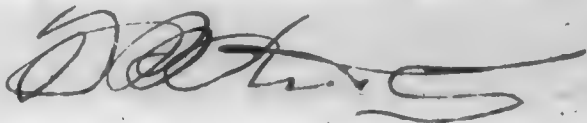
Com'r Breckinridge: This is recognized as sufficient evidence of the admission to citizenship of Mattie T. Craft as alleged and a copy of this statement will be filed with her case, Cherokee doubtful case #1171.

---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.



Subscribed and sworn to before me this November 9th, 1901.



Commissioner.

Supl.-C.D.-1171.

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

---00000000---

I, J. O. Ressen, 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. Ressen

2171

JUN 13 1902

ACTING CHAIRMAN

W. D. E. H. U. - 200

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 is Rhea's Hill 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 resided 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 Hill, Texas, where she was born, was married and where her children were born and where her parents reside.

Respectfully Submitted,

W. W. Haslam
Attorney for the Cherokee Nation.

J. C. S.

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

1115 6R

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 26, 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 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 authorities of said Nation, on January 12, 1863. She is identified on the Cherokee Census roll of 1896.

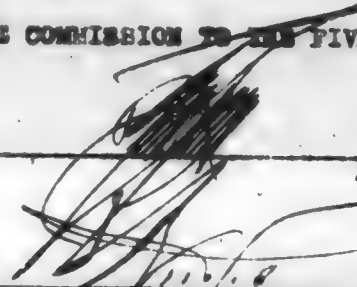
The evidence further shows that Mattie T. Craft came from the State of Texas to the Cherokee Nation for the first time in August, 1898 and remained there until September, 1899, and at the date of the application herein she was living with her said children in the State of Texas.

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.
Muskeges, Indian Territory, March 7, 1908.

In the matter of the application for the enrollment of
Mattie T. Craft et al., as citizens of the Cherokee Nation.

The principal applicant, Mattie T. Craft, and her attorney
were notified, by registered mail, that the application for the
enrollment of Mattie T. Craft et al., as citizens by blood of the
Cherokee Nation, would be taken up for final consideration by the
Commission on this, the 7th. day of March, 1908.

The applicants do not appear either in person or by
attorney.

The Cherokee Nation represented by its attorney, V. W.
Hastings.

The attorney for the Cherokee Nation has no testimony to
present, and submits the case upon the record as now made up.

Lula James Brunson, being first duly sworn, states that, as
stenographer to the Commission to the Five Civilized Tribes, she
reported the proceedings had in the above entitled cause on the
7th. day of March, 1908, and that the above and foregoing is a full
and complete transcript of her stenographic notes taken in said
cause on said date.

Lula James Brunson

Subscribed and sworn to before me this the 18th. day of
March, 1908.

Myron White
Notary Public.

Cherokee 2 772.

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

0-2018

In the matter of the application for the enrollment of Mattie T. Craft et al., as citizens by blood of the Cherokee Nation.

DECISION.

THE RECORD IN THIS CASE SHOWS: That, on March 25, 1902, James N. 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 20, 1902, at Vinita, and on March 20, 1903, 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 20, 1902, said decision was duly affirmed by the Department. Thereafter, on June 9, 1903 (Departmental letter I.T.D. 710-02-2003-2003-03), said case was remanded by the Department for further testimony and readjustment. Further proceedings in the matter of said application were had on March 7, 1904, 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 N. Craft appeared before the Commission on March 25, 1902, and testified that he is



55

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 W. Camp (I.T.D. 1418-05), 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 become 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 Miss Bryant et al. (544-04), William Hester (I.T.D. 1440-04), Minnie Duncan et al. (I.T.D. 1470-04), Samantha Chambers (I.T.D. 1504-04), El Williams (I.T.D. 4230-04) and Moses Ross (I.T.D. 4054-04).

In connection with this case, attention is called to its decision rendered by this Commission on May 27, 1903, and affirmed by the Department on June 30, 1903, in the case of Ruth E. Martin (mother of the adult applicant herein) et al., Cherokee Doubtful No. 240, (now R 651), 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, 1903, should be re-affirmed, and that the application for the enrollment of Mattie T. Craft, Love 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.


Chairman


Commissioner

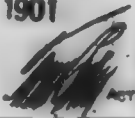
COMMISSIONER

Dated at Muskogee, Indian Territory,
this JUN 30 1905

8171

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

FILED
10 1901



ACTING CHAIRMAN

COMMISSIONERS:
HENRY L. BROWN,
TAMM BERRY,
THOMAS B. FURMAN,
C. B. SCHWENKBERG.

ALLISON L. ATLANDFORD,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Wm. J. Wray
Oct 10, 1901.

Received of the Commission to the Five Civilized Tribes one
copy of the testimony in the matter of the application of
Wm. J. Wray for enrollment as
citizens of the Cherokee Nation.

No. A 1191

Wm. J. Wray

COMMISSIONERS
HENRY L. DAWES.
TANS SIBBY.
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

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 1, 1902.

Mr. James N. Craft,

Rheas Mills, Texas,

Sir:-

You are hereby notified that the application of **Mattie T. Leva and Carrie Craft** 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.

Copy to Howard Langley,
Pryor Creek, I.T.
Register.

Yours truly,

Acting Chairman
Commissioner in Charge.

003

Cherokee D - 1171.

Muskogee, Indian Territory, October 28, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of the proceedings had in the matter of the application of 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, including the Commission's decision, dated October 27, 1902, rejecting said application.

Respectfully,

James Blacy.
Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enclosure C. No. 14.



607
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 W. 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,

James W. Craft

Acting Chairman.

Enclosure C. No. 13.

COPY.

Cherokee D - 1171.

Muskogee, Indian Territory, October 28, 1902.

J. Howard Langley,
Attorney for Mattie T. Craft,
Pryor Creek, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of the proceedings had on October 30, 1901, and March 20, 1902, in the matter of the application of James M. 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, together with a copy of the Commission's decision, dated October 27, 1902, rejecting said application. You have, heretofore, been furnished with a copy of the record of the proceedings had in the original application.

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. 12.
Register.

7
Acting Chairman.

COPY.

Cherokee D - 1171.

Muskogee, Indian Territory, October 28, 1902.

James H. Craft,

Knox Mills, Texas.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 27, 1902, respecting your application for the enrollment of your wife, Mattie T. Craft, and your two minor children, Leva and Carrie Craft, as citizens by blood of the Cherokee Nation.

There has, heretofore, been furnished your attorney, J. Howard Langley, Fryer Creek, Indian Territory, a copy of the record of the proceedings had in the original application, and there has this day been forwarded to him a copy of the record of proceedings, of date October 30, 1901, and March 20, 1902, together with a copy of the Commission's decision.

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. 11.

Register.

Farris I.

Acting Chairman.

Copy.

Refer in reply to
the following:
Land
66030-1902.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs.

Washington, Nov. 14, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made October 28, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Mattie T. Craft for the enrollment of herself and minor children, Leva and Carrie, as citizens of the Cherokee Nation.

It appears that Mattie T. Craft under her maiden name of Martin was admitted to citizenship January 12, 1883, and that her name appears on the census roll of 1896. Her residence was and has all the time been in the State of Texas, except from August, 1898, to September, 1899, when she resided in the Cherokee Nation.

The Commission refused to enroll the applicants because of that provision of the Act of June 28, 1898, as follows:

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

The office agrees with the Commission and respectfully recommends that its decision be affirmed.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

WCV
D

3 inclosures.

D.C.23526-1902.

DEPARTMENT OF THE INTERIOR.

EAF.

ITD. 7100-1902.

Washington, November 28, 1902.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

gentlemen:

On October 28, 1902, you transmitted the record in the matter of the application for enrollment of Mattie T. Craft and her minor children, Leva and Carrie Craft, as citizens by blood of the Cherokee Nation.

As stated in your decision of October 27, 1902, the evidence shows that said Mattie C. Craft, under her maiden name of Martin, was admitted to Cherokee citizenship in 1883; that she is identified on the Cherokee census roll of 1896; that she first came to the Nation in August, 1898, and remained there until September, 1899, and at the date of the application was living with her said children in the State of Texas. In accordance with paragraph 9, section 21, act of June 28, 1898, (30 Stat., 495), you denied the application.

The Commissioner of Indian Affairs forwarded the papers November 14, and recommended your decision be approved.

The Department affirms your decision. A copy of the Commissioner's letter is inclosed herewith.

Respectfully,

Thos. Ryan,

Acting Secretary .

1 inclosure.

COPY

Cherokee D 1171.

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, Leva and Carrie Craft, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 28, 1902.

Respectfully,

Tamm Kirby.

Acting Chairman.

Cherokee B-1171.

COPY

Waskago, Indian Territory, December 8, 1902.

J. Howard Langley,

Attorney for Mattie T. Craft et al,

Fryer Creek, 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, Leva and Carrie Craft, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 23, 1902.

Respectfully,

Tams Biaby.

Acting Chairman.

COPY

Charleston S 1171.

Muskogee, Indian Territory, December 2, 1902.

Mattie T. Craft,

Whea Mills, Texas.

Dear Madam:

You are hereby advised that the Commission's decision, dated October 27, 1902, rejecting your application for the enrollment of yourself and your 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,

James Brady

Acting Chairman.

Wash. D.C. 1898

July 20, 1898

Secretary of the Interior,

Dear Sir:

As we have never heard from you as to your decision in our case, write to know what you have done with us, we were rejected by the Survey Commission under Paragraph (2) of Section 21 of the Act of Congress approved June 18, 1896, and so on. I first went to the Cherokee Nation in Aug. 1896, and remained until October and returned as I was a minor and could not live there by myself. I bought land near Fryer Creek in 1894, and held the same. I also shipped my cows there in '94, and so on until rejected. I went to the said Nation again in 1897 and was still a minor and not married so only stayed a short time, then in Aug. 20, 1898, I was married to James H. Craft and moved on down to the said Nation so that my home and livethere from Aug. the 20 1898 to Sept. 18, 1898, being almost 12 months and not as they say it was in the rejection only one month. I left there on account of my health being so poor. I am writing this plain truth and if this puts me out I will just have to go, but I could not go there and live without some one to live with me. My name as mentioned C. No. 112, Cherokee D-1171. I am now living at Wash. D.C., 2000 St. Johns. My maiden name being Martha T. Martin, and was changed to my present name March 30, 1898, when my husband J. H. Craft went before the Commission at

4111-8

-2-

husband and made application for the enrollment of me and my two
minor children, Leva and Carrie Craft. Hoping to hear from you and
know if we are entitled to enrollment, I am,

Respectfully,

Mrs. Mattie T. Craft.

Waco Mills, Texas.

D.C. 17209-1908.

DEPARTMENT OF THE INTERIOR.

J.P.
FILE.

I.T.D. 7100-1908.
8008-1908.
4844- "

WASHINGTON.

June 9, 1903.

L.R.S.

Commission to the five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

November 28, 1902, the Department affirmed your decision rejecting the application for the enrollment of Mattie T. Craft, and two children, as citizens by blood of the Cherokee Nation, as they were not residing in the Cherokee Nation on June 28, 1898.

On May 20, 1903, Mrs. Craft requested information in regard to the matter.

In view of late rulings of the Department in similar cases the Department has reexamined the testimony.

It appears that the principal applicant was admitted to citizenship in the Cherokee Nation on January 12, 1883; that she is identified on the Cherokee roll of 1896; that she was married in 1888 to James M. Craft, a white man, not a citizen of the Nation; that she came to the Cherokee Nation in August, 1898, and resided there until September, 1899. The record is not satisfactory as to whether she ever had any "effects" in the Nation.

It is considered proper, in view of the fact that the testimony was taken and your decision and that of the Department were

rendered under a different interpretation of the ninth paragraph of section 21 of the act of June 28, 1898 (30 Stat., 495), from that now placed upon the law, to remand the case for further testimony and readjudication.

The testimony and papers attached thereto are inclosed, together with the letter from Mrs. Craft.

Respectfully,

Thos. Ryan,

Acting Secretary.

2 inclosures.

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

ALLISON L. AYLESWORTH,
SECRETARY

W
ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

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

REFERRED TO THE FOLLOWING

Cherokee D-1171

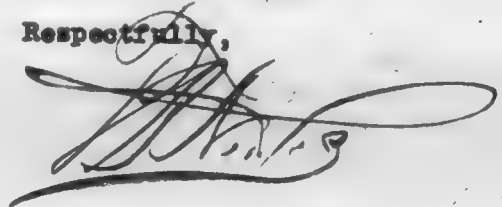
Muskogee, Indian Territory, July 17, 1903.

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

Sir:

There is herewith enclosed the original record in Cherokee D-1171, Mattie T. Craft et al., together with copies of Departmental letter of June 9, 1903, remanding this case for further testimony and readjudication in the light of the Department's recent holding in similar cases.

Respectfully,



Commissioner in Charge.

Enc. D-21

Cherokee A. 772

Tablequah, Indian Territory, July 23, 1903.

Mattie T. Craft,

Care of James H. Craft,

Blue Hills, Indian Territory.

Dear Madam:

You are hereby notified that on June 9, 1903, the Secretary of the Interior remanded for the taking of further testimony your application for the enrollment of yourself and two children as citizens by blood of the Cherokee Nation.

Evidence is particularly required as to what property you ever owned in the Cherokee Nation.

You are advised that any further testimony you may have to introduce may be presented before the Cherokee Land Office of this Commission at Tablequah, Indian Territory, on or before August 21, 1903. When you appear, please present this letter.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

MH

Cherokee R. 772.

Tahlequah, Indian Territory, July 22, 1903.

J. Howard Langley,

Attorney for Mattie T. Craft, et al.,

Fryers Creek, 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).

Mattie T. Craft has this day been notified that any further testimony she may have to introduce can 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

Cherokee E.772

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 E.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.

Cherokee-R-772.

Muskogee, Indian Territory. February 17, 1905.

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

Dear Sir:

In the matter of the application for the enrollment of Mattie T. Craft et al. as citizens by blood of the Cherokee Nation, you are advised that this case will be taken up for final consideration by the Commission on Tuesday, March 7, 1905, at which time you will be permitted to appear and introduce such testimony as you may desire in the matter of said application.

Respectfully,

SIGNED.

James Bixby.
Chairman.

COPY.

Cherokee-R-772.

Muskogee, Indian Territory. February 17, 1905.

Mattie T. Craft,
Rhea Mills, Texas.

Dear Madam:

In the matter of the application for the enrollment of your self and your minor children as citizens by blood of the Cherokee Nation, you are advised that this case will be taken up for final consideration by the Commission, at its offices at Muskogee, Indian Territory, at 9:00 o'clock A.M. on Tuesday, March 7, 1905, at which time you will be permitted to appear and introduce such testimony as you may desire in support of your said application.

You are further advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

Respectfully,

(SIGNED) *Tame Bixby.*
Chairman.

Registered.

COPY.

Cherokee-R-772.

Muskogee, Indian Territory. February 17, 1905.

J. Howard Langley,

Attorney for Mattie T. Craft et al.,

Fryer Creek, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Mattie T. Craft et al. as citizens by blood of the Cherokee Nation, you are advised that this case will be taken up for final consideration by the Commission, at its offices in Muskogee, Indian Territory, at 9:00 o'clock A.M. on Tuesday, March 7, 1905. The said Mattie T. Craft and the attorney for the Cherokee Nation have this day been notified that they will be permitted to appear on that date, and introduce such testimony as they may desire in the matter of said application.

Respectfully,

Registered.

(SIGNED).

Tams Bixby.
Chairman.

copy-
Tahlequah, Indian Territory, June 22, 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-972, 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.

wants 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.

MH
Enc. H-186

I vote in favor of enrolling these applicants.

(Signed) C. R. Breckinridge,
Commissioner.

6/30/05.

COPY.

Cherokee B-772.

Muskogee, Indian Territory, June 30, 1905.

Mattie T. Uraft,

Waco Hills, Texas.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the application for the enrollment of yourself, et al., as citizens by blood of the Cherokee Nation, Commissioner C. R. Breckinridge dissenting. There has heretofore been furnished your attorney, J. Howard Langley, Pryor Creek, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

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

Respectfully,

SIGNED. *Tams Bixby.*
Chairman.

Incl. B-103
Register

COPY.

Cherokee B-772,

Muskogee, Indian Territory, June 30, 1905.

J. Howard Langley,

Attorney for Mattie T. Craft, et al.,

Fryer Creek, 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. Brockinridge dissenting. You have heretofore been furnished with a copy of the record of proceedings.

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

Respectfully,

(SIGNED) *Tams Bixby.*

Chairman,

Incl. 8-104
Register

COPY.

Cherokee 2772.

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,

(SIGNED) *Jame Birby*
Chairman.

Incl. S-105

COPY

Cherokee 2-7-02

Muskogee, Indian Territory, June 30, 1903.

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 Mattie T. Craft, et al., as citizens by blood of the Cherokee Nation, including the Commission's decision dated June 30, 1902, rejecting said application, Commissioner G. R. Brackinridge dissenting thereby adhering to its decision of November 28, 1902.

On June 9, 1903, this case was remanded for further hearing and readjudication.

Respectfully,

SIGNED: *JAMES SIXBY*

Chairman,

Incl. 8-108

Through the

Commissioner of Indian Affairs.

Refer in reply
to the following:

2110-1901.

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

August 7, 1906.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 30, 1906, transmitting the record of the application for enrollment as citizens by blood of the Cherokee Nation by James H. Craft for his wife, Mattie F. Craft, and his minor children, Levi and Gerrie Craft.

June 30, 1906, the Commission decided adversely to the applicants, Commissioner Brockmire dissenting.

The record shows that on December 27, 1905, the Commission rendered a decision denying the applicants enrollment, and that on November 23, 1905, the decision was affirmed by the Department; that thereafter, on June 9, 1906, the case was remanded by the Department for further testimony and readjudication.

The record further shows that Mattie F. Craft, under her maiden name of Martin, was admitted to citizenship in the Cherokee Nation by the proper authorities thereof on January 18, 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 F. Craft resided with her husband, in the Cherokee Nation in August 1893 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. F. Larrabee

Acting Commissioner.

V.M.H.

J.P.

DEPARTMENT OF THE INTERIOR.

LRS

WASHINGTON.

I.T.D. 9920-1905.

August 29, 1905.

LRS

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

Sir:

June 3rd, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application made by James H. Craft 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, 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) Thom. Ryan.

Acting Secretary.

1 inclosure.

COPY.

Cherokee
R-772.

Muskogee, Indian Territory, September 13, 1905.

James N. Craft,
Ebes Mills, Texas.

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 your application for the enrollment of your wife, Mattie T. Craft, and children, Leva and Carrie Craft, as citizens by blood of the Cherokee Nation, is affirmed.

Respectfully,

SIGNED

Wm. O. Bease
Acting Commissioner.

Cherokee
R-772.

COPY.

Muskogee, Indian Territory, September 13, 1905.

J. Howard Tangley,
Attorney for Mattie T. Craft et al.,
Pryorcrcek, Indian Territory.

Dear Sir:

You are hereby advised that this office is in receipt of Departmental letter of August 29, 1905 (I. T. D. 9950-1905), 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,

Incl. GL-301.
GHL

SIGNED

Wm. B. Call
Acting Commissioner.

Cherokee
R-772.

COPY.

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. 9950-1905), 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,

(SIGNED):

Wm. O. Ball
Acting Commissioner.

Incl. GL-302.
GHL

CHEROKEE CASE

No. 51171

**Department of the Interior,
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

**IN THE MATTER OF THE
APPLICATION FOR ENROLLMENT**

OF

*Mattie
Leva
Carver*

*P. Craft.
Craft.
Craft*

Department of the Interior,
RECEIVED
NOV 15 1902
Enc. No. _____ of No. 7165
Indian Territory Division.

DEPARTMENT OF THE INTERIOR,
NOV - 1903
City of the Cherokee Nation.
No. 226540

Attest, *[Signature]* OCT 28 1902 190

Respectfully forwarded to the Secretary of the Interior

for review.

[Signature]

Acting Chairman

CHEROKEE

R

772

Mattie J. Craft et al

Refused

Action approved by Secretary of
Interior NOV 28-1902

No. 772

RECORDED

See Cherokee tract 719

Transferred from Cherokee tract 772

Anna E. Lyon

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR.

NOV 20 1902

*May 11, 1904. Cancelled and
No 1 transferred to G. S. 10790.*

COPY OF TESTIMONY FILED

Cher R 774

Cher R 774

Nancy Masingale

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR.

OCT 28 1902

[Faint, illegible handwritten text]

[Handwritten signature]

COPY OF TESTIMONY FILED
WITH THE CHEROKEE NATION.

Cher R 115

CHEROKEE

R 77

Joseph D. Yeargan

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR.

OCT 8 0 1902

Cancel'd and destroyed

COPY OF TESTIMONY FILED

WITH THE CHEROKEE NATION

Cher R 776

Cher R 776

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I. T., SEPTEMBER 22, 1900.

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

- Q What is your name? A William O. Trott.
Q What is your age? A 33 in October.
Q What is your post office address? A Madison, Illinois.
Q What district in the Cherokee Nation? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q For whom do you apply? A Myself and wife.
Q What degree of blood do you claim? A 32d.
Q Your name appear upon the authenticated roll of 1880? A I do not think it does.
Q You present a certificate of Admission signed by H. H. Jocoway, Secretary to the Commission to the Five Civilized Tribes, certifying that in Dawes Commission Case No. 5342, that you were admitted to citizenship on the 24th day of November, 1896, by said Commission. Are you the identical William Oscar Trott and is your wife, Anna, the identical Anna W. Trott mentioned in the certificate? A The same, only you will find her name Fannie W. Trott on the roll.
Q Where do you reside, Mr. Trott? A At the present time, Madison, Illinois.

W. W. Hastings, Representative of the Cherokee Nation.

- Q Have long have you lived at Madison, Illinois? A Since the third day of this year.
Q Where did you live before that time? A Nashville, Illinois.
Q How long have you lived in Nashville? A About six months.
Q Where did you move from the Nashville? A Before that I was in Franklin.
Q How long have you been living in the State of Illinois? A About three years.
Q How long have you lived there continuously, for the past three years? A Yes, sir.
Q Where were you born? A In Illinois.
Q Always lived in the State of Illinois? A No, sir.
Q How long did you live in the State of Illinois first? A I come here when I was four years old.
Q Where did you live before 1896? A I was out here eight years.
Q Where were you married? A In Illinois.
Q When? A 1890.
Q Now, immediately before your marriage how long had you lived in the State of Illinois? A In 1888 and 1889 I was living here, and in 1889 I went back to Illinois.
Q Where were you living in June 28, 1898, two years ago, in Illinois? A I guess I was.

The applicant:--I knew what the Cherokee Law was and I left all my effects here when I moved away with my father. When he left they were stored with his goods at W. L. Trott's house where they are at the present time. I left at the time on account of my wife's health. I had property in the Territory. I own town lost in the town of Vinita and in the town of Afton, also.

W. W. Hastings:

- Q Your wife is with you in the State of Illinois, and has been?
A Yes, sir.
Q Keeping house? A Yes, sir.

William O. Trott---2.

Q What is some of your personal effects with your father's goods?
A Household effects-furniture.

1894 enrollment; page 320, #4365, William O. Trott, Cooweescoo-wee.

Com'r Needles:

The name of William O. Trott is found upon the pay roll of 1894 and he also presents Certificate of Admission by the Dawes Commission under date of November 24, 1896, admitting himself and his wife, Fannie W. Trott, himself as a Citizen by blood and his wife as an intermarried citizen. He being duly identified according to the page and number of the roll, but on account of the matter of residence, final judgment as to the application for himself as a citizen by blood and his wife as an intermarriage citizen, will be suspended and their names will be placed upon a doubtful card.

-----0000000-----

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 24th day of September, 1900.

(SIGNED) T. B. Needles.
Commissioner.

.....

Department of the Interior,
Commission to the Five Civilized Tribes,
uskogee, Indian Territory, August 10, 1903.

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

Florine B. Hatch

Subscribed and sworn to before me this 11th day of August, 1903.

Edward Merriam
Notary Public

D

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 26, 1901.

In the matter of the application of William O. Trott, et al for enrollment as a Cherokee citizen by blood;
William L. Trott, being sworn and examined by Commissioner Needles testified as follows:

Examined by Attorney Thompson.

- Q What is your name? A William L. Trott.
Q Age? A 56.
Q Post-office? A Vinita.
Q Do you know Oscar Trott? A Yes sir.
Q What relation is he to you? A He is a nephew of mine, son of John Ross Trott.
Q I will ask you what his business is? A He is a druggist, drug clerk.
Q Do you know what was the cause of his going out of the country?
A He went out to seek employment, and for his wife's health.
Q Did he leave any effects in your hands? A Yes sir, he left his effects when he left here with J. R. Trott, the father, and when John Ross Trott left he left the household effects with me, he left here a short time before his father did. And when J. R. Trott left he left his effects and Oscar's effects with me.
Q And have you had them ever since? A Yes sir.
Q What does it consist of? A It consists of household goods and furniture; Oscar left some town property in Afton and Vinita.

Examined by Cherokee Representative Baugh:

- Q How long did Oscar Trott ever live in the Cherokee Nation at any one time? A Why he must have lived here seven or eight years, - I don't remember exactly.
Q You don't recollect about what period that was, about when it was? A Why he lived here, he lived with me two or three years.
Q Do you know when he was admitted to citizenship, re-admitted?
A I don't remember.
Q Do you know where he was living in 1896? A He must have been living in Vinita.
Q Do you recollect about when he left Vinita? A Yes sir, he left about the fall of 1897, or winter.
Q Has he ever lived here since that time? A No.
Q His continuous residence then since 1897, the fall of 1897, has been in the State of Illinois? A From the winter of 1897, I think so, yes. Yes he has been in Illinois all the time; he has been in different places; he is a drug clerk; he is at a place close to Saint Louis now, running a drugstore for a party.

---ooOoo---

L. 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) L. D. Green.

Subscribed and sworn to before me this March 28, 1901.

(SIGNED) C. R. Breckinridge.
Commissioner.

Supplemental D 390.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, August 10, 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, in the matter of the application of William O. Trott, et al., Cherokee D 390, and that the same is a true and complete copy of the original now on file with this Commission.

Florine B. Hatch

Subscribed and sworn to before me this 11th day of August, 1903.

Edward Merrick
Notary Public.

To be filed in D.390, William O. Trott.

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

In the matter of the application of John R. Trott for the enrollment of himself and wife as citizens of the Cherokee Nation.

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

The applicant was notified by registered letter February 10, 1902, that his application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee on the 26th day of February, 1902. Receipt was acknowledged of the Commission's letter. The applicant on said day, the 26th day of February, 1902, appeared by his attorney, W. P. Thompson, and by agreement between said attorney and the representative of the Cherokee Nation present the case was continued until the 28th day of February, 1902. The case is called this day, to wit the 28th day of February, 1902, and the applicant again appears by his attorney, W. P. Thompson.

TESTIMONY IN BEHALF OF THE CHEROKEE NATION.

L. B. BELL, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A. L. B. Bell.

Q What is your postoffice? A Vinita, 63 years old, very near 64.

Q Do you know Dr. John R. Trott, who formerly lived at Vinita?

A Yes, sir, I know him.

Q Does he live up there now? A No, sir.

Q How long has he been gone? A He has been gone several years.

Q Do you know where he is? A Don't know where he is, my understanding--Well, they went into Missouri first from there, and I think Oscar Trott is up there, and I don't know what ever become of Ross.

Q Well, he has never returned to the Cherokee Nation in the last three or four years, that is, to live? A Never come back to Vinita or any part of the Cherokee Nation that I have been in.

Q You are an old resident of Vinita? A Yes, sir. I have been living there for years and years.

Q You knew him well? A Yes, sir, for fifty years I reckon.

P. G. REUTER, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A P. G. Reuter, postoffice address Muskogee, age 26 years.

Q Are you the chief clerk for the enrolling division of the Cherokee Nation, enrollment division? A Yes, sir.

Q And as such have charge of it? A Yes, sir.

Q I will ask you whether or not that you had any correspondence through this division with Dr. J. R. Trott. A We have had correspondence with one J. R. Trott, don't know about his title.

Q Well, is he the applicant in this case, inquiring about his case?

A Yes, sir.

Q Well, where was that letter addressed from? A Virden, Illinois.

Q Have you that letter? A I don't know, well----

Q Was it of recent date, you remember the date of the letter? A Yes, it was of recent date, I don't remember the exact date. I find

D 390:

that the letter was dated February 24, 1902.

MR. THOMPSON: You don't know where he lived, do you, Mr. Reuter? A No, sir, I do not.

Q You don't know where his present residence is? A No, sir.

Q (Turning to Mr. Bell) Do you, Mr. Bell? A Oh, I guess he is where he wrote that letter.

Q I am talking about what you know? A I take it that he was alive when he wrote the letter.

Q You don't know where his present residence is, do you, Mr. Bell? A I don't know even the state he is in.

COMMISSION: Do you submit the case?

MR. THOMPSON: Yes, sir.

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

MR. THOMPSON: I desire to submit brief in behalf of applicant, setting forth the grounds upon which he thinks he is entitled to enrollment.

--: : : - : : --

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.

(SIGNED) Arthur G. Croninger.

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

(SIGNED) T. E. Needles.

Commissioner.

.....

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, August 11, 1903.

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

Florine B. Hatch

Subscribed and sworn to before me this 11th day of August, 1903.

Edward Merrill
Notary Public.

D 390.

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

In the matter of the application of William O. Trott for the enrollment of himself as a citizen of the Cherokee Nation.

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

The applicant was notified by registered letter February 10, 1902, that his application for enrollment as a citizen of the Cherokee Nation would be taken up by the commission at its offices in Muskogee for final consideration on the 26th day of February, 1902. Receipt was acknowledged of the Commission's letter, and the applicant, by his attorney, appeared before the Commission on the 26th day of February, 1902, and by agreement with the representatives of the Cherokee Nation present the case was continued until the 28th day of February, 1902. The case this day being called; to wit the 28th day of February, 1902, the applicant appears by his attorney W. P. Thompson.

The attorney for the applicant files a brief in the matter of the application of the said William O. Trott for the enrollment of himself and wife as citizens of the Cherokee Nation, and requests that a copy of the testimony had this day in the matter of the application of John R. Trott, the applicant's father, whose name appears upon Doubtful Card No. 389, be filed with and made a part of the record in this case. The attorney for the applicant and the representatives of the Cherokee Nation present submit the case to the Commission. The same is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

.....

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

(SIGNED) Arthur G. Croninger.

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

(SIGNED) T. B. Needles.
Commissioner.

.....

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, August 11, 1903.

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

Florine B. Hatch.

Subscribed and sworn to before me this 11th day of August, 1903.

Edward McNeill
Notary Public.

IN THE DEPARTMENT OF THE INTERIOR.

---oOo---

In re Application of)
William O. Trott and Fannie W. Trott :
for Enrollment as citizens of the)
Cherokee Nation. :

---oOo---

MOTION FOR REVIEW AND REHEARING.

And now comes the applicants, William O. Trott and Fannie W. Trott, by their attorneys and move that the decision of the Secretary herein dated October 31, 1902, be set aside, that the said cause be reviewed and a rehearing granted for the reasons set forth in the brief hereto attached.

(SIGNED) Harry G. Kimball

Wm. Henry White

Attorneys for Applicants.

IN THE DEPARTMENT OF THE INTERIOR.

---oOo---

In re Application of _____)

William O. Trott and Fannie W. Trott :

for Enrollment as citizens of the _____)

Cherokee Nation. _____ :

---O---

BRIEF FOR APPLICANTS ON REHEARING.

This cause was decided on October 31, 1902, before the final decision was rendered in the Yeargains cases on March 16, 1903. Since the latter decision the question on the intent of applicants in leaving the Cherokee Nation is a vital one in every case and also the fact that such applicants did not remove their property is decisive.

Briefly, the Yeargains cases held that if one is a citizen of the Cherokee Nation and lives there he can only lose his rights by doing all of four things, viz:

1. Remove from the Nation;
2. Take all his effects;
3. Become a citizen of another government;
4. Do all of the above with the intent of permanently abandoning the Cherokee Nation.

This decision is explicit that all of these must concur and if any applicant shall not have done any one of them he has not forfeited his rights but must be enrolled.

The Commission has found the name of William O. Trott on the roll of 1894 and properly so. He and his wife were readmitted by the Commission in 1896. There is no question that in 1897 when they removed to Illinois they were entitled to all the rights of citizens of the Cherokee Nation.

Have they, then, done the four things which work a forfeiture of their rights? The record shows they have done the

first only, which under the Yeargains decision, does not work a forfeiture. They removed in 1897.

They did not take any of their effects excepting only their wearing apparel. They left in the Cherokee Nation all their property. The following is from the record:

The applicant: "I knew what the Cherokee law was and I left all my effects here when I moved away, with my father. When he left they were stored with his goods at W. L. Trott's house where they are at the present time. I left at the time on account of my wife's health. I had property in the Territory. I had town lots in the town of Vinita and in the town of Afton, also."

Wm. L. Trott testified that said applicant left to seek employment and for his wife's health.

Q. Did he leave any effects in your hands? A. Yes, sir, he left his effects when he left here with J. R. Trott, the father, and when John Ross Trott left he left the household effects with me, he left here a short time before his father did. And when J. R. Trott left he left his effects and Oscar's effects with me.

Q. And have you had them ever since? A. Yes, sir.

Q. What does it consist of? A. It consists of household goods and furniture; Oscar left some town property in Afton and Vinita."

Nor did William O. Trott become a citizen of Illinois. In fact he could not if he had tried to do so. Elk vs. Wilkins, 112 U. S., 94. But there is not a bit of evidence showing an effort to do so.

The intent of the applicants in removing is not only laudable but is consistent with their Cherokee citizenship. His wife was sick. He went hoping to improve her health. Read the testimony of applicant, William L. Trott and affidavit of Dr. Campbell. What would the reader of this or any man do under these conditions? Certainly go north, east, south or west, anywhere to save his wife's life. The Cherokee law as construed in the Yeargains cases looks to the intent with which the act is done.

These applicants should be enrolled, therefore, because:

They have not removed their effects from the Nation.

They have not become citizens of another government.

The intent was to preserve the life of Mrs. Trott and not to lose their citizenship.

THE ACT OF 1896.

Stonewall J. Rogers was rejected by the Commission because he applied to the Commission in 1896 and was rejected. No appeal was taken in 1896. The Commission now says that Rogers rejection in 1896 was final and that the Commission has no right to interfere with that decision.

William O. Trott and wife applied to the Commission in 1896 under the same law and were enrolled by the Commission. No appeal was taken in 1896. The Commission has interfered with that decision and has rejected these applicants. Consistency, thou art a jewel!

The last brief we wrote was in the Rogers case. What shall we do now? The Commission is on both sides of the fence. Shall we straddle, too?

We ask that careful consideration be given our brief on this point in the Rogers case. It expresses our view of the law and is, in our opinion, the only rational view. Certainly, applicants have ground for complaint when such utterly irreconcilable opinions are rendered. Uniformity is their due.

If it be right to refuse to disturb the 1896 decision in the Rogers case then how can the 1896 decision be disturbed in this case?

Respectfully submitted,

(SIGNED) Harry G. Kimball

(SIGNED) Wm. Henry White

Attorneys for Applicants

.....

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, August 11, 1903.

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 complete copy of the original as filed with the Commission.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 29 1900



ACTING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION.

SEP. 28 1900

1900.

Date

Madison Ill.

23 William O Snot

District

COOWEE & COOWEE.

Year 1891

Page 320

No. 4365

Citizen by blood yes

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

Annie H. Snot

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of children

[Large handwritten scribble covering the child information section]

Dist. Year Page No. Age

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Admitted by the Jones Commission - 1896

Case 5342

W340

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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,
Muskogee, I. T., March 26, 1901.

In the matter of the application of William B. Trott, ^{et al} for enrollment as a Cherokee citizen by blood;
William L. Trott, being sworn and examined by Corried oner Needles testified as follows:

Examined by Attorney Thompson:

- Q What is your name? A William L. Trott.
Q Age? A 56
Q Post-office? A Vinita.
Q Do you know Oscar Trott? A Yes sir.
Q What relation is he to you? A He is a nephew of mine, son of John Ross Trott.
Q I will ask you what his business is? A He is a druggist, drug clerk.
Q You know what was the cause of his going out of the country?
A He went out to seek employment, and for his wife's health.
Q Did he leave any effects in your hands? A Yes sir, he left his effects when he left here with J.R. Trott, the father, and when John Ross Trott left he left the household effects with me, he left here a short time before his father did. And when J.R. Trott left he left his effects and Oscar's effects with me.
Q And have you had them ever since? A Yes sir.
Q What does it consist of? A It consists of household goods and furniture; Oscar left some town property in Afton and Vinita.

Examined by Cherokee Representative Baugh:

- Q How long did Oscar Trott ever live in the Cherokee Nation at any one time? A Why he must have lived here seven or eight years, - I don't remember exactly.
Q You don't recollect about what period that was, about when it was? A Why he lived here, he lived with me two or three years.
Q Do you know when he was admitted to citizenship, re-admitted?
A I don't remember.
Q Do you know where he was living in 1896? A He must have been living in Vinita.
Q Do you recollect about when he left Vinita? A Yes sir, he left about the fall of 1897, or winter.
Q Has he ever lived here since that time? A No.
Q His continuous residence then since 1897, the fall of 1897, has been in the State of Illinois? A From the winter of 1897, I think so, yes. Yes he has been in Illinois all the time; he has been in different places; he is a drug clerk; he is at a place close to Saint Louis now, running a drugstore for a party.

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 26, 1901.

M.D. Green
[Signature]

To be filed in D. 390, William O. Trott.

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

In the matter of the application of John R. Trott for the enrollment of himself and wife as citizens of the Cherokee Nation.

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

The applicant was notified by registered letter February 10, 1902, that his application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee on the 26th day of February, 1902. Receipt was acknowledged of the Commission's letter. The applicant on said day, the 26th day of February, 1902, appeared by his attorney, W. P. Thompson, and by agreement between said attorney and the representative of the Cherokee Nation present the case was continued until the 28th day of February, 1902. The case is called this day, to wit the 28th day of February, 1902, and the applicant again appears by his attorney, W. P. Thompson.

TESTIMONY IN BEHALF OF THE CHEROKEE NATION.

L. B. BELL, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A L. B. Bell.
Q What is your postoffice? A Vinita, 63 years old, very near 64.
Q Do you know Dr. John R. Trott, who formerly lived at Vinita?
A Yes, sir, I know him.
Q Does he live up there now? A No, sir.
Q How long has he been gone? A He has been gone several years.
Q Do you know where he is? A Don't know where he is, my understanding--Well, they went into Missouri first from there, and I think Oscar Trott is up there, and I don't know what ever becoms of Ross.
Q Well, he has never returned to the Cherokee Nation in the last three or four years, that is, to live? A Never come back to Vinita or any part of the Cherokee Nation that I have been in.
Q You are an old resident of Vinita? A Yes, sir. I have been living there for years and years.
Q You knew him well? A Yes, sir, for fifty years I reckon.

P. G. REUTER, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A P. G. Reuter, postoffice address Muskogee, age 26 years.
Q Are you the chief clerk for the enrolling division of the Cherokee Nation, enrollment division? A Yes, sir.
Q And as such have charge of it? A Yes, sir.
Q I will ask you whether or not that you had any correspondence through this division with Dr. J. R. Trott. A We have had correspondence with one J. R. Trott, don't know about his title.
Q Well, he is he the applicant in this case, inquiring about his case?
A Yes, sir.
Q Well, where was that letter addressed from? A Virden, Illinois.
Q Have you that letter? A I don't know, well---
Q Was it of recent date, you remember the date of the letter? A Yes, it was of recent date, I don't remember the exact date. I find

that the letter was dated February 24, 1902.

MR. THOMPSON: You don't know where he lived, do you, Mr. Reuter? A No, sir, I do not.

Q You don't know where his present residence is? A No, sir.
Q (Turning to Mr. Bell) Do you, Mr. Bell? A Oh, I guess he is where he wrote that letter.

Q I am talking about what you know? A I take it that he was alive when he wrote the letter.

Q You don't know where his present residence is, do you, Mr. Bell? A I don't know even the state he is in.

COMMISSION: Do you submit the case?

MR. THOMPSON: Yes, sir.

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

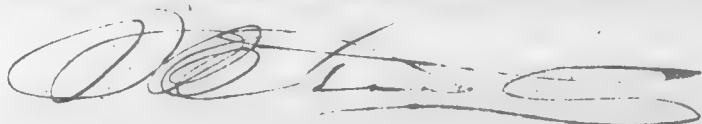
MR. THOMPSON: I desire to submit brief in behalf of applicant, setting forth the grounds upon which he thinks he is entitled to enrollment.

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

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 1st day of March, 1902.



Commissioner.

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

In the matter of the application of William O. Trott for the enrollment of himself as a citizen of the Cherokee Nation.

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

The applicant was notified by registered letter February 10, 1902, that his application for enrollment as a citizen of the Cherokee Nation would be taken up by the Commission at its offices in Muskogee for final consideration on the 26th day of February, 1902. Receipt was acknowledged of the Commission's letter, and the applicant, by his attorney, appeared before the Commission on the 26th day of February, 1902, and by agreement with the representatives of the Cherokee Nation present the case was continued until the 28th day of February, 1902. The case this day being called, to wit the 28th day of February, 1902, the applicant appears by his attorney, W. P. Thompson.

The attorney for the applicant files a brief in the matter of the application of the said William O. Trott for the enrollment of himself and wife as citizens of the Cherokee Nation, and requests that a copy of the testimony had this day in the matter of the application of John R. Trott, the applicant's father, whose name appears upon Doubtful Card No. 389, be filed with and made a part of the record in this case. The attorney for the applicant and the representatives of the Cherokee Nation present submit the case to the Commission. The same is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

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

Arthur G. Croninger

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



Commissioner.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Wastage, I.T., October 29, 1902.

In the matter of the application of Fannie V. Trett for enrollment as a citizen by intermarriage of the Cherokee and for the enrollment of her husband, William O. Trett, as a citizen by blood of the Cherokee Nation.

Fannie V. Trett, being first duly sworn, and examined by the Commission, testified as follows:

- Q What is your name? A Fannie V. Trett.
Q How old are you? A Twenty-eight.
Q What is your present address at this time? A Madison, Illinois.
Q Are you an applicant for enrollment as an intermarried citizen of the Cherokee nation? A Yes sir.
Q What is your husband's name? A William O. Trett.
Q When were you married to William O. Trett? A In 1890, 12 years ago.
Q Where were you married? A I was married in Morrisville, Ill.
Q Mr. Trett is a Cherokee citizen by blood is he? A Yes sir.
Q Had you ever been married before your marriage to Mr. Trett? A No sir.
Q Had he ever been married before his marriage to you? A No sir.
Q Have you and Mr. Trett lived together as husband and wife ever since the date of your marriage up to the present time? A Yes sir.
Q You have never been separated? A No sir.
Q You and he were living together as husband and wife on the first day of September, 1902? A Yes sir.
Q How soon after your marriage to Mr. Trett at Morrisville, Ill., did you and he come to the Territory? A I think about two years--ten years ago as well as I remember.
Q Did you come to the Cherokee nation? A Yes, to Afton, in the Cherokee nation.
Q How long did you and he live in the Cherokee nation after you came here? A About four years.
Q Were you living all the time at or near Afton? A Right at Afton, yes.
Q Where did you go after you left Afton? A Went to Franklin, Ill.
Q Do you remember when you went to Franklin, Ill.? A I think we left Afton about the latter part of 1897, as well as I remember.
Q November or December, 1897? A Yes.
Q You and your husband, William O. Trett left Afton the latter part of 1897 and went to Franklin, Ill.? A Yes, I haven't just figured it out, but it was about that; early in '98 of the latter part of '97.
Q Where have you and your husband, William O. Trett, lived since you left Afton in the latter part of 1897 up to the present time? A We went to Franklin and from there we came down to Madisonville.
Q Have you lived in the state of Illinois ever since you left Afton in the latter part of 1897 or first of 1898? A Yes, all my life with the exception of what time I was here.
Q My question now was this: Have you and your husband William O. Trett, lived in the state of Illinois ever since you left Afton, Indian Territory in the latter part of 1897 up to the present time? A Yes, we have.
Q You and he have not lived in the Territory or the Cherokee nation since you left it in 1897? A No sir.
Q You are living in the state of Illinois at this time? A Yes sir.
Q Your husband is a practicing physician? A No, a druggist.

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

Frances R. Lane

Subscribed and sworn to before me this October 29th, 1902.

B. C. Jones
Notary Public.

Cherokee D. 390.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Tahlequah, I. T. October 15th 1903.

In the matter of the application for the enrollment of William O. Trett et al as citizens of the Cherokee Nation.

Protest of the Cherokee Nation.

Comes now the Cherokee Nation and respectfully protests against the decision of the Commission to the Five Civilized Tribes in this case rendered on October 9th 1903 and asks that the same be forwarded to the Honorable Secretary of the Interior for Review.

Statement.

The applicant in this case is a son of John R. Trett whose case is pending before the Honorable Secretary of the Interior on appeal from the Commission to the Five Civilized Tribes, same being number Cherokee D 389; and all of the testimony introduced in the case of John R Trett was made a part of the record in this case. In the case of John R Trett Cherokee D #389 we have at length expressed our reasons why we do not believe that he should be enrolled as a citizen of the Cherokee nation and reference is respectfully made to the brief filed on part of the Cherokee nation before the Honorable Secretary of the Interior in said case.

Respectfully,

W. W. Hastings
Attorney for the Cherokee Nation.

J. C. S.

C73

Cherokee R 776.

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

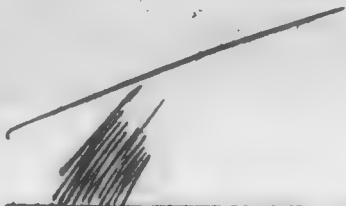
In the matter of the application for the enrollment of
Fannie W. Trott as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Vinita, Indian Territory, on September 22, 1900, William O. Trott appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of himself as a citizen by blood and for the enrollment of his wife, Fannie W. Trott, as a citizen by intermarriage of the Cherokee Nation. The application for the enrollment of said William O. Trott has been heretofore disposed of and his right to enrollment will not be considered in this decision. The records further show that on July 29, 1902, the Commission to the Five Civilized Tribes rendered its decision denying said Fannie W. Trott the right to enrollment as a citizen by intermarriage of the Cherokee Nation, and that said decision was on October 31, 1902 (I.T.D. 4963, 5375, 5563, 5900, 6624-02), duly approved by the Department. Thereafter on July 27, 1903 (I.T.D. 4963-02, 5772-03), the Department rescinded its decision of October 31, 1902, and remanded said case to the Commission to the Five Civilized Tribes for re-adjudication.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Fannie W. Trott, was married in the year 1890 to one William O. Trott, a Cherokee by blood, and that application was made to the Commission to the Five Civilized Tribes, acting under authority of the provisions of the Act of Congress approved June 10, 1896 (29 Stat., 321), for the admission to citizenship in the Cherokee Nation of said William O. Trott as a citizen by blood, and said Fannie W. Trott as a citizen by intermarriage of said Nation; that said application was granted and no appeal taken therefrom.

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, and following the ruling of the Department in the case of Thomas A. Williams (I.W.D. 1900-03), Fannie W. Trett is not entitled to enrollment as a citizen by intermarriage of the Cherokee Nation, and her application for enrollment as such is accordingly denied.

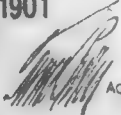


Commissioner.

Dated at Muskogee, Indian Territory,
this JAN 8 1907

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DEPARTMENT OF THE INTERIOR,
THE FIVE CIVILIZED TRIBES.
FILED
26 1901



ACTING CHAIRMAN

DEPARTMENT
COMMISSION TO
1
MAR

COMMISSIONERS:
MERRY L. DAVIS,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRANCHKIRKIDE.

ALLISON L. AYLDENWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 26th, 1901.

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the enrollment of William
O. Trott, et al., as citizens of the Cherokee Nation.

W. J. Thompson

D. D. 390

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

FEB 18 1902



ACTING CHAIRMAN

COMMISSIONERS
HENRY L. DAVIS,
TAMM BERRY,
THOMAS S. HERRMAN,
C. R. BARRINGTON.

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

ALLISON L. STODOLSKY,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 10th 1902

Mr. William O. Trott,
Madison, Illinois,

Sir:-

You are hereby notified that the application of yourself and wife

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 26th day of February, 1902.

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

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

Yours truly,

Charles B-300

Register.

Acting Chairman.

COPY

Muskogee, Indian Territory, July 29, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of William O. Trott for the enrollment of himself as a citizen by blood, and for the enrollment of his wife, Fannie W. Trott, as a citizen by intermarriage, of the Cherokee Nation, including the decision of the Commission, dated July 29, 1902, rejecting said application.

Very respectfully,

E. Needles
Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

1 Inclosure-

C. No. 57.

'COPY. ✓

Cherokee D 390.

Muskogee, Indian Territory, July 29, 1902.

William G. Trett,
Madison, Ill.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting your application for the enrollment of yourself as a citizen by blood, and for the enrollment of your wife, Fannie W. Trett, as a citizen by inter-marriage, of the Cherokee Nation. There has heretofore been furnished your attorney, W. P. Thompson, Vinita, Indian Territory, a copy of the proceedings had in the case, and there has this day been forwarded to him a copy of the Commission's decision.

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,

W. P. Thompson
Commissioner in Charge.

Register.

Enc. C. No. 84.

COPY.

Muskogee, Indian Territory, July 29, 1902.

W. F. Thompson,

Attorney for William O. Trett,
Vinita, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of William O. Trett for the enrollment of himself as a citizen by blood, and for the enrollment of his wife, Fannic W. Trett, as a citizen by intermarriage, of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings had in this case.

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,

J. C. C. C.
Commissioner in Charge.

Register.

Enc. C. No. 55.

COPY

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 William O. Trott for the enrollment of himself as a citizen by blood, and for the enrollment of his wife, Fannie W. Trott, 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,

J. H. Hedges

Commissioner in Charge.

Enc. C. No. 26.

D.C.No. 15410-1902.

J.P.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

BAF.

TD. 4983, 5375,
& 5563-1902.

September 13, 1902.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to your letter of July 29, 1902, transmitting the Cherokee enrollment case of William O. Trott, et al., as it appears from a statement made by the Commissioner making the examination that an argument was filed by claimant's attorney, W. P. Thompson, and as no such argument is found with the case, it is directed that if the argument can be found it be transmitted to the Department, and, if not, that the attorney be advised that he will be allowed fifteen days from notice to submit such argument as he may desire, showing due service upon the nation's attorney.

Respectfully,

Thos Ryan

Acting Secretary.

E.M.D.

Cherokee D-390.

Muskogee, Indian Territory, September 29, 1902.

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

Dear Sir:-

You are hereby advised that W. P. Thompson, Attorney for William O. Trott et al., has this day been notified that he will be allowed fifteen days from date hereof within which to file with the Commission a brief setting forth his reasons why the applicants should be enrolled as citizens of the Cherokee Nation.

This for your information.

Respectfully,

Acting Chairman.

Cherokee D-390.

Muskogee, Indian Territory, September 29, 1902.

W. P. Thompson,
Attorney for William O. Trott et al.,
Vinita, Indian Territory.

Dear Sir:-

In the matter of the application of William O. Trott et al., for enrollment as citizens of the Cherokee Nation, whom you represent, it appears that when this case was submitted to the Commission, February 28, 1902, you stated that you desired to file in behalf of the applicants, a brief setting forth the grounds upon which you think they are entitled to enrollment as citizens of the Cherokee Nation. An examination of the papers in this case fails to disclose that such brief has ever been presented to the Commission for filing.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to submit such argument as you may desire, showing due service upon the attorney for the Cherokee Nation.

Respectfully,

Acting Chairman.

Register.

Cherokee D 390.

Muskogee, Indian Territory, October 16, 1902.

W. P. Thompson,

Attorney for William O. Trott et al,

Vinita, Indian Territory.

Dear Sir:

Referring to the Commission's letter under date of September 29, 1902, granting you fifteen days from date thereof, in which to file a brief in the matter of the application of William O. Trott et al, as citizens of the Cherokee Nation, you are hereby advised that the request of the Commission has not been complied with.

Please give this matter your immediate attention, as the Commission desires to forward this case to the Department.

Respectfully,

Acting Chairman.

Cherokee D-100

Muskogee, Indian Territory, October 18, 1902.

W. P. Thompson,
Attorney for William C. Trott,
Vinita, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 15th inst., enclosing brief in the matter of the application of William C. Trott et al., for enrollment as citizens of the Cherokee Nation.

Respectfully,

Acting Chairman.

Cherokee D-390

Muskogee, Indian Territory, October 18, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

Replying to Departmental letter under date of September 13, 1902 (I.T.D. 4963, 5375 & 5563-1902), requesting that the attorney for William O. Trott et al., applicants before the Commission for enrollment as citizens of the Cherokee Nation, be allowed fifteen days in which to file brief in behalf of applicants, I have the honor to forward herewith, for the consideration of the Department, a brief this day received from W. P. Thompson.

Respectfully,

Acting Chairman.

Enc. No. 1

8

D.D.No. 20851-1902.

Refer in reply to
the following:

Land 33001-1902.

OFFICE

Department of the Interior,

Office of Indian Affairs,

Washington, Oct. 27, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of September 13, 1902, (I.D. 4963, 5375 and 5363) directing the Commission to the Five Civilized Tribes to forward the brief and argument filed by the claimants' attorney in the Cherokee enrollment case of William D. Trott, et al, there is enclosed herewith a report from the Acting Chairman of the Commission, dated October 13, 1902, forwarding the brief referred to.

Very respectfully,

Your obedient servant,

(signed) W. A. Jones,

Commissioner.

G.A.W. (B)



D.S. No. 20651-1902.

U.S.

DEPARTMENT OF THE INTERIOR.

T.F.D. 6624-1902.

WASHINGTON.

PH

L. RS.

October 31, 1902.

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

Gentlemen:

On September 13, 1902, in the matter of the application of William O. Troot, et al., for enrollment as Cherokee citizens, you were directed to advise W. P. Thompson, attorney for the applicants, that he would be allowed fifteen days in which to file such argument as he might desire, showing due service upon the attorney for the Cherokee Nation.

In your letter of October 18, 1902, there was received an argument by Thompson, which does not, however, show any service upon the Nation's attorney. Said argument is therefore returned herewith, to be delivered to said attorney, as the Department declines to consider it under the circumstances. Copy of Commissioner's letter inclosed.

Respectfully,

E. A. Hitchcock,

Secretary.

1 inclosure.

E.M.D.

Muskogee, Indian Territory, November 12, 1902.

The Honorable,
The Secretary of the Interior.

Sir:-

Receipt is hereby acknowledged of Departmental letter under date of October 31, 1902 (I.T.D. 6626-1902), returning argument of W. P. Thompson, attorney for the applicants in the matter of the application of William O. Trett et al., for enrollment as Cherokee citizens, for the reason that the same fails to show due service upon the attorney for the Cherokee Nation.

In reply, I have the honor to report the attorney for the Cherokee Nation has this day acknowledged service of a copy of the argument. The same is herewith returned.

Respectfully,

Acting Chairman.

1 Enc. M-12

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee D 390.

Muskogee, Indian Territory, November 26, 1902.

William O. Trott,
Madison, Illinois.

Dear Sir:

You are hereby advised that the Commission's decision rejecting your application for the enrollment of yourself as a citizen by blood, and for the enrollment of your wife, Fannie W. Trott, as a citizen by intermarriage, of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 31, 1902.

Respectfully,

James D. ...
Acting Chairman.

Cherokee D 390.

COPY.

Muskogee, Indian Territory, November 26, 1902.

W. P. Thompson,

Attorney for William O. Trott et al,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision rejecting the application of William O. Trott for the enrollment of himself as a citizen by blood, and for the enrollment of his wife, Fannie W. Trott, as a citizen by intermarriage, of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 31, 1902.

Respectfully,

Fann. Sixby.

Acting Chairman.

copy

Cherokee D 390.

Muskogee, Indian Territory, November 26, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision rejecting the application of William O. Trott for the enrollment of himself as a citizen by blood, and for the enrollment of his wife, Fannie W. Trott, as a citizen by intermarriage, of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 31, 1902.

Respectfully,

J. J. Baxby

Acting Chairman.

D.C.20621-1903.

J.P.

DEPARTMENT OF THE INTERIOR.
Washington.

W.C.F.
EAF.

ITD.4963-1902
5772-1903.

July 27, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

On July 13, 1903, the attorneys for the applicants in Cherokee enrollment case of William O. Trott, et al., filed with the Department a motion that said case be reopened. Said motion accompanied the brief and argument in support of same.

It appears from the record that on November 24, 1896, William O. Trott was admitted to citizenship in the Cherokee Nation as a Cherokee by blood; that his wife, Fannie W. Trott, was admitted to citizenship in said nation as a citizen by intermarriage by the Commission to the Five Civilized Tribes under the act of June 10, 1896 (29 Stats., 321), and that no appeal was taken from said decision. William O. Trott is also identified on the 1894 pay roll of the Cherokee Nation. It further appears that the said William O. Trott and Fannie W. Trott removed from the Cherokee Nation to the State of Illinois in 1897; that they have not resided in said nation or Indian Territory since that time, alleging that their removal was for the benefit of the health of Fannie W. Trott, and that they did not remove their effects from the Cherokee Nation, and had never become citizens of the State of Illinois or taken citizenship outside of the said nation.

You rejected the applicants July 29, 1902, referring in your decision to paragraph 9 of section 21, act of Congress approved June 28, 1898 (30 Stat., 495). On October 31, 1902, your decision was approved by the Department.

Your decision in the matter, as well as that of the Department, was rendered under a different interpretation of section 21 of said act from that expressed by the Assistant Attorney General in his opinion of March 16, 1903, relative to the Cherokee case of Joseph D. Yeargain, et al. The Department therefore rescinds its former action in the matter, and the case is returned in order that it may be re-adjudicated by you in accordance with said opinion. You are directed to take additional testimony in the case, if advisable, and to notify the attorneys for the Cherokee Nation of the Department's action herein.

The record is returned herewith, together with the motion for review and the other papers in the case received by the Department since your decision rejecting the applicants was rendered.

Respectfully,

Thos. Ryan,

Acting Secretary.

7 inclosures.

Cherokee E-778

Tahlequah, Indian Territory, September 4, 1903.

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

Gentlemen:

As directed in the Commission's letter of August 29,
there are enclosed herewith the original card, jacket and report
in Cherokee case E-778, William O. Trott et al.

Respectfully,

Clerk in Charge
Cherokee Land Office.

MYM

Enc. M-2101

CCM

Cherokee D-390.
(R 776).

Muskogee, Indian Territory, October 10, 1903.

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

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 9, 1903, granting the application of William O. Trott 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 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-79

Chairman.

COPY.

Cherokee D-390
(R-776).

Muskogee, Indian Territory, October 20, 1903.

W. P. Thompson,
Attorney for William O. Trott,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 9, 1903, granting the application of William O. Trott for enrollment as a citizen 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 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,

T. S. [Signature]

Commissioner in Charge.

Enc. D-150
Register.

Cherokee D-390
(B-776).

Now
Muskogee, Indian Territory, October 20, 1903.

William O. Trett,
Madison, Illinois.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 9, 1903, granting your application for enrollment as a citizen by blood of the Cherokee Nation. There has heretofore been furnished your attorney, W. P. Thompson, Vinita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

You are 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,

T. B. J. [Signature]

Register
No. 2-107.

Commissioner in Charge.

COPY.

Cherokee D-370
(B-776).

Muskogee, Indian Territory, October 20, 1903.

The Honorable

The Secretary of the Interior.

Sir:

Referring to Departmental letter of July 27, 1903 (ITD. 4963-1903, 5772-1903), there is herewith transmitted the record of proceedings had in the matter of the application of William O. Trott for enrollment as a citizen by blood of the Cherokee Nation, including the Commission's decision dated October 9, 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,

F. B. Needles.

Through the
Commissioner of Indian Affairs.
Enc. D-189.

Commissioner in Charge.

Refer in reply to the
following: Land
68430-1903.

COPY
Department of the Interior,
Office of Indian Affairs,
Washington, October 30, 1903.

The Honorable

The Secretary of the Interior.

Sir:

Referring to Department letter of July 27, 1903, (I.T.D. 4963-1902 and 5772-1903), returning to the Commission the record of the application of William O. Trott, et al., for enrollment as citizens of the Cherokee Nation, with direction to re-adjudicate the case in accordance with the Department's holding in the Yeargain case, there is herewith a report from the Commission to the Five Civilized Tribes dated October 20, 1903, returning the record in this case.

The Department, by letter of October 31, 1902, held that the applicants in this case were not entitled to enrollment. This decision, however, was rescinded by letter above referred to. William O. Trott applies for the enrollment of himself as a citizen by blood, and for the enrollment of his wife, Fannie W. Trott, as a citizen by intermarriage. October 9, 1903, the Commission held that William O. Trott was entitled to enrollment under the doctrine laid down in the Yeargain case. The right of Fannie W. Trott was not passed upon by the Commission.

The record in this case shows that on November 24, 1898, W. O. Trott was admitted to citizenship in the Cherokee Nation as a citizen by blood, and that no appeal was taken from this decision. The applicant, it appears, resided in the Cherokee Nation in good faith for several years; that in the fall of 1897 he left the nation for the benefit of his wife's health, and that he has not since returned. He, however, owns property in the nation, and has left effects within the limits of the nation. The Cherokee Nation protests against the Commission's decision.

Under the Department's holding in the Yeargain case and the Martha Hill case, June 10, 1903 (I.T.D. 3386), it appears to the office that William O. Trott is entitled to enrollment as a citizen by blood of the Cherokee Nation, and the approval of the Commission's decision is recommended.

Very respectfully,

W. A. Jones,

Commissioner.

GAW-CGC

D. C. 5976-1904.

I.T.D. 7822-1903.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

FHE
LRS

February 15, 1904.

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

Gentlemen:

October 20, 1903, the Commissioner of Indian Affairs submitted the case involving the application of William O. Trott, for the enrollment of himself as a citizen by blood of the Cherokee Nation, and for the enrollment of his wife, Fannie W. Trott, as a citizen by intermarriage of the Cherokee Nation, received with your letter of October 20, 1903.

In your decision of October 9, 1903, you state that as the status of persons applying for enrollment as citizens by intermarriage of the Cherokee Nation is not fixed, the application for the enrollment of Fannie W. Trott as such is not considered or passed upon.

It is shown that on November 24, 1896, William O. Trott was admitted to citizenship in the Cherokee Nation by your Commission under the act of June 10, 1896 (29 Stat., 321). He is identified upon the 1894 Cherokee strip payment roll. It appears that the applicant resided in the Cherokee Nation for several years prior to 1897, at which time he left the nation for the benefit of his wife's health

and has not since returned. It appears, as stated in your decision, that at the time of his removal he left certain property and effects in the Cherokee Nation, and has maintained ownership of the same up to the date of his application. It is not shown that he has since the date of his admission in 1896, severed his tribal relations with the Cherokee Indians or become a citizen of any other government.

Referring to the ruling of the Department in the case of Joseph D. Yeargain et al., you held that William O. Trott should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of the act of June 28, 1898 (30 Stat., 495).

The Commissioner recommends that your decision be concurred in. A copy of his letter is inclosed.

Your decision is hereby affirmed. See decision of the Department of February 6, 1904, in the case of John Ross Trott.

Respectfully,

(signed) Thos Ryan

Acting Secretary.

1 inclosure.

Cherokee R-776

Muskogee, Indian Territory, February 29, 1904

W. P. Thompson,
Attorney for William O. Trott,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated October 9, 1903, granting the application of William O. Trott for the enrollment of himself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 15, 1904.

Respectfully,

Commissioner in Charge.

Cherokee R-776.

Muskogee, Indian Territory, February 29, 1904.

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

Dear Sir:

You are hereby advised that the Commission's decision, dated October 9, 1903, granting the application of William O. Trett for the enrollment of himself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 15, 1904.

Respectfully,

Commissioner in Charge.

Cherokee R-776.

Muskogee, Indian Territory, February 29, 1904.

William O. Trott,
Madison, Illinois.

Dear Sir:

You are hereby advised that the Commission's decision, dated October 9, 1903, granting your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 13, 1904.

Respectfully,

Commissioner in Charge.

D.C. 52123 - 1906.

(COPY)
DEPARTMENT OF THE INTERIOR

Y.P.

I.T.D. 7822-1903.

WASHINGTON.

FHE.

L.R.S.

November 26, 1906.

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

Sir:

Attention is called to the statement in the decision of the Commission to the Five Civilized Tribes of October 9, 1903, in the matter of the application of William O. Trott and his wife, Fannie W. Trott, for enrollment as citizens of the Cherokee Nation, that the claim of Fannie W. Trott had not been acted upon. See departmental letter of February 15, 1904.

In view of the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, appealed from the Court of Claims, action should be taken by you upon the application of Fannie W. Trott.

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

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

15 inc. to Ind. Of.

Cherokee
R776

Muskogee, Indian Territory, January 8, 1907.

Fannie W. Trott,
Madison, Illinois.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 8, 1907, denying your application for 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,

Encl. H. J. - 20.
H. J. C.

Commissioner.

Register.

Cherokee
R 776.

Muskogee, Indian Territory, January 8, 1907.

W. P. Thompson,

Attorney for Fannie W. Trott,

Vinita, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 8, 1907, denying the application for the enrollment of Fannie W. Trott, 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. H. J. - 19.
H. J. C.

Commissioner.

Cherokee
R 776

Muskogee, Indian Territory, January 8, 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 8, 1907, denying the application for the enrollment of Fannie W. Trott, 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. H. J. - 18.
H. J. C.

Commissioner.

Muskogee, Indian Territory, January 8, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of November 26, 1906 (I.T.D.7822-1903), there is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Fannie W. Trott, as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commissioner to the Five Civilized Tribes, dated January 8, 1907, denying said application.

Respectfully,

Through the Commissioner
of Indian Affairs.

Encl.H.J.-26.
H.J.C.

Commissioner.

Refer in reply to the following:

Copy.

LAND
2933-1907.

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

February 23, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of November 26, 1906, (I.T.D. 7822-1903) there is enclosed the record of proceedings in the matter of the application for the enrollment of Fannie W. Trott as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commissioner to the Five Civilized Tribes dated January 8, 1907, adverse to the applicant.

The record shows that on September 22, 1900, William O. Trott appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Fannie W. Trott as a citizen by intermarriage of the Cherokee Nation.

The record further shows that on July 29, 1902, the Commission rendered its decision denying Fannie W. Trott the right to enrollment as a citizen by intermarriage of the Cherokee Nation, which decision was approved by the Department on October 31, 1902 (I.T.D. 6424-1902). Thereafter, on July 27, 1903 (I.T.D. 5772-1903) the Department rescinded its decision of October 31, 1902, and remanded the case to the Commission to the Five Civilized Tribes for readjudication.

The evidence shows that the applicant herein was married in the year 1890, to William O. Trott, a Cherokee citizen, and that application was made to the Commission to the Five Civilized Tribes, acting under authority of the Act of Congress approved June 10, 1896 (29 Stat. L., 321) for the admission to citizenship in the Cherokee Nation of William O. Trott as a citizen by blood, and Fannie W. Trott as a citizen by intermarriage of the Cherokee Nation, and that the application was granted and no appeal taken therefrom.

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, and by reason of the provisions of the Act of Congress approved June 28, 1898 (30 Stat. L., 495), the Office concurs in the decision of Commissioner Bixby denying the enrollment of Fannie W. Trott as a citizen by intermarriage of the Cherokee Nation.

Very respectfully,

(Signed) C. F. Larrabee,

Acting Commissioner.

KRM.Ph.

D. C. 12415
I.T.D. 8042, 8044, 8084, 8070, 8126-07,
8162, 8328, 8340, 8382, 8372-
8408, 8430, 8432, 8434, - "

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

Y. P.
7112.

February 28, 1907.

LR3.

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskegee, 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.
Emma L. Ironside, (Intermarried)	February 1, 1907
Fanny Raper, (Intermarried)	February 2, 1907
John Seain, (Intermarried)	February 2, 1907
Ev. Ellen Anderson (Freedman)	January 14, 1907
William H. Donaldson,	December 3, 1906
Fannie W. Pratt, (Intermarried)	January 8, 1907
Louisa J. Slean, (Intermarried)	February 6, 1907
Yollie Theresa Railway, et al.	January 26, 1907
Martha Harris, (Intermarried)	February 5, 1907
Sandy Smith, (Freedman)	November 24, 1906
Edward Chamy,	January 26, 1907
Carl E. Fishback,	January 18, 1907
Sarah E. McDonald, (Intermarried)	January 30, 1907
Mary A. Price, (Intermarried)	January 30, 1907

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

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

AWC
3-1-07
14 inc. and 28 for Ind. Of.

Cherokee
R-776

COPY

Muskogee, Indian Territory, March 9, 1907.

Fannie W. Trott,
Madison, Illinois.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 8, 1907, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, February 28, 1907.

Respectfully,

SIGNED *Tams D. ...*

Commissioner.

JM

Cherokee R-776

COPY

Muskogee, Indian Territory, March 9, 1907.

W. P. Thompson,
Attorney for Fannie W. Trett,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 8, 1907, rejecting the application for the enrollment of Fannie W. Trett as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, February 26, 1907.

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

Respectfully,

S. J. Bixby
Commissioner.

Encl. M-14
JHE

Cherokee
2-776

COPY

Muskogee, Indian Territory, March 9, 1907.

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

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 8, 1907, rejecting the application for the enrollment of Jennie W. Trett as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, February 26, 1907.

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

Respectfully,

SIGNED *Tams B.*

Commodore.

Encl. B-17
JMS

~~CONFIDENTIAL~~

R 776

A.

William L. Trautt, J. ed

Reposed

action approved by Secretary of INT

Oct 31 1962

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Rec. 1. END AND RECOMMENDED BY APT

July 27 1963

Feb. 24. 1964, NO TRANSFERRED
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REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Sallisaw, I. T., August 9, 1900.

In the matter of the application of Dennis Hood for the enrollment of himself and child as Cherokee by blood and his wife as a Cherokee by intermarriage, being sworn and examined by Commissioner Headlee, he testified as follows:

- Q What is your name? A Dennis Hood.
Q What is your age? A 30.
Q What is your postoffice address? A Sallisaw.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q What district do you live in? A Sequoyah District.
Q How long have you lived there? A All my life.
Q Have you ever lived out of the Cherokee Nation? A Not any length of time.
Q When and where? A Down here in Arkansas, Sebastian County.
Q When did you live in Sebastian County, Arkansas? A It has been about ten or 12 years ago, I guess.
Q Then did you go from there to the Cherokee Nation? A Yes sir, I came back to the Cherokee Nation.
Q And you have been living in the Cherokee Nation ever since?
A Yes sir.
Q You haven't lived out of it since that time? A No sir.
Q What is your father's name? A Henry Hood.
Q Is he living? A No sir.
Q Is he a Cherokee by blood? A Yes sir.
Q When did he die? A In 1894.
Q What is the name of your mother? A A Leslie Carter, is her name.
Q Is she living? A Yes sir.
Q Is she a Cherokee citizen by blood? A Yes sir.
Q Are you married? A Yes sir.
Q When were you married? A In 1897.
Q What was your wife's name before you were married? A Zele Maples.
Q Was she a citizen? A No sir.
Q What was her father's name? A John Maples.
Q Is he a non citizen? A Yes sir.
Q What is her mother's name? A Mary Maples.
Q Is she a citizen? A No sir.
Q Have you any children? A Yes sir, one.
Q What is its name? A Bessie Hood.
Q How old is it? A One year old.
Q Have you any marriage certificate? A No sir.
Q What proof have you that you were married? A I haven't any.
Q You can't get this child enrolled unless you can prove you were married. Who married you? A Parson Dooly.
Q Where is he? A He lives in Brady Mountain.
Q Did he give you a certificate? A No sir, he gave me a certificate and I sent it to the Clerk's office to have it recorded and he never returned, to Sequoyah.
Q Was your father's name Henry C. Hood? A He signed his name that way.
Q You can get a certificate from that preacher, can't you? A I suppose I can.
Q Did you have any brothers named David? A No sir, he had a brother named David.
Q Has your name always been called Dennis? A Yes sir.
[The original record of marriages of the Cherokee Nation, Sequoyah district, is presented, and recorded therein is found the marriage of Dennis Hood, age 22, to Miss Z. G. Maples, on the 20th day of October

Dennis Hood-2.

1897, recorded in the Clerk's office at Muskogee, Book A, page 31-32)
(On 1896 roll, page 1072, No. 663, Dennis Hood, Sequoyah district.)

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

(On 1894 roll, page 991, No. 1206, Dennis Hood, Sequoyah district.)

Q What relation are you to the Sixkillers? A There is one Six-killer my father's cousin.

Q Your name was never called Sixkiller? A No sir.

Q Did you live with your father? A Yes sir, I lived with him for ever since I can recollect.

Q What proportion of blood have you got? A $1/8$ I suppose, my father claimed to be $1/4$.

Q Well, you are not on the roll of 1890, and we have no proof of your father and mother's marriage. A I have an affidavit of my mother.

Martha Vann, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Martha Vann.

Q How old are you? A About 67 I guess.

Q What is your postoffice? A Sallisaw.

Q What district do you live in? A Sequoyah.

Q Are you a Cherokee by blood? A Yes sir.

Q Did you know Henry Hood? A Yes sir, I nursed him many a time when he was a baby.

Q Was he a Cherokee citizen? A Yes sir, and my own brother.

Q How much blood did he have? A $1/4$.

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

Q What was her name before her marriage? A Leslie Barrett.

Q Was she a citizen of the Nation? A No sir, a white woman.

Q Do you know whether they were married or not? A No sir, I wasn't at the marriage.

Q Do you know whether they lived together as man and wife? A Yes, sir.

Q How long did they live together? A I don't know, sir, I never was at their house but once.

Q How long did you know them from the time they were married until the time she went away, did you know them during that whole time?

A Yes sir, I knew my brother, of course I wasn't right with the woman much, but I saw her.

Q When did she leave? A I don't remember what year it was in.

Q Were you present at the birth of this applicant, Dennis Hood?

A No sir.

Q Do you know whether he was born while they were living together as man and wife? A Yes sir, when I was out there at their house he was a little bit of a chap.

Mr. Hastings, representative of Cherokee Nation: When were they married, in what year? A I don't know.

Q You say you were at their house one time? A Yes sir, I was at their house once.

Q Do you remember what year that was in? A No sir, I don't.

Q How long did you remain there? A I stayed a day or two.

Q Was he living with this woman then as his wife? A Yes sir.

Q Was this child born then? A Yes sir, he was a right smart little chap.

Q About how old? A About a year or a year and six months, I don't remember just exactly.

Q Do you know what time they separated? A No sir, I don't.

Q You said a while ago while you were not under oath that this woman took this boy off to the states somewhere and his father afterwards went and got him? A Yes sir, after they separated she came here and stole him in the night and went off with him.

Q How long did she keep him? A I don't know, about 7 or 8 months, I don't recollect exactly.

Q Have you known this boy ever since? A Yes sir.

Dennis Hood-3.

- Q Have you known this boy ever since? A Yes sir.
Q Where has he been living since that time? A In Sequoyah.
Q All the time? A Yes sir.
Q With the exception of that short time that his mother stole him, he has been living in Sequoyah? A Yes sir, after he got a good size boy his father let him go with his mother and so to school about three months.
Q Where? A Over the other side of Fort Smith.
Q State of Arkansas? A Yes sir, I guess so, I don't know exactly where she lived, but he was in the State.

James M. Price, being sworn and examined by Commissioner Needles testified as follows:

- Q What is your name? A James M. Price.
Q What is your age? A 55.
Q Are you a citizen of the Cherokee Nation? A By marriage.
Q What is your post office? A Sallisaw.
Q How long have you been a resident of the Cherokee Nation?
A Ever since 1873.
Q Do you know Dennis Hood? A Yes sir.
Q When did you know him? A I knew him when he was a baby.
Q Did you know him up to the time of his death, Henry Hood?
Q Yes sir, I knew him up to the time of his death from 1872.
Q Did you know the woman called Leslie Hood? A Yes sir, she was a Barrett.
Q What relation did they bear to each other? A They lived together down there in the bottom.
Q Did they live together as man and wife? A I can't say as to that.
Q You don't know whether they were married or not? A No sir.
Q You don't know whether they were regarded as man and wife or not?
A No sir, I moved there in 1874, in the bottom where they lived.
Mr. Hastings: Did you live near them? A Yes sir.
Q How were they regarded, do you know anything to the contrary that they were not man and wife? A No sir, I don't know anything particular as to that, only this woman had this boy.
Q Was there any talk in the neighborhood that they were married or were not married? A My understanding was they were just cohabiting, I don't know whether they were married or not, Henry Hood claimed him as his boy.
Q Have you been living here in Sequoyah district ever since that time? A Yes sir, over here about ten miles.
Q What became of that boy after this time? A When I first known him in 1875 I think he came from over in the State, and I knew nothing more about him until I seen him at his father's, and Henry told me it was the same boy.
Q How long afterwards did you see him there? A It might have been ten years or so.
Q You don't know where he was at in the meantime? A No sir, it he might have been in the Nation and he might have been out. The last ten or twelve years I knowed him to be back here, but where he was before that time I don't know.
Commissioner Needles: Do you know how long Henry Hood and this woman cohabited or lived together? A I went there in 1874 and moved up to Sallisaw in 1875, I think for a year and a half or two years.
Q Did Hood have any other family? A I don't know, he had a wife, I don't know whether it was before that time or afterwards, I think probably it was afterwards when he married Martha Smoker.
Q Married her after that? A I don't know whether it was after that or not, that is the woman he had when he died.

Martha Vann, recalled, testified:

- Q Mrs. Vann, do you know whether Henry Hood ever had any other wife

or not? A No, not at the time he lived with Dennis' mother he never had any other wife, but after they were separated several years he married a woman named Margaret Smoker.

Q Do you know whether he ever got any divorce from Dennis' mother or not? A I do not.

Dennis Hood, recalled, testified:

Q Do you know of anybody else you can prove anything by? A Mr. Littlejohn wrote my father's last will and my father acknowledged me in the will all right.

William N. Littlejohn, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A William N. Littlejohn.

Q What is your age? A 54.

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

Q What is your post office address? A Sallisaw.

Q Did you know Henry Hood in his life? A Yes sir.

Q Did you know his wife Leslie? A No sir.

Q Did you know his son Dennis? A Yes sir.

Q Do you know whether Henry Hood was married to Leslie Hood or not?

A No sir, I do not.

Q Did he recognize her as his wife? A I don't know.

Q Did you write a will for Henry Hood? A I did.

Q In that will did he acknowledge this boy Dennis Hood as his son?

A Yes sir, he did.

Q Do you know yourself whether they were married or not? A No sir, I never seen the woman and don't know anything about her, I knew Mr. Hood.

Q He acknowledged him as his son? A Yes sir.

Q Did he say anything in his will about his wife? A No sir, he was living with another woman at that time.

Mr. Pastings: Was this boy living with him at that time? A Yes, sir.

Q How long did you know him to live with Henry Hood? A Since 1890, I believe.

Commissioner Needles: The name of Dennis Hood appears upon the roll of 1896 and the roll of 1894. Upon examination of the roll of 1880, his name is not found. He claims citizenship as a Cherokee by blood. He avers that he was married in 1897 to Zoie Maples and the result of that marriage was a child named Lizzie, now one year old. From the fact that the name of Dennis Hood is not found on the roll of 1880, and that he can give no positive evidence that his father Henry Hood, and his mother were ever married, his mother being Leslie Hood, nee Barrett, and a non-citizen, final judgment as to the application of said Dennis Hood will be suspended and his name will be placed upon a doubtful card, as well as that of his child, Lizzie. The said Dennis Hood will be required to file with this Commission proof of the birth of said child, Lizzie.

Bruce 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 witnesses, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce C. Jones.

Subscribed and sworn to before me this 14th day of August, 1900.

C.R. Breckinridge.

Commissioner.

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

Subscribed and sworn to before me this 23 day of February, 1903.

R. Palmer
Notary Public.

State of California

ss.

County of Santa Barbara.

Leacy Elizabeth Carter, being duly sworn, says: I am a resident of the County of Santa Barbara, State of California, I was married to Henry Hood March 17th 1874; said Henry Hood was then a citizen of the Cherokee Nation, and a resident of Sequoyah District of said Nation, in Indian Territory: on February 2nd, 1875, there was born to us a son Denis Hood; the said Denis Hood is still a resident of Sequoyah District in Indian Territory: The said Denis Hood was and is the only child of said Henry Hood.

(Signed) Leacy E. Carter.

Subscribed and sworn to before me this 27th day of August, 1898.

(Signed) Henry Stoddard.

Notary Public in and for the
County of Santa Barbara, State of
California.

Muskogee, I. T., June 20, 1902.

I, H. M. Vance, as stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above is a true and correct copy of an affidavit now on file in the office of the Commission.

H. M. Vance.

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

D. #98.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T. FEBRUARY 11th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
DENNIS HOOD as a citizen of the Cherokee Nation:

JOHN FAULKNER, being sworn and examined by Commissioner Breck-
inridge, testified as follows:

- Q Give me your full name? A John Faulkner.
Q How old are you? A I am in my 54th year.
Q What is your post office? A Muldrow.
Q In what district do you live? A Sequoyah.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Mr. Faulkner, are you acquainted with one Dennis Hood? A Yes,
sir.
Q Do you know his wife? A No sir, I don't know her.
Q Do you know what her name is? A No, I don't recollect.
Q Do you know who she was when he married her? A No, I never saw
her.
Q How old is Dennis Hood? A He was born in '76.
Q What is his postoffice? A I do not know where he gets his mail,
he lives above me.
Q Does he live in your district? A Yes sir.
Q Could he get his mail conveniently at Muldrow? A Yes sir.
Q He has a wife has he? A He did have.
Q You don't know about his losing her? A They parted.
Q When did they part? A I don't know; it has been several years
to my recollection.
Q They have not been married long? A No sir.
Q They did not stay together long? A No sir, I don't how long
they did.
Q Did they get together again? A I don't know; he don't live close
to me.
Q How long have you known him? A I have known him ever since he
was a baby, off and on.
Q What is the name of his father? A Henry.
Q And his mother? A Leasia.
Q What was her name before she married Hood? A Barrett.
Q She had a husband named Barrett? A I never heard of her except
as Leasia.
Q Did you ever hear of Dennis' mother being called Leslie Carter?
A Yes sir.
Q Do you know how many children Dennis has? A No sir, I don't
know much about his family.
Q Is he recognized as the son of this man Henry and Leasia Hood?
A Yes sir; they lived by me and I have heard them talk about Henry
Hood; Henry Hood and Leasia did not live together more than a
year.
Q How many children did Henry Hood and this woman, Leasia, have?
A Only the one.
Q Dennis? A Yes sir.
Q Henry Hood is dead is he? A Yes sir.
Q Was he a Cherokee or white man? A Cherokee.
Q What was Leasia? A She was a white woman.
Q How do you know that Leasia and Henry Hood were married? A I
only know it from neighborhood talk and the day they were married
they passed my house.

- Q Was her father a preacher? A No sir.
- Q I want to know how you knew that Henry Hood and Lesie were married? A Just from hearsay and they lived together.
- Q How old was Henry Hood when they married? A He is a man about my age; they married before '80.
- Q How long have you known Henry Hood? A I knowed him about all his life.
- Q Have you known him all his life? A Ever since about '63.
- Q Was he ever married before he married this woman Lesie? A It seems to me that he was.
- Q Whom was he married to before that? A A woman named Ross.
- Q Did they part? A Yes sir.
- Q Was that woman dead when he married this woman, Lesie? A No, sir, I don't think she was.
- Q Did they ever get any divorce? A I don't know; about the time I recollect they lived together, he was sent to the penitentiary.
- Q Were there any children from that union? A No sir, nine that I know of.
- Q Is that woman, Ross, still living? A No sir, she is dead.
- Q When did she die? A I do not know.
- Q Do you know her full name? A I don't know whether I do or not.
- Q As near as you can recollect about when was it she died? A I can't recall; it was sometime after he married.
- Q This woman Lesie? A Yes sir.
- Q Do you know the name of this Ross woman's father? A To ross.
- Q Is he dead? A Yes sir.
- Q Do you know the name of this Ross woman's mother? A No sir; I don't recollect.
- Q Now this Ross woman; has she any brothers and sisters living that you know of? A Yes sir, she has got one sister.
- Q What is her name? A That is, she has got one full sister.
- Q What is the name of her full sister? A Sarah Foreman.
- Q What is the post office of Sarah Foreman? A I do not know where she lives.
- Q In what district does she live? A In Sequoyah.
- Q In what neighborhood does she live? A Silk Prairie.
- Q She is a single woman is she? A Her husband is dead.
- Q Has this woman any brothers living? A Yes sir, Dave Ross.
- Q Is he living? A Yes sir.
- Q What is his post office? A Sallisaw, I guess he lives near Sallisaw.
- Q You know that Dennis Hood is universally recognized and as always been as the child of Henry Hood by this woman, Lesie? A Yes sir.

JOHN W. BREEDLOVE, being sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give your full name there? A John W. Breedlove.
- Q How old are you? A 48 years old.
- Q What is your post office? A Muldrow.
- Q How long have you lived in the Cherokee Nation? A Since '71.
- Q Mr. Breedlove, do you know a man named Henry Hood who has been dead now five or six years? A Yes sir.
- Q Did you know his wife? A He has been dead about eight years.
- Q Did you know his wife Lesie? A I knew his wife, Lesie; Leathis I think he called her.
- Q She was known as Lesie, or Leathie Carter was she? A I never knew her as the name of Carter.
- Q She was a Barrett when you knew her? A Yes sir.
- Q How was Henry Hood ever married before he married this woman, Lesie? A Not to my knowledge.

Q You did not know him before 1871? A No sir, I did not know him before '72.

Q How do you know that he and this woman, Leathie as you call her, were married? A I don't know, sir, I was at the house right near my place of boarding the night they said they were married and they had a dance there that night.

Q They did not live together long? A I think they lived together about a year.

Q She is a white woman is she? A Yes sir; red headed.

Q And you don't know anything about his being married before that?

A No sir.

Q It is universally understood in the neighborhood that this man, Dennis Hood is the child of this Henry Hood by this wife, Leathie?

A Yes sir.

EXAMINATION BY WILLIAM N. LITTLEJOHN, Attorney for Applicant:

Q Did you trade with Dennis Hood in 1894 on what is termed the Strip money? A Yes sir.

Q How did you trade, straight with him or through a guardian?

A I traded with him through his guardian and I furnished him goods on the payment of '94. Hood died between the years of '93 and '94, in the year '93 Henry Hood registered and the boy and then he died and there was a guardian appointed afterwards, and presented his certificate.

Q How long did Henry Hood live in the Cherokee Nation after he married this woman, Leathie? A Well, sir, he lived there continuously until his death; in 1880 or along about that time he had some charges against him, some indictments; he had a charge for murder and was scouting around.

BY COMMISSIONER BRECKINRIDGE:

Q Did this boy Dennis go over to Sebastian County, Arkansas? A His mother went over there and took him with her. His father was not living at home much. They separated, or he left when he got into this trouble.

Q And she took the child when an infant or such a matter over in the States? A Yes sir.

Q Did the father continue to live in the Cherokee Nation? A He might have begin to live with another woman, Margaret Price, and he took the boy home, and he has lived in the Cherokee Nation ever since.

Q This man Henry Hood, has he ever lived out of the Cherokee Nation? A I don't think he has.

Q This wife of his, Leathie; do you know where she is living now?

A No sir, I don't know anything about her.

Q You lost sight of her when her husband began scouting? A Yes sir, she came back into that community a few years after that and maybe married again.

Q You don't know definitely about that? A No sir.

Q Do you know whether she was ever married before she married Henry Hood or not? A I donot know.

Q How old a man would Henry Hood be if he were living now? A He would be 60 or 65; he was a long razorblade sort of a fellow and you could not tell much about it. I knew him about '72 and he looked middle aged then.

Supl.--Dennis Hood--4.

Q Did Henry Heed have any children that he claimed before he married this wife? A Not that I ever hears of; he was right in the community where I was from '71 until the time of his death.
Q But as to whether he was married before or not you do not know?
A No sir.

WILLIAM N. LITTLEJOHN, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A William N. Littlejohn.
Q How old are you? A 55 years.
Q What is your postoffice? A Brushy.
Q In what district do you live? A ~~Sequoyah~~ Sequoyah district.
Q How long have you lived in the Cherokee Nation? A I have lived in the Cherokee Nation since 1869.
Q Did you know Henry Heed, the father of Dennis Heed, of whom we have been speaking? A Yes sir.
Q Do you know whether he was ever married to a Cherokee woman named Hess? before he married his wife Leasie? A No sir, I do not.
Q Do you know whether this Henry Heed was ever in the penitentiary?
A Yes sir.
Q You think he was? A Yes sir.
Q About when? A About '81 or '82.
Q And was he scouting for sometime before that? A Yes sir.
Q And you think he is not on the roll of 1880? A If he is not on that is the reason.
Q Now, the question particularly that I want information about is his marriage with this woman, Leathie, as she is called now, and as to any further marriage that he had? A I do not know anything about that.
Q Do you know that he and this woman Leathie lived together? A No sir.

Com'r Breckinridge:-- This testimony will be filed as supplementary in the case of Dennis Hood, D-498, and attention is called to the fact developed herein that Henry, the father of Dennis Heed, was apparently married to a Cherokee woman named Hess before he married the mother of Dennis Heed, and that woman was still living at the time Henry Heed and the mother of Dennis Heed are shown to have been married.

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 13th day of February, 1901.

C.R. Breckinridge.

Commissioner.

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

R. Palmer

Subscribed and sworn to before me this 28th day of February, 1903.

John Palmer
Secretary

Supl.-C. D. #98.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 17th, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
DENNIS HOOD, NT AL., as citizens of the Cherokee Nation.

Applicant was notified by registered letter on January 31, 1902, that this case would be taken up for final consideration on the 17th inst., and that he would on said date be given an opportunity to appear before the Commission and introduce any additional testimony affecting his case. Receipt has been acknowledged of the registered letter. Applicant has been called three times and fails to respond, either in person or by attorney, and the case is closed.

C. R. Breckinridge.

Commissioner.

J. O. R.

DEPARTMENT OF THE INTERIOR,
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 Muskogee, I. T., October 17, 1902.

In the matter of the application of Dennis Hood for the enrollment of himself and his two minor children, Lissie and Nettie E. Hood, as citizens by blood, and for the enrollment of his wife, Zoe Hood, as a citizen by intermarriage, of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

ZOE HOOD, being sworn, testified as follows:

By the Commission,

- Q How old are you? A Twenty-one years old.
 Q What is your postoffice? A My postoffice now is Brushy.
 Q Are you a white woman? A Yes, sir.
 Q Are you claiming as a citizen by intermarriage? A Yes, sir.
 Q What is your husband's name? A Dennis Hood.
 Q Is he a Cherokee citizen? A Yes, sir.
 Q How long has your husband been living in the Cherokee Nation?
 A He has been living in here since he was ten years old.
 Q How old is he now? A Twenty-six.
 Q Where was he before that? A He was in Arkansas.
 Q Do you know is he was admitted to citizenship? A Sir?
 Q Do you know is he was readmitted after he came back from Arkansas?
 A When we went to the Dawes Commission at Sallisaw he was rejected but they enrolled him afterward.
 Q When were you married to Dennis? A I was married to him in '97.
 Q Had you been married to anyone before that? A No, sir.
 Q Are you sure '97? A Yes, sir.
 Q How many years ago has it been? A Five years ago the 26th of last September.
 Q Are you sure he is enrolled? A At Sallisaw they counted them all out, but afterward he was enrolled.
 Q You say you had never been married to anybody except Dennis Hood?
 A No, sir.
 Q Had he ever been married before? A Yes, sir.
 Q Was his wife dead? A No, sir.
 Q Was he divorced? A Yes, sir.
 Q Where was he divorced? A Either up at the Flint Court House or Sequoyah Court House, and I would not say which.
 Q What was her name? A Lena Miller.
 Q A white woman? A Yes, sir.
 Q Are you sure he was divorced? A His name was on the books.
 Q How many children have you by Dennis? A Two.
 Q Are they both living? A Yes, sir, both here.
 Q Husband living? A Yes, sir.
 Q Been living together ever since your marriage? A Yes, sir.
 Q Never been separated? A No, sir.
 Q Living in the Cherokee Nation all the time? A Yes, sir.
 Q You say you were married in '97? A Yes, sir, I was married the 26th day of September, '97. My marriage is on record.
 Q What did the Commission tell you when you wanted to be enrolled?
 A When I wanted to be enrolled at Sallisaw they said they was counting them all out.
 Q Did you bring your letter? A No, I was trying to get there to the train going through and did not get here at all.

- Q You do not claim Indian blood, do you? A No, sir.
Q Never was admitted by the Dawes Commission? A No, sir, I am a Cherokee by blood, but could not prove it. I never proved it, my folks is all dead; my mother's folks. One of my children is enrolled.
Q Don't you want the other enrolled? A Yes, sir, here's the affidavit of her birth.
Q You have never made application for it, have you? A No, sir.
Q What's its name? Nettie E. Hood.
Q When was it born? A January 7, 1901.
Q That's your child by your husband, Dennis Hood? A Yes, sir.

Applicant presents a properly executed birth affidavit showing that her second child, Nettie E. Hood, by her husband, Dennis Hood, was born on the 7th day of January, 1901.

A The other one, Lizzie Hood, they said they enrolled at Sallisaw.

Q Give me your children's names. A The oldest one is Lizzie Hood, three years old last April, and Nettie E. Hood will soon be two years old.

Netta 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.

Netta Chick

Subscribed and sworn to before me this 18th day of November, 1902.

J. R. [Signature]

Notary Public.

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

In the matter of the application for the enrollment of Dennis Hood and Lizzie Hood as citizens by blood, and Zele Hood as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on August 9, 1900, Dennis Hood appeared before the Commission at Sallisaw, Indian Territory, and made personal application for the enrollment of himself and child as citizens by blood, and for the enrollment of his wife as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on February 11, 1901.

The evidence shows that Dennis Hood at the time of this application was 25 years of age. He was married on the 20th day of October, 1897, to one Miss E. G. Maples, a white woman. As a result of that marriage their minor child, Lizzie, was born. From the evidence it appears that Dennis Hood is the son of Henry Hood and Leacy E. Hood. Henry Hood is not identified on the Cherokee Authenticated Tribal Roll of 1880, and the reason given therefor is that at that time he was a fugitive from justice. It is further shown that he died in 1894. Dennis Hood is identified on the Cherokee Strip Payment Roll of 1894, also on the Cherokee Census Roll of 1896 as a native Cherokee. His marriage to his wife and the birth of the child being subsequent to the taking of the roll of 1896, they are not identified thereon.

The evidence further shows that Dennis Hood, with the exception of a temporary absence, has resided continuously in the Cherokee Nation from birth up to and including the date of this application. His wife is considered to have been a continuous resident therein since the date of her marriage, and his minor child since the date of her birth.

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 11 of the same Act shows that said rolls are to contain the names of those only who are entitled to share in the lands of the Cherokee Nation, and is as follows:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location and value of same;—"

An Act of the Cherokee National Council approved December 16, 1895, provides:

"That from and after the passage of this Act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329

to 222 of the compiled laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to read as follows: That political rights in persons not of Cherokee descent, or descent from the same, shall be granted to them, provided, that such persons shall be of legal age, and shall have all the rights of such citizens, and shall be treated as such.

It is, therefore, the opinion of this Commission that the application for the enrollment of Isaac Ross as a citizen by intermarriage should be denied, and that the application for the enrollment of Isaac Ross and his minor child Lewis Ross, as citizens by blood of the Cherokee Nation, should be granted, and it is so ordered.

THE COMMISSION TO THE SEVEN CIVILIZED TRIBES,

SIGNED: *James Bixby*

T. T. Bixby

Dated at Muskogee, Indian Territory,
this OCT 27 1902

Cherokee D-98.

Muskogee, Indian Territory, October 30, 1902.

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

Dear Sir:-

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes dated October 27, 1902, rejecting the application of Dennis Hood for the enrollment of his wife Zoie Hood, as a citizen by intermarriage, and granting his application for the enrollment of himself and his minor child, Lizzie Hood, as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed 15 days from date hereof in which to file such protest as you desire to make against the enrollment of Dennis and Lizzie Hood. If you fail to file such protest within the time allowed this decision will be considered final.

Respectfully,

C. R. Breckinridge,
Commissioner in Charge.

Enclosure C- No. 9.

Cherokee D-98.

Muskegee, Indian Territory, November 20, 1902.

The Honorable,
The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Dennis Hood for the enrollment of himself and his minor child, Lizzie Hood, as citizens by blood, and for the enrollment of his wife, Zeie Hood, as a citizen by intermarriage, of the Cherokee Nation, including the Commission's decision, dated October 27, 1902, rejecting said application as to Zeie Hood.

Respectfully,

Tams Bixby

Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enclosure H- NO 15.

Cherokee D-98.

Muskogee, Indian Territory, November 20, 1902.

Dennis Heed,

Sallisaw, Indian Territory.

Dear Sir:-

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your minor child, Lizzie Heed, as citizens by blood, and for the enrollment of your wife, Zeie Heed, as a citizen by intermarriage, of the Cherokee Nation, together with a copy of the Commission's decision, dated October 27, 1902, granting your application for the enrollment of yourself and your child, and rejecting your application for the enrollment of your wife.

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,

Tams. Bixby,

Acting Chairman.

Register.

Enclosure H. No. 14.

Cherokee D-68

Muskegee, Indian Territory, November 20, 1902.

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

Dear Sir:-

You are hereby advised that the Commission's decision of date October 27, 1902, granting the application of Dennis Heed for the enrollment of himself and his minor child, Lizzie Heed, as citizens by blood, and rejecting his application for the enrollment of his wife, Zoie Hood, as a citizen by intermarriage, of the Cherokee Nation, a copy of which decision was furnished you on October 30, 1902, has this day been transmitted to the Secretary of the Interior for his review and decision.

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

Respectfully,

Tams Bixby

Acting Chairman.

7



COPY.

Refer in reply to
the following:

Land
69618-1902.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs.

Washington, December 5, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Acting Chairman of the Commission to the Five Civilized Tribes, forwarding the record relative to the application of Dennis Hood for the enrollment of himself and his minor child Lizzie as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Zoie Hood, as an intermarried citizen of that Nation.

October 27, 1902, the Commission held that Zoie Hood was not entitled to enrollment as a citizen by intermarriage, and that Dennis Hood and his minor child, Lizzie, are entitled to enrollment as citizens by blood of the Cherokee Nation.

The record in the case shows that Dennis Hood is the son of Henry and Lacey E. Hood; that Henry Hood is not identified upon the 1880 Cherokee roll for the reason that at the time that roll was made he was a fugitive from Justice; that the name of Dennis Hood appears on the 1894 and 1896 rolls as a native Cherokee; that he has resided in the Cherokee Nation since his birth, with the exception of a temporary absence.

On October 20, 1902, Dennis Hood was married to Miss Z. G. Maples, a white woman, and as a result of said marriage their minor child Lizzie was born.

Section 26 of the Cherokee agreement declares "that no white person who has intermarried with a Cherokee citizen since the sixteenth day of December, eighteen ninety-five shall be entitled to enrollment or to participate in the distribution of the tribal property of the nation."

Zoie Hood, having married subsequent to the 16th day of December, 1895, is not entitled to enrollment. Dennis Hood, the record shows, is a recognized citizen of the Cherokee Nation, and he and his child are therefore entitled to enrollment.

It is respectfully recommended that the decision of the Commission be approved.

Very Respectfully,

W. A. Jones,

Commissioner.

GAW
D

3 inclosures.

D. C. 25638.

RAF

DEPARTMENT OF THE INTERIOR.

Washington, December 20, 1902.

I.T.D.7593-1902.

L. R. S.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

November 20, 1902, you transmitted the record in the matter of the application for enrollment of Dennis Hood and his minor child Lizzie Hood, as citizens by blood of the Cherokee Nation, and for enrollment of his wife, Zoie Hood, as an intermarried Cherokee citizen.

The evidence shows, as stated in your decision of October 27, 1902, that Dennis Hood is identified on the Cherokee Strip payment roll of 1894 and the Cherokee census roll of 1896 as a native Cherokee; that he was married to his said wife October 20, 1897, and that neither her name nor that of their child is on the roll of 1896; that Dennis Hood, with the exception of a temporary absence, has resided continuously in the Cherokee Nation from the time of his birth. You held that Dennis Hood and Lizzie Hood should be enrolled as Cherokee citizens, but that Zoie Hood should not be enrolled, her marriage to Dennis Hood having occurred subsequent to the act of the Cherokee National Council of December 16, 1895.

Forwarding the papers December 5, 1902, the Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is enclosed.

Finding no reason to disturb your decision, it is hereby affirmed.

Respectfully,
Thos Ryan,

Acting Secretary.

1 inclosure.

Cherokee B-22.

Maskogee, Indian Territory, January 7, 1903.

Dennis Hood,

Sallisaw, Indian Territory.

Dear Sir:-

You are hereby advised that the Commission's decision, dated October 27, 1902, granting your application for the enrollment of yourself and your two minor children, Lissie and Nettie E. Hood, as citizens by blood of the Cherokee Nation, and rejecting your application for the enrollment of your wife, Zoie Hood, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on December 20, 1902.

Respectfully,

Acting Chairman.

Cherokee D-96

Muskogee, Indian Territory, January 7, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:-

You are hereby advised that the Commission's decision, dated October 27, 1902, granting the application of Dennis Hood for the enrollment of himself and his two minor children, Lizzie and Nettie E. Hood as citizens by blood of the Cherokee Nation, and rejecting his application for the enrollment of his wife, Zoie Hood, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on December 30, 1902.

Respectfully,

Acting Chairman.

CHEROKEE

R 778

Joe Hood

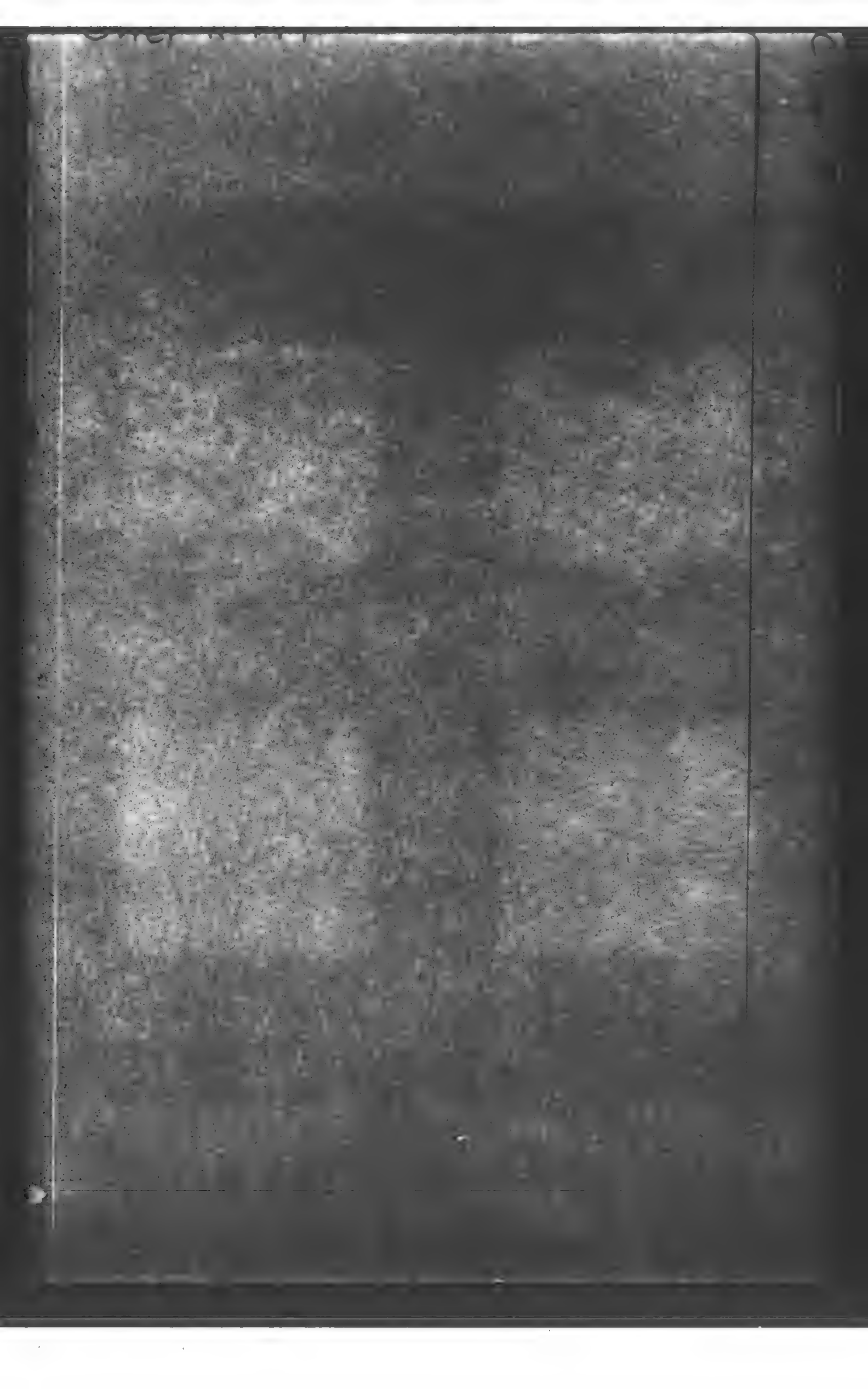
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Action approved by Secretaries
of Interior

DEC 20 1902

No 778

TRANSFERRED FROM Cherokee
D. 98 - See Cherokee No. 4968



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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., AUGUST 23, 1900.

In the matter of the application of John A. Wicks for enrollment of himself, wife and children, as citizens of the Cherokee Nation, said Wicks being sworn by Commissioner Breckinridge testified as follows:

- Q. What is your name? A John A. Wicks.
Q. Your age? A 35.
Q. Your postoffice? A Wags.
Q. Your district? A Illinois.
Q. For whom do you apply for enrollment? A Myself, wife and children.
Q. Do you apply for yourself as a Cherokee by blood? A No sir, by adoption.
Q. Do you apply for yourself as a Cherokee by blood? A Yes.
Q. Have you a marriage license? A Yes.
Q. The applicant presents a duly authenticated marriage license and certificate, which will be filed herewith, showing that he was married according to Cherokee law on the 25th day of December, 1884, to Miss Lizzie Hilderbrand.
Q. Have you and your wife lived together ever since your marriage?
Q. Yes, until she died. I have been married a second time.
Q. When did she die? A The year of the payment.
Q. '94? A Yes, in July.
Q. You lived until she died as husband and wife? A Yes.
Q. What district did your deceased wife live in in '80? A Canadian.
Q. You say you have married again? A Yes.
Q. What is the name of your present wife? A Nannie Hilderbrand.
Q. What relation is she to your former wife? A Half-sister.
Q. What is the age of your present wife? A 21.
Q. Is she on the roll of '80? A I think so.
Q. When did you marry her? A '95 I think it was.
Q. Have you marriage license or certificate? A No sir, I was married by the judge of the district.
Q. What is the name of your father? A John A. Wicks.
Q. He was a white man? A Yes.
Q. Dead or alive? A Dead.
Q. What is the name of your mother? A Jane.
Q. Is she a white woman? A Yes.
Q. Dead or alive? A Dead.
Q. What is the name of the father of your present wife? A Stephen Hilderbrand.
Q. Is he a whiteman or a Cherokee? A Cherokee.
Q. Dead or living? A Dead.
Q. When did he die? A 31st of last July a year ago.
Q. What is the name of your wife's mother? A Mandy Hilderbrand.
Q. Is she Cherokee or white woman? A Cherokee.
Q. Dead or alive? A Dead.
Q. When did she die? A I don't remember-- somewhere about 8 years ago.
Q. Are these children all of one wife? A Three by the first wife and two by the second wife.
Q. Give me their names and ages? A Albert, 15 years old.
Q. Next? A John, 12 years old.
Q. Next? A Nancy Jane, 10 years old.
Q. Next? A Joe, 4 years old.
Q. Next? A Benjamin, 2 years old.
Q. Are these children all living now? A Yes.

Q Have you someone here who can testify to your being married to your present wife? A Yes.

JOE IRVING, being sworn, testified as follows:

Q What is your name? A Joe Irving.

Q Your age? A 36 or 38.

Q Your postoffice? A Braggs.

Q How long have you lived in the Cherokee nation? A All my life.

Q Do you know John A. Wicks? A Yes.

Q He has been married more than once? A Yes.

Q When did his first wife die-- about how long ago? A About 6 years ago.

Q About when did he marry his present wife? A About 4 years ago.

Q Might it not have been a little more than 4? A Yes, or not quite so long.

Q They have a child name Joe? A Yes.

Q He is 4 years old-- was it about a year before that child was born?

A Yes, I guess so.

Q Have they lived together as husband and wife since their marriage?

A Yes, until right recently.

Q What are they doing now? A They are separated now.

Q Did he and his former wife live together as husband and wife

until she died? A He has two children by his last marriage? A Yes.

Q And three by his former marriage? A Yes.

Q What do you know about their separation-- how long have they been separated? A Since last spring.

Q Did he leave his wife or did she leave him? A I cannot tell you that.

Q Have they got any divorce? A Not that I know of.

Q You don't know anything about the cause of their breaking up?

A No sir.

Q Who is occupying the old home? A He is.

Q Where is she? A At her brother's.

By J. L. Baugh, Cherokee Attorney:

Q Do you know whether he run her off or not? A No sir, I don't know.

APPLICANT'S TESTIMONY CONT'D:

Q Well, what have you got to say about not living with your Cherokee wife? A We could not agree and we just agreed to quit. We could not get along in peace.

Q You thought it was best for her to go away? A She decided to go away and I thought it was best if she would not stay.

Q Have you applied for a divorce? A Yes.

Q You have? A Yes.

Q Has she applied for a divorce? A No sir.

By E. L. Baugh, Cherokee Attorney:

Q What grounds did you allege in your divorce proceeding? A Adultery.

Q In that instance didn't you tell her you thought it was best for her to leave? A I did not tell her anything about that question, but told her I did not propose to live with that kind of a person.

By the commission:

Q These divorce proceedings are pending now? A Yes.

Applicant's first wife on '80 roll, page 23, number 634, as Lizzie Hilderbrand.

Applicant's present wife on '80 roll, page 24, number 684, as Hilderbrand.

On '96 roll, page 914, number 2079, as Wicks.

Applicant on '96 roll, page 937, number ~~224~~ 224, as Austin Wicks.

The applicant is shown by the marriage license and certificate filed herewith, to have been married to a native Cherokee woman on December 25, 1884. She is now dead. She is identified on the roll of '80. His second marriage was to a native Cherokee woman who is identified on the roll of '80 and '96. It appears from his testimony and other testimony in the case that he and his present wife are not living together and that divorce proceedings are now pending before the United States District Court at Muskogee. These proceedings are expected to be concluded at the September term. The question arises as to whether the facts involved in this case work a forfeiture of his Cherokee rights. Pending a decision of that case and for further consideration of the Commission, the application for the enrollment of John A. Wicks will for the present be placed upon a doubtful card. The decision when finally reached by the Commission will be communicated to him at his postoffice address.

As regards the application for his present wife, Lizzie Wicks, she is duly identified on the rolls of '80 and '96 as a Native Cherokee and she will be listed now for enrollment as a Cherokee by blood.

As regards the application for the children named in the testimony, the first three, Albert, John and Nancy Jane, are the children of his first wife. The fourth child, Joe, is the child of his present wife. All of these are identified on the roll of '96. Their mothers are identified on the rolls of '80 and '96 and these children will be listed now for enrollment as Cherokee citizens by blood. The youngest child, Benjamin, by the present wife, is too young to be upon any roll, but when the Commission is furnished with a duly authenticated certificate of this child's birth, he also will be listed for enrollment as a Cherokee citizen by blood.

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

Brown McDonald

Subscribed and sworn to before me this 11th day of September, 1900.

C. A. [Signature]

Commissioner.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 23 1900

 ACTING CHAIRMAN.

and original

Subscribed and sworn to before me this 8th day of September, 1902.

Notary Public.

1902

RECORDED

[Handwritten signature]

notes thereof.
The above is a true and correct copy of the original of the same as shown to me by the Commissioner of the State of California and recorded in the office of the State Auditor at Sacramento, California, on the 27th day of September, 1902.
Notary Public, California.

Placed, recorded and returned
to the office of the State Auditor at Sacramento, California, on the 27th day of September, 1902.
Notary Public, California.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, Ind. Ter., Sept. 8, 1902.

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

APPEARANCES:

Applicant appears in person and by his attorney, W. M. Cravens.
Cherokee Nation appears by J. C. Starr.

The Cherokee Nation, by its representative, makes satisfactory proof of service on the said John A. Wicks that it would, on the 8th day of September, 1902, at the office of the Commission to the Five Civilized Tribes, at Muskegee, Indian Territory, introduce testimony tending to disprove his right to enrollment as a citizen of the Cherokee Nation.

John A. Wicks, being sworn, testified as follows:

By the Commission,

- Q What is your name? A John Austin Wicks.
Q What is your postoffice address? A Braggs.
Q You are an applicant before the Commission for enrollment as a citizen by intermarriage? A Yes, sir.
Q What is the name of your wife through whom you claim your right to enrollment? A Lizzie Hilterbrand.
Q Is she living or dead? A She's dead.
Q Was she a Cherokee by blood? A Yes, sir.
Q Have you married since her death? A Yes, sir.
Q What is the name of your present wife? A Ada Brown.
Q Is she a Cherokee? A No, sir.
Q Is she a white woman? A Yes, sir.
Q Has she ever been recognized in any manner by the tribal authorities of the Cherokee Nation as a citizen? A Not that I know of.
Q When were you married to her? A I disremember the date.

The Cherokee Nation, by its representative, offers in evidence the certified copy of a marriage license and certificate showing that John Austin Wicks and Miss Ada Brown were united in matrimony by J. H. Crummitt, a minister of the Gospel, on the 17th day of March, 1901.

By W. M. Cravens,

- Q When did your Cherokee wife die? A I don't remember just exactly, but I think it was in '95.
Q Don't you know the exact date? A No, sir, I don't. I can tell by looking at the tombstone.
Q Did you have any children by that marriage? A Yes, sir, three.
Q Were you married to her in accordance with Cherokee law?
A Yes, sir. Mr. Rocky Smith was clerk of the Court at that time.
Q Clerk of the Cherokee Court? A Yes, sir; Webbers Falls.
Q Did he issue the license to you? A Yes, sir.
Q Where were you married? A At old uncle Joe Hilterbrand's.
Q Her father? A Her grandfather.
Q In what county? A Canadian District.
Q Of the Cherokee Nation? A Yes, sir.

- Q And you say you complied with the Cherokee law in reference to marriage? A Yes, sir.
- Q Did you live with your wife from that time until her death? A Yes, sir.
- Q How many children have you living by her? Three.
- Q What are their names? A George, John and James.
- Q Do they live---were born in the Cherokee Nation of this marriage, and have always lived, and now live in the Cherokee Nation? A Yes, sir.
- Q Have you lived in the Cherokee Nation continuously since your marriage to Miss Hilterbrand? A Yes, sir, until this spring I moved up town.
- Q You moved here to send your children to school? A Yes, sir, I moved here in March. Thursday I moved back to the farm.
- Q Were you recognized at the time of your marriage to Miss Hilterbrand, recognized as a citizen? A Yes, sir.

Retta Chick, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in 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 8 day of September, 1902.

H. Renter

Notary Public.

(COPY)

Cherokee Nation)
Canadian District) To any legally authorized person of this Nation,
Greeting:

You are hereby authorized to solemnize the rites of matrimony between John A. Wicks a white man and a citizen of the United States aged 20 years and Miss Lizzie Hilderbrand, a Cherokee Lady, aged 18 years and citizen of Canadian District, C. N., the said John A. Wicks having complied with all the requirements of the laws of the Cherokee Nation regulating intermarriage of white men and Cherokee women.

The oath has been administered as the law directs.

Given under my hand and seal of office on this the 23d day of December, 1884.

(SEAL)

John Smith,
Clerk Canadian Dist. C. N.

-----o-----

This is to certify that Mr. John A. Wicks and Miss Lizzie Hilderbrand were united in the holy bonds of matrimony by me this the 25th day of December, 1884.

R. C. Parks, Pastor of C. P. C.

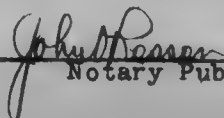
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Department of the Interior,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskegee, I.T., February 19, 1903.

I, the Undersigned, Chief Clerk Cherokee Land Office, and custodian of the records of said Land Office, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the said Cherokee Land Office.


Chief Clerk Cherokee Land Office.

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


Notary Public.

In the United States Court for the Indian Territory, Northern District
sitting at Muskogee.

Austin Wicks, Plaintiff,

Vs

No. 4106

Nannie Wicks Defendant.

I, L. F. Parker, Jr., Master in Chancery, do show unto the Court under the general order of reference that I have examined the pleadings and proof in this cause, and beg to submit thereon my findings as follows:

I

The petition was filed August 3rd, 1900; personal service had upon the defendant; and proof taken by depositions.

II

That the plaintiff is and has been for more than one year next preceding the institution of this suit a resident of the Northern District of the Indian Territory; that the cause of action herein accrued within the jurisdiction of this court, and within the last five years.

III

That the plaintiff and defendant were married on the 25th day of December, 1895, and lived together thereafter as man and wife until the 2nd day of May, 1900, when they separated; that on the said last named date within the jurisdiction of this court as aforesaid, the defendant, Nannie Wicks, committed adultery with one Theron Davis.

IV

The plaintiff has never co-habited with defendant since that time nor otherwise condoned said offense.

The premises considered, I recommend that the bonds of matrimony heretofore existing between these parties be dissolved, and that a decree be granted as prayed for in the petition; that an order be made that each party be restored to all property not disposed of at the commencement of this action, which either obtained from or through the other during the marriage and in consideration or by reason thereof.

(Section 2568 Mansfield's Digest)

Respectfully submitted,

L. F. Parker, Jr.

Master in Chancery.

Endorsement. No. 4106 Equity, Austin Wicks, Plaintiff versus Nannie Wicks, Defendant. Report of Master, Northern District, Ind. Ter. Filed Nov. 15-1900/ Chas. A. Davidson, Clerk U.S. Court.
L.F. Parker, Jr.
Master in Chancery.

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

I, Chas. A. Davidson, Clerk of the United States Court for the Northern District, Indian Territory, do hereby certify that the within is a true copy of the report of L. F. Parker, Jr., Master in Chancery, in case #4106. Austin Wicks vs Nannie Wicks, as the same appears from the original on file in my office.

Witness my hand and the seal of the said court at Muskogee, this 15th day of January, 1901.

Chas. A. Davidson,

Clerk.

By P. M. Ford, Deputy.

Department of the Interior;
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita, I. T., February 19, 1903.

I, the undersigned, Chief Clerk Cherokee Land Office, and custodian of the records of said Land Office, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the said Cherokee Land Office.

Chief Clerk Cherokee Land Office.

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

Notary Public.

COPY

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

In the United States Court for the Northern District, Indian Territory, at a term thereof begun and held at Muskogee, in the Indian Territory, on the 3rd day of September, A. D. 1900, Present, the Honorable John R. Thomas, Judge of said Court.

On November 16, 1900, the following order was made and entered of record, to wit:

On this 16th day of November 1900, the cause coming on to be heard upon the report of L. F. Parker, Jr., Master in Chancery, submitted in open court and the defendant Nannie Wicks being three times severally called appeared not either in person or by attorney, but makes default, and the Court being fully advised in the premises, it is therefore ordered and decreed that the plaintiff Austin Wicks be and he is hereby granted a divorce from the bonds of matrimony heretofore existing between himself and the defendant, Nannie Wicks, and that he have judgment for their infant child, and that plaintiff and defendant each have possession of and absolute control of all property owned separately at the time of the marital contract, herein annulled.

That the report of the master in Chancery be spread of Record and made a part of this Decree.

-----0-----

United States Of America)
 Indian Territory- Northern District) ss

Chas. A. Davidson, Clerk

I James A. Winston, Clerk of the District Court of the United States for the Northern District of the Indian Territory, do hereby certify the foregoing to be a true copy of an order made by said Court on the 16 day of Nov./1900, 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 Muskogee, in said District, this 14 day of January, A. D. 1901.

Chas A. Davidson.

Clerk.

P. M. Ford, Deputy.

-----0-----

Department of the Interior,
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 Vinita, I. T., February 19, 1903.

I, the Undersigned, Chief Clerk of the Cherokee Land Office, and custodian of the records of said Land Office, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the Cherokee Land Office as aforesaid.


 Chief Clerk Cherokee Land Office.

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


 Notary Public.

CERTIFICATE OF RECORD.

United States of America,
INDIAN TERRITORY,
Muskogee District.

I, R. F. Harrison, Clerk of the United States Court in the Muskogee District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office on _____ and duly recorded in Book _____, Marriage Record, Page _____

WITNESS my hand and seal of said Court at Muskogee, in said Territory, this 22 day of August, A. D. 1902.

R. F. Harrison Clerk.

By R. A. Payne, Deputy.

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

Muskogee, I. T., _____

I, the undersigned, a Subordinate 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 application for enrollment of _____ as _____ citizen _____ of the Cherokee Nation.

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

MUSKOGEE, I. T., SEPTEMBER 27, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes, and custodian of the records of 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.

[Signature]
Chief Clerk, Cherokee Division.

Sworn to and subscribed before me this 27th day of September, 1902.

[Signature]

MARRIAGE LICENSE.

United States of America, }
INDIAN TERRITORY, } SS.
Northern District.

No. 2355.

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. John Austin Vicks, of Braggs, in the Indian Territory, aged 35 years, and Miss Ada Brown, of Braggs, in the Indian Territory, aged 16 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 Muskogee, Indian Territory, this 2 day of March, A. D. 1901.

Chas. A. Davidson
Clerk of the U. S. Court.

By Wm. R. Shackelford, Deputy.

CERTIFICATE OF MARRIAGE.

United States of America, }
INDIAN TERRITORY, } SS.
Northern District.

I, J. H. Crumitt, a Minister of the Gospel, DO HEREBY CERTIFY, that on the 17 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 Bans of Matrimony between the parties therein named.

WITNESS my hand this 17 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 B., Page 243.

J. H. Crumitt.
A Minister of the Gospel.

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

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

DECISION.

The record in this case shows that on August 23, 1900, John A. Wicks appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment, among others, of himself as a citizen by intermarriage of the Cherokee Nation. The other parties to the application are differently classified, and are not embraced in this decision. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on September 8, 1902.

The evidence shows that the said John A. Wicks was married, under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, on December 25, 1894, to Lizzie Hilderbrand, a citizen by blood of the Cherokee Nation. The applicant lived with his said wife until her death in July, 1894. It further appears that, about 1895, the applicant married Nannie Hilderbrand, a half-sister of his former wife and a citizen by blood of the Cherokee Nation. At the time of the application herein the applicant and his wife, Nannie, were separated, and the evidence shows that on January 15, 1901, he secured a divorce from his wife, Nannie Wicks, on the ground of adultery. The said John A. Wicks is identified on the Cherokee Census roll of 1896.

The evidence further shows that the said John A. Wicks was married on the 17th of March, 1901, to one Ida Brown, a white person.

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

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

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

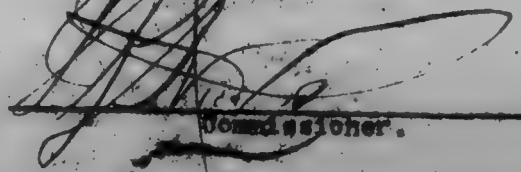
under the provisions of this act shall cease."

It is, therefore, the opinion of this Commission that the application for the enrollment of John A. White as a citizen by intermarriage of the Cherokee Nation should be denied under the said provisions of the Act of Congress above quoted, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.

Dated at Muskogee, Indian Territory,

this NOV 12 1902

NO. _____
UNITED STATES OF AMERICA
SHERIFF DEPARTMENT
COUNTY OF DISTRICT

I solemnly swear that I delivered a transcript
of the within notice to _____

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

Subscribed and sworn to before me this _____

Notary Public.

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

Attorney for Applicant.

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

Agent for Applicant.

NOTICE.

In the Matter of the application of John Austin Wicks,
for enrollment as Cherokee citizens:

To John Austin Wicks,
Braggs, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes, Cherokee Enrollment Division, in the town of Muskogee, Indian Territory, on Sept 8th, A. D. 1902, at 8 o'clock a. m., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands at Muskogee, Indian Territory, this August 27th 1902.

W. W. Hastings
JCA

No. _____

Attorneys for the Cherokee Nation.

1000

1000



PAID
8 1902

John A. Wick

Chas. R. ...

United States of America,

Indian Territory,

AFFIDAVIT.

Western
Northern District. *OK*

W. C. Slone
I, *W. C. Slone* an oath being first duly sworn says that on the 27th day of August A. D. 1902 he registered an envelope containing a true copy of the notice here attached to John A. Wick at Brogers I. T. and he attaches hereto the receipt of the Postmaster at Muskogee I. T. and that on the 1st day of Sept A. D. 1902 he receipt the registered return receipt duly signed showing that the notice was duly received by the said John A. Wick. Said registry return receipt is hereto attached.

Nelson Young & O'Neal

Subscribed and sworn to before me this 8 day of May A. D. 1902.

E. R. Hunter
Notary Public.

My Commission Expires July 2 1904.

COPY

October 3 1902.

Mustagee, Indian Territory, November 16, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of John A. Vicks for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision, dated November 12, 1902, rejecting said application.

Respectfully,

James Dixon

Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enclosure H. No. 6.

COPY

Checked 3 176.

Mustang, Indian Territory, November 14, 1908.

John A. Wicks,
Briggs, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, together with a copy of the Commission's decision, dated November 13, 1908, rejecting your said application.

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

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

Respectfully,

Acting Chairman.

Register.

Enclosure H. No. 4.

COPY.

Cherokee D 175.

Muskogee, Indian Territory, November 14, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 12, 1902, rejecting the application of John A. Vicks for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

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

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

Respectfully,

J. A. Vicks

Acting Chairman.

Enclosure H. No. 5.

COPY

Refer in reply to the following:

Land
69078-1898.

Department of the Interior,
Office of Indian Affairs,

Washington, December 6, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed herewith a report, dated November 14, 1902, from the Acting Chairman of the Commission, forwarding for the Department's consideration, the record relative to the application of John A. Wicks, for the enrollment of himself, his wife, and minor child, as citizens of the Cherokee Nation. He applies for enrollment as an intermarried citizen. The other parties to the application are differently classed and are not embraced in the Commission's decision rendered November 12, adverse to applicant John A. Wicks.

The evidence shows that the applicant was married under a Cherokee license under the laws of the Cherokee Nation, December 25, 1894, to Missie Hilderbrand, a citizen by blood of the Cherokee Nation; that he lived with her until her death in July 1894; that in 1898, he married Emmaie Hilderbrand, a half-sister of his former wife, a citizen by blood of the Cherokee Nation.

The applicant and his wife, the record shows, separated and on January 10, 1902, he procured a divorce from her. His name appears on the Cherokee census roll of 1896. March 17, 1901, he

married Ada Brown, a white person, not entitled to any rights in the Cherokee Nation.

In the Phoebe S. Golden case, the Commission held that the purpose of section 666 of the Cherokee laws is "to withdraw the rights of citizenship from an intermarried white person who should at any time enter into the marriage relation with another white person," and that therefore under this section "a white woman divorced from her Cherokee husband occupies the same position as the widow of a Cherokee citizen and if she thereafter marries a white man, she thereby forfeits all such rights as she may have acquired by her former marriage."

The Commission's decision was approved by the Department May 26, 1902 (I.T.D. 2991). The applicant, under this decision, is not entitled to enrollment because he married a white woman after procuring a divorce from his citizen wife.

Very respectfully,

W. A. Jones,
Commissioner.

G.A.W. (B)

DEPARTMENT OF THE INTERIOR.

EAF.

Washington.

ITD. 7543-1902.

December 15, 1902.

LRS.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

November 14, 1902, you transmitted the record in the matter of the application for enrollment of John A. Wicks as a citizen by intermarriage of the Cherokee Nation.

The evidence shows that on December 25, 1884, the applicant married, under Cherokee laws, one Lizzie Hilderbrand, a Cherokee citizen by blood; that after her death he married her half-sister, from whom he procured a divorce on January 15, 1901; and that in March, 1901, he married one Ada Brown, a white person. You held November 12, 1902, that under section 666 of the compiled laws of the Cherokee Nation (1892), by his marriage to a white person, the applicant forfeited his rights as an intermarried citizen, and you denied the application.

Forwarding the papers December 6, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

(signed) Thos. Ryan

Acting Secretary.

1 inclosure.

Cherokee D 175.

Muskogee, Indian Territory, January 6, 1903.

John A. Wicks,

Braggs, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated November 18, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on December 15, 1902.

Respectfully,

Acting Chairman.

Cherokee D 178.

Muskogee, Indian Territory, January 6, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated November 12, 1902, rejecting the application of John A. Wicks for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on December 15, 1902.

Respectfully,

Acting Chairman.

Cherokee 2-778

Muskogee, Indian Territory, February 24, 1905.

John A. Wicks,
Braggs, Indian Territory.

Dear Sir:

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with the Commission decree of court in the case of Austin Wicks vs. Fannie Wicks; also marriage license and certificate showing your marriage on December 25, 1884 to Lizzie Hilderbrand; also certified copy of marriage license and certificate showing your marriage on March 17, 1901 to Miss Ada Brown.

The same are herewith returned to you, copies having been made and retained in the Commission's files.

Respectfully,

Chairman.

Encl-3-23

GRS

D.C. 8401-1903

J.P.

DEPARTMENT OF THE INTERIOR,
PRE

WASHINGTON.

I.T.D. 2671-1903
7543-1902

March 21, 1903.

LRS

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

Gentlemen:

March 12, 1903, the attorneys for John A. Wicks requested that the case involving his application for enrollment as a citizen of the Cherokee Nation by intermarriage be reopened, in which case a decision adverse to the claimant was rendered by the Department December 15, 1902.

It is stated by said attorneys that "The points of law involved in the case of John A. Wicks, applicant for enrollment as an adopted citizen of the Cherokee Nation, have, we are informed, been referred to the United States Court of Claims for an opinion."

The Department does not consider it necessary to reopen this case, for apparently whatever conclusions the Court of Claims may arrive at, they will not affect this case favorably to the applicant. The application to reopen the case is therefore hereby denied.

Respectfully,

(signed) Thos Ryan
Acting Secretary.

Cherokee R-779

Muskogee, Indian Territory, April 4, 1903.

John A. Wicks,

Braggs, Indian Territory.

Dear Sir:

You are hereby notified that the notice heretofore made before the Secretary of the Interior to reopen your application for enrollment as a citizen by intermarriage of the Cherokee Nation was denied by the Department on March 21, 1903.

Respectfully,

GRS

Chairman.

Cherokee 2-779

Wastogee, Indian Territory, April 6, 1903.

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

Dear Sir:

You are hereby notified that the action heretofore made before the Secretary of the Interior to reopen the application of John A. Blake for the enrollment of himself as a citizen by inter-marriage of the Cherokee Nation was denied by the Department on March 21, 1903.

Respectfully,

Chairman.

CHEEROKEE

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779

John A. Woods

Shared

action approved by Secy of Ind.

Dec 10 - 1907

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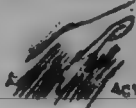
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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

SEP 29 1960



ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., September 18, 1900.

In the matter of the application of Claude L. Washbourne for the enrollment of his ~~step~~ ward, Ethel Lisle Thompson as a Cherokee citizen; being sworn and examined by Commissioner Breckinridge he testified as follows:

- Q What is your full name? A Claude L. Washbourne.
Q What is your age? A I am forty-three.
Q What is your post-office? A Southeast City, Missouri.
Q What district you live in? A Delaware.
Q Who is it you apply for to have put on the roll? A Ethel Lisle Thompson.
Q How old is this person? A She is eighteen or nineteen years old.
Q Is she a ward of yours? A Yes sir.
Q Have you letters of guardianship? A Not with me. I am her guardian, - was, as long as we had any law of our own.
Q Is your ward a native of the Cherokee Nation? A Yes sir.
Q She is on the roll of 1896? A Yes sir.
Q She is an orphan? A Yes sir.
Q What was the name of her mother? A Sarah Thompson.
Q Cherokee or a white woman? A White woman.
Q How long has she been dead? A Not long, two or three years, one or two, something like that.
Q She is on the roll of 1880, the mother? A I couldn't say whether she is or not.
Q What district would she be from on that roll? A Cooweescoowee District.
Q In 1896 what district was she from? A Delaware.
Q Give me the name of the child's father? A Herbert W. Thompson.
Q Cherokee or a white man? A Cherokee.
Q How long has he been dead? A I think he died about 1884, or 5, somewhere along there.
Q What was this child's mother's name at the time of her death, was it Thompson then? A Yes sir.
Q Was this child lived in the Cherokee Nation all her life? A No sir.
Q How long has she lived in the Cherokee Nation? A She has not lived here only part of the time; she has been with her mother in Arkansas most of the time, and she is with her grand-parents there now, - on her mother's side.
Q How much of her life has she spent in the Cherokee Nation? A Very little of it.
Q Was she born in the Cherokee Nation? A No sir, born in Arkansas; I am most positive she was born in Arkansas.
Q Were you appointed her guardian under Cherokee law? A Yes sir.
Q And her mother and father spent their married life in Arkansas did they? A Yes sir.; he married twice; I don't believe that this woman ever made any permanent residence with him; - they staid out here about Coody's Bluff in Cooweescoowee District for awhile. His father lived out there at the time, near Coody's Bluff in the Cherokee nation.
Q How old was this child's mother when she died? A I don't know.
1880 roll examined for child's parents' names,
and names not found.
1896 roll for child, page 548 #3813 Ethel L. Thompson Delaware Dist.

Com'r Breckinridge: The applicant applies for the enrollment of an orphan, a ward of his, whose name is Ethel Lisle Thompson; she is identified on the roll of 1896; neither her father nor mother can be identified on the roll of 1880; this child was born in the

Claude L. Washbourne for child R.L.T. 3

State of Arkansas and has lived in the State of Arkansas the greater part of her life; she is living there at this time; her father died in 1884; her mother died some two years ago, and her mother made Arkansas her home, substantially, all the time. Under the circumstances the claim of this child to Cherokee citizenship is exceedingly doubtful, and her application will be placed upon a doubtful card; final result will be communicated to the applicant at his post-office address, and it will be forwarded to the Secretary of the Interior for his final approval.

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 20 day of September 1900.

C. M. Brown
Commissioner.

B 231

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DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

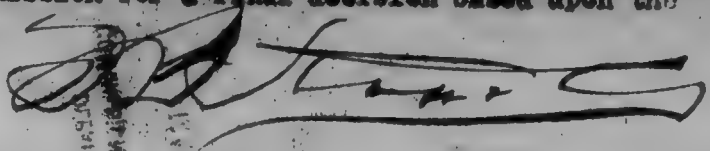
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[Signature]
POSTING CHARGE

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 23, 1902.

In the matter of the application of Rachel L. Thompson for the enrollment of herself as a citizen of the Cherokee Nation.

The applicant was notified through her guardian, Claude L. Washburn, by registered letter February 6, 1902, that her case would be taken up for final consideration by the Commission on the 25th day of February, 1902, and that she could on said day appear and introduce any further testimony affecting her application. Receipt has been acknowledged of the Commission's letter, the applicant called three times and fails to respond. The case is ordered closed and reported to the Commission for a final decision based upon the evidence now of record.



Commissioner.

Cherokee D 281

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Claude L. Washbourne for the enrollment of his ward Ethel Lisle Thompson, as a citizen by blood of the Cherokee Nation.

DECISION.

0-0-0-0

The record in this case shows that on September 18, 1900, Claude L. Washbourne appeared before the Commission at Vinita, Indian Territory, and then and there made personal application for the enrollment of his ward Ethel Lisle Thompson, as a citizen by blood of the Cherokee Nation.

The evidence in this case shows that Ethel Lisle Thompson, at the time of this application was "15 or 19 years old." She was born in the State of Arkansas, and has spent a very small portion of her life in the Cherokee Nation. She is identified on the Cherokee Census Roll of 1896. It further appears that her father, although it is claimed he was a citizen by blood of the Cherokee Nation, is not identified on the Cherokee Authenticated Tribal Roll of 1890, neither is there any evidence that he was ever admitted to citizenship. The printed roll of admitted and re-admitted persons does not disclose his name. The applicant's mother was a white woman. It also appears that her father and mother "spent their married life in Arkansas." At the time of this application Ethel Lisle Thompson was a resident of the State of Arkansas. It appears from the evidence that the applicant had not, prior to June 30, 1898, removed to and settled in good faith within Indian Territory.

Cherokee D 221 - 2 -

The Act of Congress, June 23, 1902. (30 Stats., 496),
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 the opinion of this Commission that Wheel Lisle
Thompson is not lawfully entitled to be enrolled as a citizen by
blood of the Cherokee Tribe of Indians in Indian Territory, and that
the application for her enrollment as such should be denied, and it
is therefore so ordered.

THE COMMISSION TO THE SEVEN CIVILIZED TRIBES.


Acting Chairman.

Commissioner.


C. A. Buchanan.
Commissioner.

Muskogee, Indian Territory,

this NOV 12 1902

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Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee Land Office,
Tahlequah, I.T., May 14, 1904.

In the matter of the application for the enrollment of
ETHEL L. THOMPSON as a citizen by blood of the Cherokee Nation.

SUPPLEMENTAL TESTIMONY.

Appearances:

William Henry White on behalf of applicant;
W. W. Hastings on behalf of the Cherokee Nation.

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

Examined by William Henry White:

- Q What is your full name? A Claude L. Washbourne.
Q And you live at Southwest City? A Yes sir.
Q You are the guardian for Ethel Lisle Thompson? A Yes sir.
Q You knew her father, did you? A Yes sir.
Q When did he come to the Cherokee Nation? A In 1867 I think or '8.
Q Where was he married? A He was married to Ethel's mother in
Arkansas I think; I am not positive about that.
Q They then lived in the Cherokee Nation? A Yes sir, they moved
to the Cherokee Nation after they were married; he had lived
here himself. Ethel's mother was his second wife; he lived
out there near Coody's Bluff, Cooweessee District, on
Lightning Creek.
Q What was his name? A Herbert W. Thompson.
Q After the father and mother of Ethel removed to the Cherokee
Nation what, if you know, was the occasion of their going back
to Arkansas? A Why, they were expecting the arrival of my
ward, Ethel Thompson, so they moved back there.
Q Where was Ethel born? A In Arkansas.
Q Did the mother die there? A Yes sir.
Q And the father is dead too? A Yes sir.
Q When the father died, did he own any property on the public
domain? In the Cherokee Nation? A Yes sir, he owned a place
out there on Lightning Creek in the Cherokee Nation.
Q Of what did the place consist, the improvements? A I don't
know; I never saw the place; I only know that he lived out there
for 2 or 3 years, after his first marriage.
Q After the death of her parents, who took care of Ethel? A A
sister of her mother.
Q Did you, as guardian of Ethel, hold any property in the Cherokee
Nation? A Yes sir, I owned a place for her.
Q Where was it? A It was in Delaware District, out southwest
of Vinita, near Bigoabin Creek.
Q Did you dispose of it? A Yes sir.
Q For what purpose? A Why, I disposed of it ----
Q What did you do with the money? A I sent her the money at the
request of her aunt; she had been after me several times to sell
it; said she wanted the money worse than she did the farm; wanted
the money to send the child to school.

- Q Then the money was used, as I understand it, for the purpose of educating the child? A I suppose so; I sent it to them for that purpose.
- Q Did you hold these improvements for her for a considerable time?
- A Yes sir, about 5 or 6 years I guess; I bought the place I think either in '88 or '89 and I sold it in '95; I took a portion of the strip money after it was paid and used it on this place and that was the reason they wanted the money out of it.
- Q What was the disposition of these relatives of hers as to whether or not they were willing or otherwise to her returning to the nation? A They were unwilling and always have been.
- Q She is married now, is she? A Yes.
- Q What is her present name? A Nolen.
- Q Her husband is a citizen of Arkansas, isn't he? A Yes sir.

Examined by W. W. Hastings:

- Q When did she marry? A I think about 2 years ago, as near as I can remember.
- Q You made application for her originally before the Commission, did you? A Yes.
- Q On September 18, 1900? A Yes sir.
- Q You gave her age then as 19? A Yes.
- Q Then you had ceased to be her guardian for some time prior to that time, because she was of age?

White: I will have to object to the form of that question.

Commission: Objection noted.

- A I would simply say this, that I had none of her property in my hands.
- Q Well you had not since you sold her place, directly after the strip payment? A No sir.
- Q Well, about when, Mr. Washbourne? A As near as I can remember I think that I sold the place the next summer.
- Q In '95? A Yes sir.
- Q And you sent her or her aunt the proceeds? A Yes.
- Q Soon after the place was sold? A Yes sir, immediately.
- Q Since that time you have had nothing to do as guardian either of her person or effects? A Nothing outside of making this application for her enrollment.
- Q Since 1895 has she continuously resided in Arkansas? A I think she was here once afterwards.
- Q On a visit? A Yes sir.
- Q Well, her residence has been Arkansas? A Yes.
- Q I believe you stated ~~xxx~~ awhile ago that she was married about 2 years ago? A Yes sir, I think so.
- Q At least it was after this application you made for her?
- A Yes sir, she was single at that time.
- Q Her husband, of course, is a citizen and resident of the State of Arkansas? A Yes.
- Q Her mother never did return to the Cherokee Nation since before Ethel was born? A I don't think she ever did.
- Q Neither did her father? A Yes, her father came back.
- Q On a business trip? A He came back and went out to his place on Lightning Creek and stayed a short time.
- Q And then went back to Arkansas? A Then went back to Arkansas.
- Q According to your statement Ethel must have been born in about the year '80 or '81? A Yes sir.
- Q Then her parents must have gone to Arkansas about that time?
- A At about that time, yes sir. I am working a great deal on memory about this matter.

- Q Your memory may not serve you correctly about all these dates?
A No.
Q How long did Ethel's father retain this place on Lightning Creek?
A He never did dispose of it.
Q It just reverted to public domain? A After his death I guess it went back to public domain.
Q He died about '84? A Yes sir, somewhere along there.
Q Did Ethel's mother ever remarry after her father's death?
A I think she did.
Q When did you say she died, Ethel's mother? A I think I said she had not been dead but a few years; in giving that testimony I think I said just a few years before ~~my~~ I made this application.
Q About how long ago, to your best judgment? A My best judgment would be that she died about 10 years ago.
Q And she died in Arkansas? A Died in Arkansas, yes sir.
Q At that time Ethel was living with her? A Yes sir.
Q And after that Ethel continued to live there up to the present time? A Yes sir, made her home with her aunt.
Q Since you sold her place in '95, she has had no property that you know of in the Cherokee Nation? A None that I know of.
Q How did Ethel acquire this place at Bigcabin? A I bought it for her.
Q You bought it about '89 you say? A Yes sir.
Q Just a claim on the public domain? A Yes sir.
Q How much did you give for it? A \$45.00.
Q How much did you sell it for? A I sold it for \$475.00.
Q Did you just have it improved with the proceeds from it?
A Yes sir; I spent about \$460.00 of her strip money in building a house and digging a well, and fences, etc.
Q Do you know whether Ethel had a guardian in Arkansas? A Never had that I know of.
Q Did you send this money to Ethel direct or to her aunt? A don't remember; I believe I sent it to her aunt.

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

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

Mabel F. Maxwell

Subscribed and sworn to before me
this 1st day of June, 1904.

Simon R. Wainwright

Notary Public.

9.9.1904

Cherokee B-780.

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

In the matter of the application for the enrollment of
Ethel Lisle Thompson as a citizen by blood of the Cherokee Nation.

DECISION.

The record herein shows that on September 18, 1900, Claude
L. Washbourne appeared before the Commission at Vinita, Indian Terri-
tory, and made application for the enrollment of Ethel Lisle Thompson
as a citizen by blood of the Cherokee Nation.

November 14, 1902, this Commission rendered a decision deny-
ing applicant the right to enrollment, said decision being affirmed
by the Department. Departmental letter of March 23, 1904, (I.T.D.
7162-03), rescinded former decision and remanded said case for re-
adjudication in accordance with present rulings. Supplemental tes-
timony in the matter of said application was taken at Tahlequah,
Indian Territory, May 14, 1904.

The evidence herein shows that the applicant is the child of
one Herbert W. Thompson, a Cherokee by blood, and Sarah Thompson,
a non-citizen, who prior to 1881, resided in the Cherokee Nation.

The evidence further shows that the applicant was born in
Arkansas and has resided therein all her life; that she is now
twenty-three or twenty-four years old, and has never established
a legal residence in the Indian Territory. Neither the said
Herbert W. Thompson nor the applicant, Ethel Lisle Thompson, can
be identified on the authenticated Cherokee tribal roll of 1860.

Paragraph nine, section twenty-one of the Act below noted pro-
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."

It is, therefore, the opinion of this Commission that the application for the enrollment of Ethel Lisle Thompson 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. 496), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this JUL 23 1904

①


10331

COMMISSION TO THE BOARD OF FREE TRADES

FILED

FEB 8 1902

①



ACTING CHAIRMAN

COMMISSIONERS:
HENRY L. DAVIS,
TAMM BIXBY,
THOMAS S. HARRIS,
C. R. BOSTON.

ALLISON L. BALEWORTH,
SECRETARY.

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

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 6th, 1902

Mr. Claude L. Washburne,
Southwest City, Missouri.

Sir:-

You are hereby notified that the application of Ethel L. Thompson

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 25th day of February, 1902.

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

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

Yours truly,

Cherokee D-331
Register.

Acting Chairman.

OO-11

Cherokee B 831.

Muskagee, Indian Territory, November 16, 1902.

The Honorable,
The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Claude L. Washbourne for the enrollment of Ethel L. Thompson as a citizen by blood of the Cherokee Nation, including the Commission's decision, dated November 12, 1902, rejecting said application.

Respectfully,

J. H. ...
Acting Chairman.

Through the
Commissioner of Indian Affairs.

Enclosure M. No. 19.

COPY

Cherokee D 331.

Muskogee, Indian Territory, November 14, 1902.

Glande L. Washbourne,
Southwest City, Missouri.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of Ethel L. Thompson as a citizen by blood of the Cherokee Nation, together with a copy of the Commission's decision, dated November 12, 1902, rejecting your said application.

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

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

Respectfully,

Jams 1310
Acting Chairman.

Register.

Enclosure H. No. 17.

00
Cherokee D 331.

Muskogee, Indian Territory, November 14, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 12, 1902, rejecting the application of Claude L. Washbourne for the enrollment of Ethel L. Thompson 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,

Tarns

Acting Chairman.

Enclosure H. No. 18.

COPY

Refer in reply to the following:
Land
69072-1902.

Department of the Interior,
Office of Indian Affairs,
Washington, December 6, 1902.

The Honorable,

The secretary of the Interior.

Sir:

There is enclosed herewith a report from the Acting Chairman of the Commission, dated November 14, 1902, forwarding for the Department's consideration the record relative to the application of Claude L. Washbourne, for the enrollment of his ward, Ethel Lisle Thompson, as a citizen of the Cherokee Nation.

The evidence in this case shows that the applicant was 18 or 19 years old at the time of the application November 18, 1900; that she was born in the State of Arkansas; that a very small part of her life has been spent in the Cherokee Nation; that her name appears on the Cherokee census roll of 1896; that her father's name does not appear on the Cherokee roll of 1880; that the applicant's mother was a white woman; and that the applicant did not remove to the Cherokee Nation prior to June 28, 1898.

It is respectfully recommended, therefore, that the Commission's decision of November 12, 1902, adverse

to the applicant, be approved.

Very respectfully,

W. A. Jones,
Commissioner.

G.A.W. (B)

D.C. 725144

DEPARTMENT OF THE INTERIOR.

RAF

WASHINGTON.

ITD. 7545-1902.

December 15, 1902.

IRS

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:-

November 14, 1902, you transmitted the record in the matter of the application for enrollment of Ethel Lisle Thompson as a citizen by blood of the Cherokee Nation.

The evidence shows that applicant was born in Arkansas, and was "18 or 19 years old" at the date of her application, September 18, 1900; that she has spent a very small portion of her life in the Cherokee Nation, and that she had not prior to June 28, 1898, removed to and in good faith settled in the Indian Territory; that her mother is a white woman, and while it is claimed that her father was a Cherokee citizen by blood, his name is not on the authenticated Cherokee roll of 1880, and there is no evidence that he was ever admitted to Cherokee citizenship; that applicant's father and mother "spent their married life in Arkansas." You state that the applicant is identified on the Cherokee census roll of 1896. You held November 12, 1902, that she is not entitled to be enrolled.

Forwarding the papers December 6, the Acting

-2-

Commissioner of Indian Affairs recommended that your decision be approved. A copy of his letter is inclosed.

The Department affirms the decision rendered.

Respectfully,

(signed) Thos. Ryan

Acting Secretary.

1 inclosure.

Cherokee D 351.

Muskogee, Indian Territory, January 6, 1908.

Claude L. Washbourne,
Southwest City, Missouri.

Dear Sir:

You are hereby advised that the Commission's decision, dated November 12, 1908, rejecting your application for the enrollment of Ethel L. Thompson as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on December 24, 1908.

Respectfully,

Acting Chairman.

Cherokee D 351.

Muskogee, Indian Territory, January 6, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated November 12, 1902, rejecting the application of Claude L. Washbourne for the enrollment of Ethel L. Thompson as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on December 15, 1902.

Respectfully,

Acting Chairman.

Department of the Interior,
RECEIVED.

OCT 21 1903

Enc. No. 9 of No. 2411
Indian Territory Division.

DEPARTMENT OF THE INTERIOR.

NOV 16 1903

Returned with No. 8724
Inclosure / IND. TER. DIV.

19830

Southwest City, Mo.
Oct 23, 1903.

The Honorable,
The Secretary of the Interior,
Washington, D. C.

Sir:

You will please permit William Henry White, Esq., to examine the record in the matter of the application of Ethel Lisle Thompson for enrollment as a Cherokee citizen and to make such memorandum, extracts and copies therefrom as he shall see fit.

Very respectfully,

Chas. H. W. ...

Department of the Interior

Division of Indian Affairs

Office of the Secretary

19830

Department of the Interior,
RECEIVED
NOV 16 1903
No.
Indian Territory Division.

HARRY B. KIMBALL.
WILLIAM HENRY WHITE.

KIMBALL & WHITE,
Attorneys at Law,
COLUMBIAN BUILDING, 410 5TH ST., N. W.,
Washington, D. C.

November 14, 1903.

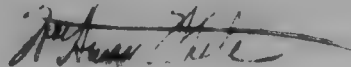
The Honorable,
The Secretary of the Interior.

Sir:

In compliance with the Department's request of November 5, 1903, you will please enter my appearance in the case of Ethel Lisle Thompson for enrollment as a Cherokee citizen. I enclose herewith authorization signed by her guardian, C. L. Washbourne.

Very respectfully,

1 Enc.



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OFFICE OF
Indian Affairs
Rec. JAN 25

1904

19830

Handwritten notes:
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Department of the Interior,
RECEIVED.
MAR 1 1904
Enc. No. _____ of No. 1740
Indian Territory Division.

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Handwritten signature:
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HARRY C. KIMBALL.
WILLIAM HENRY WHITE.

KIMBALL & WHITE,
Attorneys at Law,
COLUMBIAN BUILDING, 410 5TH ST., N. W.,
Washington, D. C.

January 22, 1904.

The Honorable,
The Secretary of the Interior,
Washington, D. C.

Sir:

We forward herewith motion for review and brief in support thereof in re application of C. L. Washbourne for the enrollment of his ward, Ethel Lisle Thompson, as a citizen of the Cherokee Nation.

As is shown by the registered mail receipt attached hereto and the affidavit attached to brief, a carbon copy of the motion and brief was forwarded to W. W. Hastings, Esq., Muscogee, Indian Territory.

We request that we be duly notified of any action that may be taken by the Department in this case.

Very respectfully,

Through the
Commissioner of Indian Affairs.

Harry C. Kimball
William Henry White

D. C. 9366-19⁴.

JP PER LRS

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I. T. D.
7545-1902.
7162-1903.

March 23, 19⁴.

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

Gentlemen:

December 18, 1902, the Department affirmed your decision rejecting the application for the enrollment of Ethel L. Thompson as a citizen of the Cherokee Nation.

On September 21, 19³, you requested that the case be remanded for readjudication by you in accordance with the opinion of the Assistant Attorney General of March 16, 1903, in the Yeargain case, in which suggestion the Indian Office, in letter of October 7, 1903, concurred.

A motion for review of the decision of the Department has been filed.

The claimant is identified on the 1894 and 1896 Cherokee rolls. She was born in Arkansas about 1881, and was residing in that state when the testimony in this case was taken/ September 18, 1900. While it is stated that she resided in the Cherokee Nation "only a part of the time", there is no satisfactory evidence that she ever established a bona fide residence in the Cherokee Nation or Indian Territory prior to June 28, 1898, or that her parents, prior to their death, ever established such a residence.

It appears that the applicant's father and mother spent their married life in Arkansas. You state that although it is claimed her father was a citizen by blood of the Cherokee Nation, he is not identified on the 1880 roll, nor is there any evidence that he was ever admitted to citizenship.

The Department considers it advisable to remand the case for further testimony, with an opportunity to the nation to be heard, and for readjudication in accordance with present rulings. The decision of December 15, 1902, is therefore rescinded, and the testimony and papers attached thereto, and the motion for review, are inclosed herewith.

respectfully,

Thos Ryan

Acting Secretary.

2 inclosures.

Cherokee R-780

Tahlequah, Indian Territory, April 9, 1904.

Claude L. Washbourne,
Southwest City, Missouri.

Dear Sir:

You are hereby advised that on March 23, 1904, the Secretary of the Interior rescinded his decision of December 15, 1902, affirming the Commission's decision of November 12, 1902, rejecting your application for the enrollment of Ethel L. Thompson as a citizen by blood of the Cherokee nation, and remanded the same for the purpose of taking further testimony therein.

You will be allowed thirty days from date hereof in which to appear before the Cherokee Land Office of this Commission at Tahlequah, I.T. for the purpose of offering further testimony as to the right to enrollment of said Ethel L. Thompson as a citizen of the Cherokee Nation, testimony being especially desired as to her continued residence and the residence of her parents in the Cherokee Nation.

Respectfully,

Commissioner in charge
Cherokee Land Office.

MH

Tablequah, Indian Territory, April 9, 1904.

Kimball & White,

Attorneys for Ethel L. Thompson,

416 Fifth Street, N. W.,

Washington, D. C.

Gentlemen:

You are hereby advised that on March 23, 1904, the Secretary of the Interior rescinded his decision of December 16, 1902, affirming the decision of the Commission of November 12, 1902, rejecting the application of Claude L. Washbourne for the enrollment of Ethel L. Thompson as a citizen by blood of the Cherokee Nation, and remanded the same for the purpose of taking further testimony therein.

You are further advised that Claude L. Washbourne has this day been advised of the department's action 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 Tablequah, I.T. for the purpose of offering such further testimony as he desires tending to prove the right to enrollment of said Ethel L. Thompson, testimony being especially desired showing the continued residence in the Cherokee Nation of Ethel L. Thompson and her parents.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

Cherokee M-780

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 December 15, 1902, affirming the decision of the Commission of November 12, 1902, rejecting the application of Claude L. Washbourne for the enrollment of Ethel L. Thompson as a citizen by blood of the Cherokee Nation, and remanded the same for the purpose of taking further testimony therein.

You are further advised that Claude L. Washbourne has this day been advised of the Department's action 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 such further testimony as he desires tending to prove the right to enrollment of said Ethel L. Thompson, testimony being especially desired showing the continued residence in the Cherokee Nation of Ethel L. Thompson and her parents.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

MH

Cherokee E-780.

Wahlequah, Indian Territory, April 18, 1904.

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

Dear Sir:-

You are hereby notified that at the request of William Henry White, of Washington, D. C., attorney for Ethel L. Thompson, Cherokee E-780, the hearing of further testimony in that application for enrollment has been continued to May 14, 1904.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

IP



Cherokee R-780.

Tahlequah, Indian Territory, April 18, 1904.

Claude L. Washbourne,
Southwest City, Missouri.

Dear Sir:-

You are hereby advised that at the request of your attorney, William Henry White, of Washington, D. C., the hearing of further testimony in the matter of your application for the enrollment of Ethel L. Thompson, as a citizen of the Cherokee Nation has been continued to May 14, 1904.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

IP



Tahlequah, Indian Territory, April 18, 1904.

William Henry White,
4416 8th St. N. W.,
Washington, D. C.

Dear Sir:-

The Commission is in receipt of your letter of April 7, stating that you represent the applicants and desire to be present at the taking of testimony in the following applications for enrollment as citizens of the Cherokee Nation, recently remanded by the Department for further hearing:

Cherokee B-780, Ethel L. Thompson,
Cherokee B- 30, John H. Bean, et al.,
Cherokee B-686, Samuel F. Barger, et al.,
Cherokee B-627, Francis M. Dawson,
Cherokee B-224, Silas D. Hays,
Cherokee B-743, John H. Vann, et al.,

You ask that the date for hearing testimony in all of these cases be set for May 15, 1904.

In reply your attention is called to the fact that May 15, falls on Sunday, but the above cases have, however, been set for hearing on May 14, and the applicants and the attorney for the Cherokee Nation so notified.

Respectfully,

Tahlequah, Indian Territory. June 11, 1904.

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

Gentlemen:

There are enclosed herewith the original jackets and records in the following applications for enrollment as citizens of the Cherokee Nation:

Cherokee R-780. Ethel L. Thompson,
Cherokee R-748. John E. Vann, et al,
Cherokee R-656. Samuel F. Barger, et al.

These cases were reopened by the Secretary of the Interior, that of Ethel L. Thompson on March 25, 1904, John E. Vann et al, on February 29, 1904, and Samuel F. Barger, et al, on March 2, 1904, and remanded to the Commission for the purpose of hearing additional testimony therein. The principal applicants, their attorneys, and the Attorney for the Cherokee Nation were advised of the action of the Department and, by request of the attorney for the applicants, the cases were set for hearing and testimony introduced in

Commission ---2.

each of them on May 14, 1904. The said testimony has been filed and made a part of the record in each of the above cases.

As the records in these cases are deemed complete, they are transmitted to the Commission for such further action as it desires to take.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

WBR
Encl R-11

COPY.

Cherokee B-780

Muskogee, Indian Territory, July 26, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Ethel Lisle Thompson as a citizen by blood of the Cherokee Nation, including the Commission's decision dated July 23, 1904, rejecting said application.

Respectfully,

I. B. Needles.

Encl. B-103.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

COPY

Cherokee B-780.

Muskogee, Indian Territory, July 26, 1904.

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

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 23, 1904, rejecting the application for the enrollment of Ethel Lisle Thompson as a citizen by blood of the Cherokee Nation.

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

Respectfully,

T. B. Needles.

Encl. S-102.

Commissioner in Charge.

COPIED

Cherokee L-760.

Muskogee, Indian Territory, July 26, 1904.

Kimball & White,

Attorneys for Claude L. Washbourne,

Columbian Building, 416 Fifth Street, N.W.,

Washington, D. C.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 23, 1904, respecting the application for the enrollment of Ethel Lisle Thompson as a citizen by blood of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings.

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

Respectfully,

T. B. Neesles

Encl. S-101.

Register.

Commissioner in Charge.

COPY.

Cherokee B-780.

Muskogee, Indian Territory, July 26, 1904.

Claude L. Washbourne,
Southwest City, Missouri.

Dear Sir:

There is herewith inclosed a copy of the Commission's decision dated July 23, 1904, rejecting your application for the enrollment of Ethel Lisle Thompson as a citizen by blood of the Cherokee Nation. There has heretofore been furnished your attorneys, Kimball & White, Washington, D. C., a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commission's decision.

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

Respectfully,

Encl. S-100.
Register.

2.5.07 11.11.00
Commissioner in Charge.

Cher. R780
Walden August 24 Indian Territory, 1914

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in Ethel Lisle

Thompson Cherokee R780

Samuel White
Attorney for Applicant.

(C O P Y)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON

September 8, 1904

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose, herewith, a report from the Commission to the Five Civilized Tribes, dated July 26 1904, transmitting the record of the application for enrollment as a Cherokee citizen by blood of Ethel Lisle Thompson.

November 12, 1902, the Commission decided adversely to the applicant.

December 15, 1902, the Department affirmed the Commission's decision.

March 23, 1904, the Department upon motion of applicant rescinded its former action, and remanded the case for further testimony, and readjudication in accordance with present rulings.

July 23, 1904, the Commission decided adversely to the applicant.

The record shows that the applicant was born in the State of Arkansas about the year 1861, of a white mother and an alleged Cherokee father; that the parents were married about 1867, in the State of Arkansas and removed to the Cherokee Nation where they resided for a few years and then returned to

the state of Arkansas where both died.

The applicant does not appear to have ever resided in the Cherokee Nation, and about 1902, she married a citizen of the State of Arkansas and resides there. As she had attained her majority prior to filing, it does not clearly appear what jurisdiction the Commission has at any time had in the case.

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

Very respectfully

W.A. Jones
Commissioner .

M.M.M.

(COPY)

DEPARTMENT OF THE INTERIOR
WASHINGTON.

B. C. 56487-1904
I T.D. 7284-1904.

V.O.F
L.L.B.
J.P

Commission to the Five Civilized Tribes
Muskogee, Indian Territory

September 16, 1904.

Gentlemen:

July 26, 1904, you returned the record in the matter of the application for the enrollment of Ethel Lisle Thompson as a citizen by blood of the Cherokee Nation.

November 12, 1902, you rejected the applicant in said case and our decision was approved by the Department December 15, 1903.

March 23, 1904, upon the motion of applicants the Department rescinded its former action and remanded the case to you for additional testimony and readjudication, in accordance with the present ruling.

The record shows that further testimony was taken in said case at Tahlequa, I. T. May 14, 1904.

On July 23, 1904, you decided adversely to the applicant.

Reporting September 8, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

-2-

The Department concurs in said recommendation and
your decision is affirmed.

Respectfully,

1 inclosure

(Signed) Thos Ryan
Acting Secretary.

COMMISSIONERS:
TAMM HUNT,
THOMAS B. HENNINGER,
G. H. HENNINGER,
WM. C. HALL,
Secretary.

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

Cherokee
REPLY TO THE FOLLOWING:
Cherokee R 780

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.


Muskegee, Indian Territory, October 6, 1904.

Ethel Lisle Thompson,
Southwest City, Missouri.

Dear Madam:

You are hereby advised that the Commission's decision dated July 23, 1904, rejecting the application for your enrollment as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 16, 1904.

Respectfully,



Chairman.

COPY.

Cherokee R 760

Muskegee, Indian Territory, October 6, 1904.

Kimball & White,

Attorneys for Ethel Lisle Thompson,

Columbian Building, 416 5th St., N. W.,

Washington, D. C.

Gentlemen:

You are hereby advised that the Commission's decision dated July 23, 1904, rejecting the application for the enrollment of Ethel Lisle Thompson as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 16, 1904.

Respectfully,

SIGNED: *Tams Bixby.*
Chairman.

COPY.

Cherokee R 780

Muskogee, Indian Territory, October 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 July 23, 1904, rejecting the application for the enrollment of Ethel Lisle Thompson as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 16, 1904.

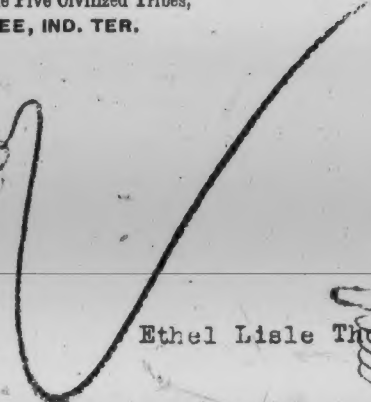
Respectfully,

SIGNED *Tams Bixby.*
Chairman.

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOCHEE, IND. TER.

CH 780



Ethel Lisle Thompson,

Southwest City, Missouri.



CHEROKEE CASE

No. 2331

Department of the Interior,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

10830

IN THE MATTER OF THE
APPLICATION FOR ENROLLMENT

OF
Ethel L. Thompson

Department of the Interior, RECEIVED.	
DEC 9 1902	
Enc. No.	of No. <u>7545</u>
Indian Territory Division DEPARTMENT OF THE INTERIOR	
MAR 1 1904	
Returned with No. <u>740</u>	

As a citizen of the Cherokee Nation.

3 Encl. 7545-02
2 " 1740-04

5

Muskogee, I. T., NOV 14 1902 190

Respectfully forwarded to the Secretary of the Interior
for review.

AS ORDERED

John B. King

Acting Chairman

Enc. H 19

END
OF
ROLL



